

Craven Canyon Mineral Withdrawal

Purpose and Need

The purpose of and need for action is to protect and preserve existing Native American cultural resources including rock art of great cultural, scientific, and public interest. This action is needed, because there is potential for damage of the unique values associated with this area from any future mining activities. Lands in most of this area are currently open to mineral entry under the General Mining Law, as amended. This action responds to the goals and objectives outlined in the Black Hills Forest Plan, as amended, and helps move the project area towards desired conditions described in that plan. The resource values and risks for Craven Canyon and surrounding area are described below.

Background

The southern Black Hills in general contain an unparalleled diversity of rock art styles spanning the entire breadth of human occupation of the area. The most significant representation of this diversity exists in Craven Canyon. Archaeological investigations, consultation with Native Americans, and oral histories of local ranchers have established that Craven Canyon is an irreplaceable element of the plains Native American cultural fabric.

From an archaeological standpoint, the rock art sites in Craven Canyon are a highly significant cultural resource. They have yielded, and continue to yield, information about ideology, aesthetics, technology, and social organization not found in other types of archaeological sites (Sundstrom 1993; Sundstrom 2004). In addition, recent investigations by Fredlund (1996), and Sundstrom and Fredlund (2007) indicate that rock shelters and lithic scatters in Craven Canyon contain intact and deeply stratified deposits and intact paleosols not found elsewhere in the Black Hills. These sites have the potential to answer questions about paleoenvironmental conditions and human use of the Black Hills throughout the Holocene.

The importance of Craven Canyon from a cultural use perspective cannot be understated. For peoples' whose culture, history, values, morals, and beliefs are largely or wholly oral rather than written, *places* serve as "indispensable aids for remembering and imagining" (Basso 1996:7). Lakotas, Cheyennes, Arapahos, Kiowas, and many other plains peoples regard the Black Hills as sacred (La Pointe 1976). These peoples have a special connection to rock art sites in the Black Hills because they are the descendants of the people who made them. The rock art sites in Craven Canyon, and indeed the canyon itself, continue to serve as repositories of history, beliefs, wisdom, and inspiration. When one place or one rock art site is damaged or altered, the corresponding piece of history, moral value, or belief is also threatened because the particular place which served as the heuristic device for remembering is no longer intact. Thus, any adverse effect in Craven Canyon is rightly viewed as an affront to plains Native American culture and Indigenous human rights.

The 1997 Revised Black Hills National Forest Land and Resource Management Plan, as amended, (BHNF LRMP) emphasizes the management of cultural resources to protect them from loss or damage until they can be evaluated for significance, to be retained for appropriate uses, to provide opportunities for scientific study about past human behavior and environments, or to offer the public a better understanding of its collective human heritage.

In addition, during the public comment period on the development of the 1997 BHNF LRMP, Native American groups, individuals, and tribal governments expressed concern for site protection, expressed opposition to mineral activities, and expressed concerns that mining and other activities are under-

regulated. Mining activities such as exploratory drilling, mining, blasting and the operation of heavy equipment can destroy archaeological sites. Furthermore, industrial activities are disruptive to traditional religious activities, many of which are private in nature and require a great sense of solitude. The most appropriate use for Craven Canyon and the purpose for its withdrawal from mineral activities are to provide opportunities for scientific study about past human behavior and environments, to continue to serve the religious and cultural needs of Native Americans, and to offer the public a better understanding of its collective human heritage.

Project Area Description

The project area is located approximately 30 miles southwest of Custer, SD and 17 miles west of Hot Springs, SD and is within the Hell Canyon Ranger District, Black Hills National Forest, South Dakota and Wyoming. The location of this area is shown on Exhibit A – Vicinity Map. The Black Hills National Forest proposes to recommend withdrawal of 3,968 acres of National Forest System land from mineral entry for 20 years to protect cultural resources, including rock art of great cultural, scientific and public interest.

The area lies within management area (MA) 5.1A - Southern Hills Forest and Grassland Areas. These lands are managed for sustainability of the physical, biological and visual values associated with areas of woody vegetation and open grassland. Habitat and vegetation are managed to achieve and maintain the desired conditions for wildlife, livestock and vegetation.

Management Direction

The 1997 Revised Land and Resource Management Plan(Forest Plan), as amended (the Decision document for the Phase II Forest Plan amendment was signed on October 31, 2005 and this direction became effective on February 28, 2006) provides direction for the management of the forest. The Forest Plan contains management Goals and Objectives, Management Area direction, and identifies desired future conditions for the forest. Resource specialists reviewed the current condition of the project area and compared these conditions with the desired conditions identified in the Forest Plan, as well as other applicable goals and objectives.

Goals within the Phase II amendment of the Forest Plan were used to develop the proposal for this project. This project will focus on Goal 4. Specifically, Goal states, “Provide for scenic quality, a range of recreational opportunities, and protection of heritage resources in response to the needs of the Black Hills National Forest visitors and local communities.” Two objectives associated with this goal that pertain to this project include:

Objective 403.

Improve the management of heritage resources and integrate them with recreation and education while providing for compliance with all applicable laws and regulations.

Objective 406.

Provide opportunities for the public to participate in heritage management activities, including the monitoring, excavation, and protection of archeological sites.

The Forest Plan also provides management direction in the form of standards and guidelines that guide land management activities such that they are conducted in a manner that will protect or enhance

resources on the Forest. Standards and guidelines define limitations or a preferred course of action so that management activities are conducted in conformance of all applicable laws and regulations. Standards and guidelines that apply to this project include:

Existing Condition

Currently, the area surrounding and within Craven Canyon is available for mineral entry with the exception of approximately 160 acres within the proposed withdrawal area that were previously withdrawn from mineral entry (PLO 1232). This area is excluded from this proposal.

Proposed Action

The action proposed by the Forest Service to meet the purpose and need is to withdraw this area from mineral entry. This means that mining exploration and development would not be allowed during the life of the withdrawal (20 years, with option for renewal). The Forest proposes to withdraw about 3,968 acres in and surrounding Craven Canyon. This area is shown in Exhibit B.

Decision Framework

The USDI Bureau of Land Management is a cooperating agency and is responsible for the final decision regarding this mineral withdrawal. Mineral withdrawals fall under the administrative responsibilities of the USDI Bureau of Land Management (43 CFR 2310.1). Section 104 of the Federal Land Policy and Management Act of 1976 gives the Secretary of the Interior authority to make, modify, extend, or revoke most withdrawals on public or reserved Federal lands. The Forest Service must apply to the Secretary of the Interior for withdrawal actions on National Forest lands (FSM 2761.01). The Forest Service initiates an application with the BLM for a mineral withdrawal. The BLM publishes notice of an application for withdrawal in the Federal Register along with a segregation order. The segregation order prohibits new mineral claims for a period of two years. In those two years, the Forest Service then completes an environmental assessment (EA) and supporting specialist reports to meet the requirements of the National Environmental Policy Act (1969). The notice of application for withdrawal and order of segregation was published in the Federal Register on August 20, 2008, with comments and requests for public meetings due by November 18, 2008. For a period of two years from the August 20th date of publication in the Federal Register, the land identified in this assessment will be segregated from location or entry under the United States mining laws, unless the application to withdraw is denied or canceled or if the withdrawal is approved prior to that date.

Based upon the effects of the alternatives, the Recommending Forest Service official will transmit a recommendation to the BLM. The Director of the BLM approves the decision on the proposed withdrawal and publishes notice of decision in the Federal Register. Therefore, the Forest Service recommendation is not appealable (36 CFR 215.12(h)). The Recommending Forest Service official for this assessment will be the R2, Rocky Mountain Regional Forester (FSM 2761.04).

The Recommending Official will decide 1) if mineral withdrawal is necessary to protect resources located at Craven Canyon, and 2) if so, what the appropriate size of the withdrawal should be.

How You Can Help

The Hell Canyon District would appreciate any comments or concerns you might have regarding this proposal. Your input will help us to identify significant issues related to the proposed action. In order for suggestions to be most useful to the planning team, please submit your comments no later than thirty days from the date of this letter.

We will keep you informed of the status of the Craven Canyon Mineral Withdrawal project if you submit comments or if you simply request to be apprised of its progress. If you would like to review the draft environmental document, please let us know if you prefer a CD or hard-copy, or if you prefer to access the document on the Black Hills National Forest website at <http://www.fs.fed.us/r2/blackhills/projects/nepa>.

Thank you for your participation.

The U. S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact the USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.