

Regional Forester _____
Deputy Regional Forester _____
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CC Staff EAP _____
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728 Caroline St.
Port Angeles WA 98362
October 5, 2017

Cal Joyner
Regional Forester, SW Region
333 Broadway SE
Albuquerque, NM 87102

By Federal Express

Re: Objections to the Draft Decision Re Apache Leap SMAMP&EA

Dear Regional Forester Joyner:

American Indian Religious Freedom Act

The USFS EA does not make adequate analysis of how the granting of permits and processes to disturb the lands of Apache Leap would conflict with the AIRPA. Not on p.33 nor in response to my comment on page C-16 does the EA thoroughly report conflicts or detailed mitigations that could arise if there is any industrial activity on the Mountain.

In fact, on p.33, you have misquoted the actual AIRPA by leaving out the phrase “including but not limited to access to sites” and replaced the legal mandate with “This act also requires federal agencies to accommodate access to and ceremonial use of sacred sites and to avoid adversely affecting the physical integrity of such sacred sites.” Your “accommodations” frame the “access to sacred sites” solely in terms of USFS “permissions”. This framework is not recognizing Native American legal rights to sacred sites and sacred prayers and ceremonies within the context of the AIRPA. Applying for permits from the USFS does not adequately address these legal rights of Tribal people under the AIRPA.

Apache Leap is a Sacred Mountain

On p.C-11, in response to my comment about preserving the pristine nature of the whole, entire Sacred Mountain, your reply states, “The Forest Service has already acknowledged that Apache Leap is a sacred site.” Does this statement mean the whole, entire Mountain? If so, some parts (however small) cannot be removed, tampered with, destroyed, limited, and especially traded. Anyone or entity who thinks that trading a piece of sacred land for another piece of land doesn’t understand Native Americans’ relationship to “their original lands”. And it is these “original lands” that are specifically protected by the AIRPA for the benefit of the religious practices of the Native Americans. It seems obvious that, if the entire Mountain is sacred land, no changes whatsoever can be made to it for it to remain sacred.

REC'D USDA
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SOUTHWESTERN REGION

Processes/Management Approaches (MAs)

On pp.16-17, the MAs only “Consider” several processes to explore further compliance with the AIRFA. The process verb needs to be changed to “Ensure” as, again, all the power for the outcomes of “working with Tribes” lies on the side of the USFS if the verb is “Consider”. These processes for further actions to ensure the rights of the Tribes need to be much more detailed and definite. Several other commenters mentioned this problem with the EA also.

No Significant Impact

You have made a finding that the permits which could be granted under the ALSNMAMPEA will have no significant impacts on the Apache Leap Mountain. One of the problems is with the definition of “significant impacts”. These appear to be entirely scientific, environmental, recreational, etc.; your Cultural/Tribal analysis appears to be ignorant and insufficient with regard to Tribes Cultural/Spiritual Needs and Rights. Since the USFS recognizes that the entire Apache Leap Mountain is a sacred mountain to the many surrounding tribes, it follows that any changes to the entire sacred mountain are significant impacts to the Native Americans’ sacred land. The USFS needs to do a more in-depth analysis of “significant impact” including the world-view and values of the Tribes.

You can use a full EIS for this process.

Sincerely yours,

Diane Marks

Diane Marks

Cc: San Carlos Apache Tribe