



**Topic:** Pe Sla Trust Lands within the Black Hills National Forest

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**Issue Summary:** The Sioux Tribes purchased the historic Reynolds Ranch in 2012, started hazardous fuels reduction projects, and built new buffalo fences on and off boundary lines on their acquired property. The tribes considered the property sacred and call it “Pe Sla”. We understand the fencing work on Pe Sla was funded by the United States Department of Interior (USDI), Bureau of Indian Affairs (BIA), and USDA, Natural Resource Conservation Service (NRCS) through their Environmental Quality (EQUIP) cost-share program. Approximately 5 miles of unmaintained cattle fencing remains between National Forest System Lands and Pe Sla Trust Lands. These fences were maintained by the Reynolds Family prior to sale.

The Tribes now graze an estimated 65 head of buffalo on the property year-round. These buffalo have strayed on the Black Hills National Forest and private property several times from 2015-2018. Forest Service Law Enforcement and range program managers along with permittees and private ranch owners have assisted the tribes in locating the buffalo strays. Conversely, the Tribes have voiced they would impound Forest permitted cattle that stray on to Pe Sla lands through their unmaintained 4 wire boundary fences. The responsibility to maintain Pe Sla boundary fencing presently resides with the Tribes and BIA. There may be an opportunity to reach an agreement and cost-share on boundary fencing between the USDA, FS and USDI, BIA. A discussion on maintenance responsibilities may occur at the same time.

**Background:** In August 2012, the Reynolds Family sold 1,900 acres of prairie grassland and some pine forests to Shakopee Mdewankanton Sioux Community, Crow Creek, Rosebud, and Standing Rock Sioux Tribes for \$9,000,000. This property was originally settled on by Joseph Reynolds after the 1876 Custer Expedition explored the Black Hills. In 2014, another 437 acres including the original homestead was sold to same Sioux tribes, also known as Oceti Sakowin (Great Sioux Nation) for \$2,000,000. Buffalo were brought to Pe Sla in 2015.

The Sioux Tribes consider Pe Sla as home to their creation story. This area is deemed essential to their culture, beliefs, and knowledge of stars in the universe and connection to the buffalo by tribal elders. In January 2017, these lands were placed under Trust Land status by the Obama Administration. This trust land status is the responsibility of the USDI, BIA with the Tribes.

The Sioux Tribes hold quarterly meetings during the Spring, Summer, Fall, and Winter Solstice Dates. They have invited the Forest Service to attend their meetings. The Forest Supervisor, Deputy Forest Supervisor, Heritage Resource Program Manager, Forest Range Program Manager, and Mystic District Ranger have periodically met with tribal representatives, Bureau of Indian Affairs employees, and Mark Van Norman, attorney for the tribes at meetings both in town and at Pe Sla.

The purpose of agency attendance is to build cooperative relationships, share information on forest management, and address tribal concerns on a variety of subjects. These subjects include but are not limited to mining, hazardous fuels and vegetation management, interest in acquiring forest livestock grazing permits, and fire suppression. At the last several meetings, Mark Van Norman and the Tribes are interested in obtaining forest livestock grazing permits for buffalo use.





The adjacent Forest Service range allotments are entirely under permit for cattle grazing and the associated range improvement infrastructure is not built to buffalo standards. The 1997 Black Hills National Forest Plan and subsequent amendments did not consider buffalo grazing in the environmental analysis. FS Law Enforcement has expressed concerns for public safety if buffalo grazing was authorized because the Forest experiences high levels of year-round recreation use. The Deerfield Recreation Area is nearby and has multiple recreation sites and trails.

Forest Leadership is meeting with Natural Resource Conservation Service's Tribal Liaison and District Conservationist on March 15, 2019. The purpose of this meeting is to share information regarding Pe Sla, understand what projects the NRCS has cost-shared with the Tribes in the past and future planned projects. There may be an opportunity for the NRCS under the EQUIP program to assist the Tribes with boundary fencing.

Adjacent Forest permittees are interested in proper boundary fencing but are mixed on whether they should have that additional burden of maintenance imposed on their permit responsibilities. They like the idea of new fencing, but also recall when the past landowner maintained their fences. They also point out that if the Tribes and BIA would have just built all their new buffalo fence on line, then all the new fencing would be the responsibility of the Tribes.

The Forest Range Program Manager has researched the legality of cooperative agreements on boundary fencing. It is believed that such agreements may be authorized under the Service First authority which regulates such between the USDA and USDI. A draft agreement and map was developed with the assistance of the Grants & Agreement Specialist.

The W.O.'s Rangeland Specialist, Bob Mountain believes we may enter into USDA/USDI fence agreements based on our collective experience. This should be confirmed with the Office of General Counsel (OGC). The FS should only pay for its share of fencing costs based on cattle fencing standard. Any additional costs related to construction to a buffalo standard fence would be borne by the BIA and Tribes. It is estimated that the five miles of fence built to a buffalo standard would cost \$12,000 - \$15,000 per mile because the sloped terrain and fuels clearing work. The source of such funding for the Forest Service has not been determined at this time.

**Recommendation:** Complete the planned meeting with the NRCS on March 15, 2019. Initiate discussions with the new BIA contact recommended by the NRCS's Tribal Liaison. The BIA's Regional Office contact in Aberdeen, South Dakota is Diane Mann-Klager (605) 226-7343, email [diane.mann-klager@bia.gov](mailto:diane.mann-klager@bia.gov).

Forest Leadership may or may not wish to pursue an agreement on boundary fencing based on outcomes from discussions with NRCS and BIA's Regional Office representative.

If a fence agreement is desired and achieved with the BIA and Tribes, the responsibility for boundary fence maintenance needs to be resolved as part of the discussions. We also need to involve the term grazing permittees if an agreement is desired, as they may be responsible for maintaining up to ½ of the estimated 5 miles of new boundary fencing.

