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Ute Indian Tribe of the Uintah and Ouray Reservation

**Objections to Ashley National Forest – Forest-Wide Prescribed Fire Restoration Project
Environmental Assessment**

November 9, 2023

The Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”) would like to take this opportunity, as an entity which previously submitted substantive formal comments during earlier comment periods and is therefore eligible to file objections, to submit the Tribe’s objections to the Environmental Assessment for the Ashley National Forest Forest-Wide Prescribed Fire Restoration Project (the Prescribed Fire Project). In accordance with the objection requirements, these objections shall be submitted through the Project’s webpage and mailed to the appropriate Objection Reviewing Officer.

The Tribe’s position regarding the Environmental Assessment, and the Prescribed Fire Project as a whole, remains that the United States Forest Service (“Forest Service”) is not treating the Tribe as a truly equal partner on the scope of the Prescribed Fire Project. The Forest Service should have, and must moving forward, recognize that as the traditional owner and caretaker of significant portions of the Ashley National Forest, the Tribe is certainly focused on ensuring that any prescribed fires executed within the Ashley National Forest are conducted in a manner that honors the Ashley National Forest’s history and the Tribe’s jurisdiction and sovereignty. The traditional practices of the Tribe effectuate Tribal land management in a way that maintains sustainable ecological balance, and the Tribe’s oversight of the Ashley National Forest lands for centuries promoted growth and stability.

Although some of the Tribe’s past comments are noted in Table 17 of Appendix A of the Environmental Assessment, not all of the Tribe’s comments to date are addressed in the current version of the Environmental Assessment. The Tribe’s past comments on the Environmental Assessment noted that the Environmental Assessment does not comply with the Tribe’s comment, submitted in April 2022, that “No prescribed burns near areas of Reservation lands shall be conducted while the Tribe’s big game hunting seasons are in progress.” This lack of inclusion was highlighted again in the Tribe’s comments in November 2022. Not only does the latest

Environmental Assessment not reflect the Tribe’s proposed language, but the Tribe is not even included in the list of entities with whom to coordinate during potential prescribed burns in big game hunting seasons. Appendix A, ID WLD 5, located on page 68 of the Environmental Assessment, states that the Forest Service shall, “Coordinate with Utah Division of Wildlife and/or Wyoming Department of Game and Fish when planning actions in crucial big game habitat (winter range and fawning/calving).” It is unacceptable to the Tribe that the Forest Service not only disregards the Tribe’s past comment on big game hunting seasons, but then proceeds to state that it will not include the Tribe in coordinating activities directly related to the Tribe’s comment. The Forest Service must immediately remedy this blatant lack of coordination and recognition of the Tribe within the Prescribed Fire Project’s materials.

Moreover, no language in the Environmental Assessment seems to address the Tribe’s past comments on the Prescribed Fire Project that “The Forest Service shall provide training opportunities for any BIA or Tribal personnel involved in the [Prescribed Fire Project] or needing to get qualified for a position involved in the [Prescribed Fire Project].”

In accordance with the Tribe’s sovereignty, jurisdiction, and unique position relating to the Prescribed Fire Project and the Ashley National Forest as a whole, the Tribe’s objections must be addressed by the Forest Service and incorporated within the Environmental Assessment.

Conclusion

The Tribe is the traditional, rightful manager of the Ashley National Forest and maintains jurisdiction over all lands of the Ashley National Forest within the exterior boundary of the Tribe’s Reservation. Management of these lands is a priority for the Tribe. As described above, there remain several Tribal positions that must be incorporated into the final version of the Prescribed Fire Project’s Environmental Assessment.