

# The SHOSHONE-BANNOCK TRIBES

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FORT HALL BUSINESS COUNCIL  
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June 5, 2019

Custer Gallatin National Forest  
ATTN: Forest Plan Revision Team  
P.O. Box 130  
Bozeman, MT 59771

## **Re: Shoshone-Bannock Tribes' Comments on the Draft Plan and EIS for Custer Gallatin National Forest Plan Revision**

The Shoshone-Bannock Tribes ("Tribes") have a long-term interest in the management of federal lands in southwestern Montana and we offer formal comments to the U.S. Forest Service planning team for the revision of the Forest Plans for the Custer Gallatin National Forest. The Tribes are a federally recognized tribe, with our present Fort Hall Reservation located in southeastern Idaho. We have previously submitted formal comments on the Proposed Action to the Revised Forest Plan in February 2018, and this letter provides additional comments.

The Tribes possess extensive off-reservation rights under the ratified July 3, 1868 Fort Bridger Treaty. The Tribes historical occupancy and traditional use areas, along with Treaty reserved rights, extend well beyond the current Fort Hall Reservation boundaries, including lands within the Custer Gallatin National Forest. The Tribes formally request a government-to-government consultation meeting with the US Forest Service and the Fort Hall Business Council, governing body of the Tribes.

The lands of southwestern Montana are of particular interest to the Tribes due to the unresolved and unextinguished aboriginal land title recognized in the Virginia City Treaty of 1867. There were several bands of Shoshone, Bannocks, and mixed bands of Sheep Eater Indians ("Agai Dika") who primarily lived and occupied lands in the southwestern Montana and east to the Yellowstone area (into the present state of Wyoming) and traveled west to the Salmon River area (in present day central Idaho). There is uncontroverted historical evidence that supports our presence in Montana, as indicated in the Lewis and Clark expedition journals and other fur traders' documents.

Montana state records also support our use of the area, including documents from the Montana Territorial Governor's office, and the federal Peace Commission was sent to the Agai Dika's to negotiate a treaty. That treaty was signed on September 24, 1868 at Laurin, Montana. In that unratified treaty, the Indians agreed to sign over "their rights, title, interest, claims and demands of all lands, tracts, or portions of lands" but that Treaty was not approved by the United States Senate, which means the title to the tribally held land was never extinguished. Tribal members signed the treaty with the full intent of following the terms of the Virginia City Treaty, not expecting or knowing that the United States would not comply with the terms of the Treaty. However, the Treaty recognized the Agai Dika's claim to the lands, and the sovereign status of the tribal people. The Agai Dika were displaced to live on the Lemhi Indian Reservation, in central Idaho. Although a reservation was established in 1875, it did not end the Agai Dika's use of the lands in southwest Montana. They continued to hunt, fish, and gather, with buffalo hunting continuing to be an important part of their use of the land. In 1897, the federal govern wished to relocate the Agai Dika from the Lemhi reservation to Fort Hall. In 1907, some Agai Dika were removed to the present day Fort Hall Reservation. However, many Agai Dika refused to leave their homeland, including Chief Tendoy, who remained in the southwestern Montana area. Throughout the years of displacement, the Shoshone, Bannock and mixed bands of Sheep Eaters continued to use the lands in Montana for traditional proposes, for subsistence hunting and gathering, for trade with the local white settlers, and even residing on these Montana lands and continuing to use the lands, including to conduct ceremonial activities, spiritual and religious purposes.

The Tribes desire to create a solid relationship between the US Forest Service and the Tribes to ensure a cooperative implementation of federal land management strategies that are protective of Tribal rights and interests. In 2016, Tribal representatives met with U.S. Forest Service officials in Washington, D.C. to discuss the above aboriginal land issues and were advised to present the issues to the local and regional offices. We can explain the basis for the administrative request with you when we meet. The Tribes ask for the Custer Gallatin National Forest to include in the Forest Plan an option to set aside lands for the Shoshone-Bannock Tribes. As resident Indians of the southwestern Montana region, the Tribes reassert that these lands continue to hold significance to the Tribes and in the future, the Tribes may wish to pursue options to return federal lands to the Tribes. The Tribes plan to seek future legislative solutions to the land issues, and we would like to introduce the tribal land restoration option in the planning process. Although the Tribes normally oppose any land transfers outside of federal ownership, the Tribes do support land transfers that corrects historical wrongs and recognizes the original Indian land owners and occupants of the Gallatin and Madison river areas.

We emphasize the importance of protection and wise management of historic and archeological sites in the Gallatin National Forest. Historic properties located in this region are highly significant because they directly contribute to the Shoshone and Bannock peoples' unique cultural heritage. We would also like to discuss the potential for Memoranda of Agreements between the US Forest Service and the Tribes. Other options include the



development of cultural and historic education for Tribal members, and field schools for ethnography or historic research.

The on-going controversy for bison management in this area is another area that we would like to engage in further discussion with US Forest Service, Bureau of Land Management and the National Park Service. In the Madison area, the Tribes would be willing to discuss options to expand bison habitat by creating a bison preserve or a refuge for bison leaving Yellowstone National Park, under experienced Tribal bison managers, in cooperation with the surrounding federal land managers. We are most interested in the Madison and Gallatin river region for this proposal which is located west of Yellowstone National Park and would be a prime area for creating a bison refuge. The Tribes request that the US Forest Service come to Fort Hall to consult and engage in discussions with the Fort Hall Business Council regarding the forest management plan revisions and to ensure Tribal interests and concerns about the use and management include the Shoshone-Bannock Tribes historical and current uses.

Thank you for considering our comments on the Revised Forest Plan, Custer Gallatin National Forest. We look forward to working with you in the development of the management plan. If you have any questions or comments please contact Christina Cutler, Environmental Coordinator, at 208-239-4552 or [ccutler@sbtribes.com](mailto:ccutler@sbtribes.com).

Sincerely,



Nathan Small, Chairman  
Fort Hall Business Council  
Shoshone Bannock Tribes