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Comments: Comments on Draft CGNG Plan Revision

June 6, 2019

Virginia Kelly, Forest Plan Revision Team Leader  
10 East Babcock  
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Dear Ms. Kelly,

First excuse the email format - my computer and I have never seen eye-to-eye on document preparation and I wanted to be sure to get my comments in on time. Secondly, I'm sure this has been a heck of an "opportunity" for you and all of your team members thus far. Planning CAN be an opportunity, but also a pain in the neck, I know. But, if we all get this right, we could set positive direction for the next 20-30 years to value and manage some of the most beautiful - and in some cases unique (The Pryors)- landscapes in Montana.

My comments may scatter about a bit, but I hope they will be of some assistance as you pull toward the final plan.

First, in a nod to the Gallatin Forest Partnership, I hope you will hold firm to your agreements with that body. They are much more qualified than I am to have offered you a carefully crafted alternative, arrived at by panoply of interests working together. Kudos to them and you. Alternative C as it applies to the Madison-Gallatin Ranges (recommended wilderness areas within) and to Porcupine Buffalo Horn and West Pine area, seems reasonable. Please do not waiver.

## THE PRYORS

The Pryors hold a special place in my heart and in my tenure as Forest Supervisor on the Custer. Yes, wicked problems abound, but the unique values there are worth the struggle to arrive at a best course for future management. As such, I am in agreement with a great deal of the comments already submitted to you by the Pryors Coalition and others (various letters, 2018, 2019). They, too, recognize the unique and vulnerable landscape of the Pryors, first ignored in the Custer National Forest Plan of 1987, and now in danger of irreparable harm if the draft plan moves unchanged to final plan.

While the draft does recognize and describe the unique values - ecological and cultural - on the landscape (more about Tribal involvement later on in my comments), its designation as a distinct Geographic Area, while a positive move, does not seem to have had much impact on the analysis.

The Pryors are the responsibility of numerous Federal agencies and the Crow Tribe. We have an opportunity here to mesh management goals amongst them; the document doesn't seem to have seized it, sadly. Management at odds at boundaries only adds to the possibility of harm to the ecosystem (see for instance BLM management plan versus CGNF draft plan regarding wilderness and scenic or wild rivers).

Designation of "backcountry use: areas does not hold the force and effect of other designations, such as Recommended Wilderness. RWAs within the Pryors would enrich the ecological diversity of the overall Wilderness System by adding unrepresented landscapes, ecosystems and plant communities that there reside

(ref: 2012 Planning Rule 219.7(c) - Forest Service responsibility to look for and designate appropriately diverse lands for Recommended Wilderness). What an opportunity to comply with regulations, and better mesh with the planning conclusions of our BLM neighbors in the area - it is a regulatory obligation as well as a way to protect the habitat, ecosystem and heritage values that are unique to Eastern Montana and beyond.

Your analysis leading to your proposed non-designations is not convincing. BLM, considering essentially part and parcel of the whole of the Pryors somehow arrived at a different conclusion as to the ecological, ecosystem and cultural values of the area, and that areas did deserve and demand wilderness consideration. Further work, analysis, and explication would be helpful for me to understand your proposed actions here. A map including BLM designations versus CGNF planning document might be helpful to the reader as you proceed in your explanation, or modifications.

Regarding threatened and endangered listings - how does an agency predict such listings as a reason for more extractive or landscape altering actions, such as ATV use, range improvements, designated roads and the like. "Numerous" as used in the text does not help to indicate at what level of activity is any designation precluded? Quantifiable levels of actions would be helpful; thresholds, etc. For instance, I do not equate bulldozer scrapings with abandoned mines when dealing with a RWA designation. Your representation of them as such is disingenuous and misleading and I am sure not intended, but could do with some clarification for the public, regardless.

The Travel Plan for the Pryors does not, I believe, supersede the CGNF Plan; rather it is subservient to that plan (Planning Rule). The unwillingness, or constraints of the planning rules for travel planning, to consider all transportation issues at the time does not preclude a full look at the issue today. Amendments to the Travel Plan could well be the outcome of a new consideration of the area and issues, one of which is regulatory direction "to maintain the diversity of plant and animal communities ...and, to maintain or restore the diversity of ecosystems and habitat throughout the plan area." (planning reg 219.9). Species-specific standards and guidelines, while laudable, don't always serve as the umbrella for all species and diversity that we would like to believe. How will you fulfill regulatory direction? Perhaps a new section addressing ecosystem integrity and diversity as per regulation would answer that question and better inform alternative standards and guidelines?

The Pryors are recognized by your planning team and many others as a unique landform, home to valuable ecosystems, biodiversity, and cultural resources. Please consider that recognition in your final plan, involving all interested parties and Tribal governments along the way.

Alternative D is an acceptable starting point, but there is an opportunity here for a much more robust trajectory for future management. The Pryors Coalition correspondence with you lists specific designation proposals which I will not reiterate here, but support.

## TRIBAL CONSULTATION

Now, as to Tribal involvement in your planning process thus far (my education is in anthropology and archaeology, and as Forest Supervisor Tribal Government to Government consultation required a goodly portion of my time)...here comes another opportunity.

My time on the Custer National Forest caused me to appreciate the extraordinary cultural and natural resources the forest holds; and to appreciate that there are entities - American Indian tribes - who hold these resources as sacred.

It is not clear to me the extent to which the draft plan and EIS was prepared with tribal collaboration, consultation and coordination. Trust responsibilities require that forest planning involve tribal governments, traditional

practitioners, tribal individuals of certain religious practices, and others who might have knowledge and perspectives which could inform parameters for future management actions. There is mention of several tribes providing comments, but: which tribes; how and how often were they contacted (meetings before tribal councils, consultation with THPOS; information meetings; workshops; collaborative meetings; or, consideration of existing agreements, treaties, or understandings, such as CERCLA issues on the Sioux Ranger District). I would like to know with whom and to what level of involvement this has occurred please.

Please consider in more depth EO13007 and AIRFA as they apply to sacred sites and our trust responsibility to them, as well as Section 106 NHPA which sees to it that designation of said sites rests in the hands of tribes or their designated representative. A treaty right or right under AIRFA should take precedence over other resource uses. A standard needs to affirm this.

The key treaty table was interesting, but how was that information melded into the overall draft? And how does the CGNF draft mesh, meld, or consider various tribal planning efforts (Crow Reservation does border part of the NF). And how do their efforts correspond to ours?

The CGNF draft is inconsistent in its commitment to compliance with laws, policies, and regulations regarding treaty rights, reserved rights on ceded lands, and trust responsibilities. There is a general disclaimer stating that generic standards and guidelines will be sufficient, without alteration, across all alternatives, because the Forest will endeavor to be in compliance with laws and regulations. But, later in the document, it is acknowledged that there will be different potential effects on tribal rights and interests across alternative. If that is the case, more quantitative and specific standards and guidelines may obtain for each alternative. Without that assurance, a tribe might be inclined to skepticism. Promised "compliance" historically has not worked out well for tribes and is not a sufficient answer that we should present to their governments. Nor does "mitigation" work in the face of the irreparable loss of an unrenowned archaeological site or sacred landscape or traditional cultural property; how does one lessen irredeemable loss? Consultation at the Forest Planning level should bring those line-in-the-sand values to the fore, and trigger fruitful communication.

Examples of HOW the CGNF plan will see to compliance and fulfillment of the US government's trust responsibilities could serve as a starting point. For instance: consideration of withdrawal from mineral entry into a sacred landscape might be proposed as a possible action; motorized access for elders to sacred areas (yes even in wilderness) as a stated standard; teepee pole gathering; and etc.

As to what is specifically mentioned in the draft CHNF in regards to cultural resources, sacred sites and landscapes:

South Dakota cultural resources and traditional cultural properties on the Sioux Ranger District are of great concern to the Lakota people. Ludlow Cave (where-the-buffalo-came-out) and Slim Buttes in its entire landform are both highly valued within their culture, as are parts of Chalk Butte. The designation of North Cave Hills in the draft as an important area is laudable, but just calling something by a name without accompanying standards and guidelines to assure that the criteria which allowed for the designation are not diminished is an empty gesture. How will we be stewards to sacred landscapes and all heritage values in the face of other proposed uses? So, the Sioux geographic area is home to more than a collection of archaeological sites as we move forward in future management. There are sacred sites, historical sites, traditional cultural properties, cultural landscapes and petroglyphs as a start. All need to be considered.; the designation is a start. The other parts of the Sioux District all have these traditional values, uses, sites and resources embedded within their landscape and need the same consideration when you are pondering desired conditions, standards and guidelines.

Other concerns expressed during "informational meetings" included the Tongue River Breaks plant community and ongoing analyses under the auspices of the Northern Cheyenne Tribe, access to hard-to-reach areas for

elders, bison and bighorn sheep populations and habitat, continued tribal councils' involvement, more inclusive interpretation for visitors which would include American Indian perspectives, clear protection actions for North Cave Hills, the Pryors area as more than "an area of tribal interest" (traditional uses, fasting and vision quest sites for generations, cultural resources everywhere, amazing and unique biodiversity, and it borders with Crow land), and the honoring of treaty rights and trust responsibilities. That's quite a list to tackle in the future; with work the CGNF plan could set a clear course for future management to use. Active and continuing government to tribal government consultation will remain vital to success.

There is an opportunity to strengthen the work thus far in this regard. There is no clear prioritization for the protection of significant areas and sites, plant or animal resources valued by tribal peoples, access for elders/tribal members to areas for ceremonies, ceded rights, or trust responsibilities. Remember there is no mitigation of an unrenovable cultural or natural resource or landscape; a revered Northern Cheyenne elder told me this with tears in his eyes. When it's gone, it's gone; the balance is out of whack. Please bring that teaching to your work as you move from draft to final. Find ways to acknowledge and honor and consider tribal input and affirmatively to support tribal rights, concerns and our trust responsibilities; state those ways in the plan. Often, these actions will also support ecosystem health and diversity as well!

Please excuse any typos, and if you have any questions, don't hesitate to get in touch with me. I so want your efforts to result in a planning document useful for the future!

Sincerely,  
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