

**SUPPLEMENTAL EIS
RESPONSES TO COMMENTS
CULTURAL RESOURCES**

Cultural Resources	CUL-1200
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CUL-1200 Cultural Resources

1. It is inappropriate for the Forest Service to suppose de jure that there are no important cultural sites because the Tribes did not specifically identify sites for Forest Service personnel. (See e.g. SDEIS at 3-90). This ignores the reality of cultural sites and that disclosure can lead to desecration and destruction. These consultations and considerations do not comport with the spirit or intent of the laws and policies relating to cultural resources. More detailed consultation and consideration is necessary and appropriate. The Tribes invite such consultation. Agency needs and Tribal concerns can complement each other. One of the addressees, Mr. Schwartz, has been involved in a potentially similar effort on the Blackfoot River with these Tribes. (S2034)

Response: We will be happy to have more detailed consultation with the Tribes in order to address culturally significant sites. We simply cannot force the Tribes' hand in talking with us about these issues. Any method that the Tribes deem appropriate to discuss these issues is encouraged by the Forest. It is only appropriate that the Tribes decide how to most effectively proceed at this point. Our Tribal Liaison, Loraine Caye, has a history with this project and can describe what the Forest has done in regard to this issue and can advise on the next steps.

2. The SDEIS defines cultural improperly (SDEIS at 3-86). One example of a more sufficient and expansive definition of additional resources that should be considered comes from the National Register and its programs and include: traditions, beliefs, practices, life ways, arts, crafts, and social institutions. The Forest Service therefore should consider the importance of a broader range of cultural resources than the simple definition used. This is true even for sites not eligible for National Register listing. See e.g., Introduction to Federal Projects and Historic Preservation Law, Participants Desk Reference, The Advisory Council on Historic Preservation, January 1997. (S2034)

Response: In order to be considered as a traditional property it must: 1) be a tangible and discrete property, 2) have clearly definable physical boundaries that can be documented historically, 3) the associated traditional values must have a documented history of at least 50 years, 4) must be of traditional and integral importance to the Tribe, 5) it's significance must be established through multiple lines of documentation (e.g. archaeology, history, oral tradition, ethnography, ethnohistory). In short, identifying a property as a traditional cultural property requires extensive documentation. For example, if we record a prehistoric camp site, we can consider the Tribes' traditional cultural association with that site and the Tribes can identify a traditionally use site on the ground that can be recorded. We cannot, however, consider an issue that has no tangible properties, under the National Historic Preservation Act.

CUL-1201 Native American Rights

1. The section on Indian Rights does not adequately consider access to the land that is subject of the SDEIS. Access to important religious, cultural, and spiritual sites could be limited by mine activities, including road closure. Because cultural resources have not been explicitly identified, it is impossible for the Forest Service to conclude that access will not be a factor in its analysis. (S2034)

Response: We have identified and described all cultural sites that were recorded through the survey that was conducted by qualified archaeologists under the National Historic Preservation Act. Of those sites, there were no prehistoric sites that were located. If there are sites that were missed in the survey, that the Tribes can help us identify, we can record them and consider the traditional cultural component that may be associated with the site. It will also enable us to discuss any access issues that need be addressed. However, if we find eligible sites, we would not disclose them in a public document, but would rather consult the Tribes on a confidential manner to report them. Thus, we would minimize the potential for loss of a site due to vandalism.

2. A cultural resource survey was conducted by the Confederated Salish and Kootenai Tribes in 1997 on the Cabinet Gorge and Noxon Rapids properties and includes the area in which ASARCO proposes mine facilities. Before the location of the proposed mine facilities are finalized, it will be important that these locations be reviewed in the context of the findings of the recent cultural resource survey. The existence of an additional cultural resource survey in the area should be noted in Chapter 3, Cultural Resource Surveys. (S5830)

Response: The survey referred to was not conducted by the Confederated Salish and Kootenai Tribes. Members of that Tribe were on the survey crew that Ethno-Science supervised. The cultural properties that were located as part of the survey are above the reservoir and should not be affected by the Sterling Project.

3. The SDEIS does not adequately consider cultural resources and the impacts the mine will have on cultural sites and practices. The Forest Service did not meet the intent, goals, or spirit of the law regarding consultation with the Tribes. Included in these cultural resources are viewshed, aesthetic, access, sound, and solitude issues, all of which would be impacted by the mine and none of which are considered in this light by the SDEIS. (S2034)

Response: We are only one part of a relationship, of which we need Tribal participation. Without Tribal guidance, we simply cannot proceed to provide anything more meaningful. We can formally consult on issues of viewshed, aesthetic, access, sound, and solitude, if we have, from the Tribal perspective, the appropriate way to do so.