

## 2.6 Cultural Resources and Native American Concerns

### 2.6.1 Key Issues

Cultural resources are managed under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended. The Section 106 process has three phases: 1) an identification phase, in which federal agencies attempt to identify all important resources; 2) an evaluation phase, in which known resources are evaluated to determine if they are eligible for inclusion on the National Register of Historic Places (NRHP); and 3) a mitigation phase, in which impacts to eligible resources are reduced or eliminated.

Due to the historic emphasis on identifying and evaluating individual sites, the general lack of systematic cultural resource distribution data, and a generally conservative approach among cultural resources specialists and land managers, the Section 106 process is largely reactive. Cultural resources studies are conducted on an individual basis as each lease, road, pipeline corridor, or other action is proposed and subsequently evaluated. Under the current process, it is not possible to predict the type of resources that will be identified within the PRB, potential impacts of development, and what measures will be necessary to mitigate potential impacts. Currently, the Wyoming State Historic Preservation Office (SHPO) is developing a tool to help identify locations where the geology is suitable for buried prehistoric archaeological sites within the Powder River and Tongue River hydrologic basins. The tool will help identify areas that could require construction monitors or subsurface testing to determine site eligibility, but it will not replace the need for Class III cultural resource inventory. This study does not take into account historic period sites such as trails, homesteads, and other locations of human activity by Euro Americans.

### 2.6.2 Study Area

The study area for cultural resources includes all or portions of Sheridan, Johnson, Campbell, and Converse counties (see **Figure 1-1**). It includes all of the area administered by the BLM Buffalo Field Office, a portion of the area administered by the BLM Casper Field Office, and a portion of the TBNG, which is administered by the USFS. State and private lands also are included in the study area (see **Figure 1-3**). The subwatersheds in the study area are shown in **Figure 1-4**. Approximately 17 percent of the study area has been investigated for cultural resources, primarily in the eastern portion of the PRB.

### 2.6.3 Current Conditions

The majority of data presented here is based on a file search conducted through the Wyoming Cultural Records Office database in late March 2001 (BLM 2003a). The file search covered Campbell, Converse, Johnson, and Sheridan counties through the year 2000. The database of cultural resource survey reports, cultural resource sites, and isolated finds contained 8,120 sites and 2,831 isolated finds. Of the total cultural resource survey reports reviewed during the file search, 2,359 survey reports were completed prior to 1980 when statewide standards were implemented for cultural resource investigations and reporting. Some of those earlier reports were not considered adequate by current standards and were reviewed individually to evaluate their adequacy. Nonetheless, they provided information that otherwise might not be available on the

## 2.0 Description of Current Conditions

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nature and distribution of prehistoric and historic resources. At the time of the file search, approximately 10 percent of the study area had been inventoried at the Class III level for cultural resources. Inventory coverage was strongly concentrated in the eastern half of the study area. This concentration of coverage was a result of nearly all of the cultural resources work being done in relation to coal development. In addition to cultural resource inventory, mitigation and data recovery were undertaken as a result of coal development.

Currently, the Wyoming SHPO is preparing a regional database of all recorded cultural resources located in the PRB. The database includes, but is not limited to, the number of sites and their location, site types, recordation date, report author, and each site's NRHP eligibility status. Information obtained from the database indicates that a total of 1,339,122 acres (17 percent) of the study area has been inventoried to Class III standards. Similar to the file search results, inventories are concentrated in the eastern half of the study area as a result of cultural work done for coal development. Mitigation and data recovery also have been undertaken in the basin as a result of coal development. Oil and gas, including CBNG, are extending inventories more evenly across the basin; however, data recovery is lagging because oil and gas development is designed flexibly to avoid important cultural resources.

This cultural resources section has been organized below in chronological order, with the results of the file search presented first, followed by the current information obtained from the SHPO.

### 2.6.3.1 Cultural Resources

Cultural resource sites are defined as discrete locations of past human activity, which can include artifacts, structures, works of art, landscape modifications, and natural features or resources important to history or cultural tradition. These sites can include extensive cultural landscapes, such as farm or ranch landscapes; linear landscapes, such as historic trails with associated towns, forts and way stations, or railroad landscapes; and traditional use areas. For the purposes of this analysis, important sites are those that would require additional consideration. These important sites include those that are listed on, determined eligible for, or recommended eligible for the NRHP under the Criteria for Evaluation (36 Code of Federal Regulations [CFR] § 60.4) or National Landmarks, and sites that have not been evaluated. Unevaluated sites are considered potentially eligible until they are evaluated and determined not eligible to the NRHP; therefore, these sites require avoidance or additional investigation.

#### Results of the File Search

**Prehistoric Sites.** All recognized prehistoric cultural periods, from Clovis through Protohistoric (about 11,500 to 200 years ago), are represented in the study area. The broad prehistoric chronological periods identified in this region are:

- Paleoindian Period (11,500 to 8,000 years ago)
- Early Plains Archaic (8,000 to 5,000 years ago)
- Middle Plains Archaic (5,000 to 2,500 years ago)
- Late Plains Archaic (2,500 to 1,500 years ago)
- Late Prehistoric and Protohistoric (1,500 to 200 years ago)

## 2.6 Cultural Resources and Native American Concerns

The earliest prehistoric cultural periods, Paleoindian through Early Plains Archaic, are represented by only a small number of sites. Archaic and later prehistoric period sites (Archaic to Protohistoric) are represented in increasing numbers as a result of higher populations through time and better preservation of more recent sites (**Table 2.6-1**). Important prehistoric site types in the region include artifact scatters, stone circles, faunal kill and processing sites, rock alignments and cairns, and stone material procurement areas (**Table 2.6-2**).

Artifact scatters dominate prehistoric sites in the study area. When there is adequate information to evaluate these types of sites, most are evaluated as not eligible. However, complex sites and sites with buried levels and dateable materials or artifacts can yield important information. Prehistoric camps are a combination of artifacts and features, or a range of artifact types. These sites are more often field evaluated as eligible than are simple artifact scatters. The small categories of multi-component/stratified, habitation features, rock features, bone beds/scatters, and rock art are high-profile categories that are very often evaluated as eligible. Bone beds and stratified sites that are key in understanding all periods of Plains prehistory occur in the study area. Subwatersheds where there have been more studies and more follow-up studies, such as Antelope Creek, Upper Cheyenne, and Upper Belle Fourche, have a lower proportion of unevaluated sites. Areas within some of the subwatersheds have more varied habitats, or conditions more conducive to preservation, and are very rich in significant prehistoric sites. These areas include the Upper Tongue, Middle Fork Powder, lower Antelope Creek Drainage, and eastern portions of the Upper Belle Fourche.

**Table 2.6-1  
Summary of Prehistoric Sites by Subwatershed**

Subwatershed	Paleoindian	General Archaic	Early Archaic	Middle Archaic	Late Archaic	Late Prehistoric	Protohistoric	Total	Total percent
Upper Tongue River	2	2	2	5	8	20	4	43	3.6
Middle Fork Powder River	9	5	4	20	32	52	1	123	10.2
North Fork Powder River						1		1	0.1
Upper Powder River	4	11	2	23	31	75	1	147	12.2
South Fork Powder River					2	3		5	0.4
Salt Creek					1	1		2	0.2
Crazy Women Creek	1				8	6	2	17	1.4
Clear Creek	4			2	3	8		17	1.4
Middle Powder River	1	2		3	7	13		26	2.1
Little Powder River	9	10	5	21	51	96	12	204	16.9
Antelope Creek	11	5	18	25	49	86	4	198	16.4
Upper Cheyenne River	9	15	4	23	47	70	4	172	14.2
<b>Total (sites)</b>	<b>59</b>	<b>66</b>	<b>40</b>	<b>157</b>	<b>299</b>	<b>545</b>	<b>42</b>	<b>1,208</b>	<b>100</b>
<b>Total (percent)</b>	<b>4.8</b>	<b>5.5</b>	<b>3.3</b>	<b>13.0</b>	<b>24.8</b>	<b>45.1</b>	<b>3.5</b>	<b>100</b>	<b>--</b>

Source: BLM 2003a.

Note: Data were available for Campbell, Johnson, and Sheridan counties only. Some subwatersheds are not listed, and others have only minimal data.

**Table 2.6-2  
Prehistoric Site Types by Subwatershed**

Subwatershed	Evaluation	Artifact Scatter <sup>1</sup>	Camp <sup>2</sup>	Multi-Component	Habitation Features <sup>3</sup>	Rock Features <sup>4</sup>	Bone <sup>5</sup>	Rock Art	Lithic Source	Features Only	Human Bone	Unknown	Total	Percentage <sup>6</sup>
Little Bighorn River	Eligible	0	0	0	0	0	0	0	0	0	0	0	0	0
	Unevaluated	2	0	0	0	0	0	0	0	0	0	0	2	66.7
	Not Eligible	1	0	0	0	0	0	0	0	0	0	0	1	33.3
	<b>Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>&lt;0.1</b>
Upper Tongue River	Eligible	3	8	0	1	0	0	0	0	0	0	0	12	5.6
	Unevaluated	69	41	1	25	4	3	2	8	3	0	0	156	72.9
	Not Eligible	26	12	0	4	3	0	0	1	0	0	0	46	21.5
	<b>Total</b>	<b>98</b>	<b>61</b>	<b>1</b>	<b>30</b>	<b>7</b>	<b>3</b>	<b>2</b>	<b>9</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>214</b>	<b>4.0</b>
Middle Fork Powder River	Eligible	24	78	0	6	2	2	5	8	0	0	0	125	29.4
	Unevaluated	66	41	0	15	5	2	2	12	0	1	1	145	34.1
	Not Eligible	77	63	0	2	4	0	0	9	0	0	0	155	36.5
	<b>Total</b>	<b>167</b>	<b>182</b>	<b>0</b>	<b>23</b>	<b>11</b>	<b>4</b>	<b>7</b>	<b>29</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>425</b>	<b>7.7</b>
North Fork Powder River	Eligible	0	1	0	0	0	0	0	0	0	0	0	1	25.0
	Unevaluated	2	0	0	0	0	0	0	0	0	0	0	2	50.0
	Not Eligible	1	0	0	0	0	0	0	0	0	0	0	1	25.0
	<b>Total</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>&lt;0.1</b>
Upper Powder River	Eligible	1	43	0	2	0	6	0	0	0	0	0	52	6.5
	Unevaluated	124	81	1	22	0	3	0	5	4	0	0	240	30.0
	Not Eligible	288	199	0	12	4	2	0	2	2	0	0	509	63.5
	<b>Total</b>	<b>413</b>	<b>323</b>	<b>1</b>	<b>36</b>	<b>4</b>	<b>11</b>	<b>0</b>	<b>7</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>801</b>	<b>15</b>

Table 2.6-2 (Continued)

Subwatershed	Evaluation	Artifact Scatter <sup>1</sup>	Camp <sup>2</sup>	Multi-Component	Habitation Features <sup>3</sup>	Rock Features <sup>4</sup>	Bone <sup>5</sup>	Rock Art	Lithic Source	Features Only	Human Bone	Unknown	Total	Percentage <sup>6</sup>
South Fork Powder River	Eligible	2	0	0	0	0	1	0	0	0	0	0	3	17.4
	Unevaluated	4	5	0	2	0	0	0	0	1	0	0	12	52.2
	Not Eligible	4	3	0	0	0	0	0	0	0	0	0	7	30.4
	<b>Total</b>	<b>10</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>22</b>	<b>0.4</b>
Salt Creek	Eligible	2	1	0	1	0	0	0	0	0	0	0	4	6.2
	Unevaluated	10	14	0	7	3	0	1	1	0	0	0	36	55.4
	Not Eligible	16	4	0	0	5	0	0	0	0	0	0	25	38.4
	<b>Total</b>	<b>28</b>	<b>19</b>	<b>0</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>1.2</b>
Crazy Woman Creek	Eligible	3	5	0	2	0	1	1	0	0	0	0	12	12.2
	Unevaluated	14	15	0	12	0	0	1	2	0	0	1	45	45.9
	Not Eligible	19	10	0	7	4	0	0	0	0	1	0	41	41.9
	<b>Total</b>	<b>36</b>	<b>30</b>	<b>0</b>	<b>21</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>98</b>	<b>1.8</b>
Clear Creek	Eligible	3	6	0	3	0	0	0	0	0	0	0	12	9.7
	Unevaluated	10	14	0	27	2	3	0	2	1	0	1	60	48.4
	Not Eligible	24	10	0	5	9	0	0	4	0	0	0	52	41.9
	<b>Total</b>	<b>37</b>	<b>30</b>	<b>0</b>	<b>35</b>	<b>11</b>	<b>3</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>124</b>	<b>2.3</b>
Middle Powder River	Eligible	2	1	0	0	0	0	0	0	0	0	0	3	2.3
	Unevaluated	33	37	0	6	0	0	0	2	0	0	0	78	61.5
	Not Eligible	40	5	0	2	0	2	0	0	0	0	0	49	36.2
	<b>Total</b>	<b>75</b>	<b>43</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>2.4</b>
Little Powder River	Eligible	11	40	0	16	1	5	0	0	0	0	1	74	13.6
	Unevaluated	66	21	1	26	2	3	0	3	0	0	0	122	22.4
	Not Eligible	256	33	0	29	9	7	0	12	1	1	1	349	64.0
	<b>Total</b>	<b>333</b>	<b>94</b>	<b>1</b>	<b>71</b>	<b>12</b>	<b>15</b>	<b>0</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>545</b>	<b>9.9</b>

Table 2.6-2 (Continued)

Subwatershed	Evaluation	Artifact Scatter <sup>1</sup>	Camp <sup>2</sup>	Multi-Component	Habitation Features <sup>3</sup>	Rock Features <sup>4</sup>	Bone <sup>5</sup>	Rock Art	Lithic Source	Features Only	Human Bone	Unknown	Total	Percentage <sup>6</sup>
Little Missouri River	Eligible	0	1	0	0	0	0	0	0	0	0	0	1	5.3
	Unevaluated	2	1	0	2	0	0	0	0	0	0	0	5	26.3
	Not Eligible	6	7	0	0	0	0	0	0	0	0	0	13	68.4
	<b>Total</b>	<b>8</b>	<b>9</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>0.3</b>
Antelope Creek	Eligible	53	122	1	20	0	2	0	2	2	1	0	203	23.0
	Unevaluated	125	49	0	28	14	3	1	0	5	1	0	226	25.6
	Not Eligible	298	104	0	38	11	1	0	2	0	0	1	455	51.4
	<b>Total</b>	<b>476</b>	<b>275</b>	<b>1</b>	<b>86</b>	<b>25</b>	<b>6</b>	<b>1</b>	<b>4</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>884</b>	<b>16.1</b>
Dry Fork Cheyenne River	Eligible	1	32	0	11	1	1	0	1	0	0	0	47	11.1
	Unevaluated	58	58	0	59	50	2	0	1	2	0	0	230	54.4
	Not Eligible	90	31	0	11	7	3	0	4	2	0	0	148	34.5
	<b>Total</b>	<b>149</b>	<b>121</b>	<b>0</b>	<b>81</b>	<b>58</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>425</b>	<b>7.7</b>
Upper Cheyenne River	Eligible	8	28	0	5	2	3	0	0	0	1	0	47	9.4
	Unevaluated	51	30	1	19	2	2	0	5	0	0	0	110	21.2
	Not Eligible	289	47	1	12	5	4	0	3	0	0	0	361	69.7
	<b>Total</b>	<b>348</b>	<b>105</b>	<b>2</b>	<b>36</b>	<b>9</b>	<b>9</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>516</b>	<b>9.4</b>
Lightning Creek	Eligible	3	15	0	2	0	0	0	0	0	0	0	20	8.8
	Unevaluated	80	29	0	12	4	3	0	1	0	0	0	129	56.6
	Not Eligible	54	19	0	4	2	0	0	0	0	0	0	79	34.6
	<b>Total</b>	<b>137</b>	<b>63</b>	<b>0</b>	<b>18</b>	<b>6</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>228</b>	<b>4.1</b>
Upper Belle Fourche River	Eligible	15	26	0	25	2	0	0	0	0	0	0	68	9.0
	Unevaluated	109	33	1	53	23	8	0	7	5	0	1	240	31.7
	Not Eligible	284	88	0	63	10	1	0	3	0	0	0	449	59.3
	<b>Total</b>	<b>408</b>	<b>147</b>	<b>1</b>	<b>141</b>	<b>35</b>	<b>9</b>	<b>0</b>	<b>10</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>757</b>	<b>13.8</b>

Table 2.6-2 (Continued)

Subwatershed	Evaluation	Artifact Scatter <sup>1</sup>	Camp <sup>2</sup>	Multi-Component	Habitation Features <sup>3</sup>	Rock Features <sup>4</sup>	Bone <sup>5</sup>	Rock Art	Lithic Source	Features Only	Human Bone	Unknown	Total	Percentage <sup>6</sup>
Middle North Platte River	Eligible	2	19	0	7	0	1	0	0	0	0	0	29	11.9
	Unevaluated	21	36	0	48	17	0	0	0	1	0	0	123	50.6
	Not Eligible	40	31	0	8	5	1	0	5	0	0	0	91	37.5
	<b>Total</b>	<b>63</b>	<b>86</b>	<b>0</b>	<b>63</b>	<b>22</b>	<b>2</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>242</b>	<b>4.4</b>
Total Eligible Sites		135	426	1	102	8	22	6	11	2	2	1	716	13.0
Total Unevaluated Sites		846	505	5	363	126	32	7	49	22	2	4	1,961	35.6
Total Sites		2,792	1,597	7	661	212	75	13	105	29	6	7	5,504	100
<b>Percent of Total Sites</b>		<b>50.8</b>	<b>29.0</b>	<b>0.1</b>	<b>12.0</b>	<b>3.9</b>	<b>1.4</b>	<b>0.2</b>	<b>1.9</b>	<b>0.5</b>	<b>0.1</b>	<b>0.15</b>	<b>100</b>	

<sup>1</sup>Artifact scatters are predominantly lithic (that is, chipped stone tool) scatters in this region, but also include ground stone, ceramics, and composite artifact scatters.

<sup>2</sup>Camps include sites encoded as open camp, habitation, or artifacts and features.

<sup>3</sup>Habitation features include stone circles, open architecture, structures, lodges, and rockshelters. The most common of the latter are stone circles.

<sup>4</sup>Rock features include cairns, hunting blinds, rock alignments, and other non-habitation rock features.

<sup>5</sup>Bone includes bone beds, bone scatters, kill sites, and butchering sites.

<sup>6</sup>Percent is given as percent eligible for each subwatershed and then percent of total sites represented by the subwatershed.

Source: BLM 2003a.

## 2.0 Description of Current Conditions

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Sites are areas where evidence of one or more episodes of past human activity is visible on the landscape. Prehistoric site densities vary from extremely high in some settings, such as certain ridgetops and areas near larger, more reliable drainages, to nonexistent in other settings. The factors affecting these differences in density are not always readily apparent. If a location is used by a large number of people or repeatedly over a long period, lost or discarded cultural materials would accumulate. If the landform remains stable over time and is not degraded, deeply buried, or mechanically disturbed, the site would remain visible. Site density is influenced by the size and number of groups that used the area and the availability or density of resources. High site densities often are associated with locations that have a predictable abundance of particular resources, locations that have a moderate abundance of several distinct resources, or locations that have access to several resource areas. Another factor that is frequently noted in site location is proximity to a reliable source of water. Other factors may be responses to seasonal conditions, such as winter camps with minimal snow accumulation that are sheltered from the wind, or summer camps on higher benches away from swarming bugs.

In the Protohistoric and early historic periods, the PRB was the territory of numerous tribes including, the Arikara, Crow, Lakota/Dakota, Arapaho, Kiowa, Comanche, Blackfeet, Cheyenne, and Shoshone. The region was a crossroads for many different Plains tribes, some of which used the area on a regular basis, and others that entered the region occasionally for particular resources. Numerous confrontations occurred in the area among tribal groups and with Euroamerican settlers and emigrants passing through to other areas.

**Historic Sites.** The historic period of the area falls within the last 200 years, and begins with transient, widely separated expeditions by explorers and fur traders. The major historic periods are:

- Early Historic (AD 1800 to 1842)
- Pre-territorial (AD 1842 to 1868)
- Territorial (AD 1868 to 1890)
- Expansion (AD 1890 to 1920)
- Depression (AD 1920 to 1939)
- Modern (AD 1939 to present)

Exploration and the establishment of the Rocky Mountain fur trade intensified Euroamerican presence in the PRB in the early 1800s. After the decline of the fur trade in the late 1830s, several of the major emigrant trails of the 1840s and 1850s passed through the southern end of the study area along the North Platte corridor. Fort Laramie served as a major supply point along the Oregon, California, and Mormon trails and was a focal point for overland emigrants. This famous fur-trading post was purchased by the U.S. government in 1849 to become the second regular military installation along the Oregon and California trails.

In 1851, Fort Laramie was the site of an historic general treaty with the Plains tribes. The Fort Laramie Treaty Council of 1851 was the greatest gathering of Plains tribes ever, and though it was considered a success, it did not completely eliminate hostilities. Fort Laramie provided many important services to overland immigrants, such as protection, a place to stay in winter, health care, and mail (Unruh 1982).

With the emergence of the Montana gold fields in the 1860s, trails were established through the Basin. In 1863, a group of 46 wagons attempted the first alternative of the Bozeman Trail. This first

## 2.6 Cultural Resources and Native American Concerns

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wagon train was turned back by Cheyenne and Lakota near present-day Buffalo. Three wagon trains followed the route in 1864. One of the latter wagon trains, often called the Townsend Train, was attacked by Cheyenne near the Powder River, and several emigrants were killed. There were several competing expeditions from 1864 through 1866 to identify a better route for a trail to the Montana gold fields and many gold seekers set out on their own without an established trail. Among the competing expeditions were the Sawyer expeditions of 1864, and 1865-1866, which attempted to establish a trail through the PRB south of Gillette and through Sheridan. The expeditions were harassed by groups of Arapaho, Cheyenne, and Lakota, and on several occasions were pinned down for days or weeks. No viable trail was established across the middle of the basin due to Indian raids, unreliable water sources, and difficult terrain.

The Bozeman Trail along the western edge of the basin proved more viable. There were many documented confrontations between native tribes and Euroamericans along the Trail. Among the more famous were the Wagon Box Fight, Fetterman Fight, and Crazy Woman Battle. The area around the crossing at Crazy Woman Creek was the site of many other skirmishes as well. Despite sustained problems with the native groups, the Bozeman Trail was used sporadically, and military forts were established to protect the wagon trains, including Fort Reno and Fort Phil Kearney. An agreement made by the U.S. with several bands of Sioux and Arapahos, the 1868 Treaty of Fort Laramie brought temporary peace to the northern plains following "Red Cloud's War" of 1866-68.

The 1868 Treaty of Fort Laramie had four parts. The first pledged both sides to peace. The second reserved the area west of the Missouri River and east of the Rockies for the "absolute and undisturbed use" of the Sioux. The third and longest section described several mechanisms by which the government would support the tribes: it would establish schools, provide seed and clothing for Indian farmers, and set up agencies for the distribution of aid. The treaty further stipulated that no revisions would be made in the agreement without the approval of three-quarters of the adult males of the tribe. Finally, the treaty recognized the Bozeman Trail area as "unceded Indian territory" where whites would not be allowed to settle and within which there would be no military posts (Encyclopedia of North American Indians 2004).

East of the study area, the discovery of gold in the Black Hills by Lieutenant Colonel Custer in 1874 stimulated an influx of gold seekers and settlers into the Black Hills and PRB. The influx into the sacred Black Hills enraged the tribes, particularly the Cheyenne and Lakota. The tribes refused to negotiate or come in and speak with the agencies. In 1876, the United States launched major campaigns against the "hostiles" with troops out of Fort Fetterman, near present-day Douglas, following the Bozeman Trail north. As a result of these campaigns, the tribes were driven out of the PRB and the Bozeman Trail was reopened.

The arrival of the railroad and the establishment of Cheyenne in 1867 made the PRB more accessible, and settlers began to filter in. In 1878 and 1879, mail and stage service was established roughly following the Bozeman Trail.

The passage of the Homestead Act in 1862 was the culmination of more than 70 years of controversy over the disposition of public lands. The Act, which became law on January 1, 1863, allowed anyone to file for a quarter-section of free land (160 acres). The entry of the Burlington Railroad in the 1890s made travel to the region quicker and less hazardous, and for a time homesteaders and small ranches prevailed. In 1909, the Enlarged Homestead Act was passed allowing larger homestead entries, and an additional surge of homesteaders and small ranchers

## **2.0 Description of Current Conditions**

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entered the region. The Stock Raising Homestead Act of 1916 followed, and with the end of the First World War, many veterans moved west to claim vacant land. The increase in settlement was brought to an end by droughts and agricultural recession in the 1920s and the Great Depression of the 1930s.

With the establishment of the railroads in the early 1890s, coal mining began emerging as an important element of the regional economy. Sheep and cattle production have remained important elements of the regional economy, but they have been surpassed by mineral and energy development. The onset of the First World War increased the market for oil and coal, and these industries expanded. Energy exploration and production were not strongly affected by the agricultural recession of the 1920s. However, the depression of the 1930s did suppress the energy market until the outbreak of the Second World War.

The reader is referred to the following document for a more in-depth description of the culture history of the PRB: Final Environmental Impact Statement and Proposed Plan Amendment for the PRB Oil and Gas Project (BLM 2003a).

Historic site categories documented for the study area are based on broad historic themes. The site categories are Rural, Urban, Mining, Transportation, Military, Exploration, and Communication. Each of these site categories and the types of sites they include are shown in **Table 2.6-3**. Evaluation of the importance of historic sites, districts, and landscapes must consider aspects of both theme and period in assessing the historic character and contributing attributes of the resources.

Rural/agrarian sites dominate known historic sites, because that is where the majority of systematic surveys have been conducted. These include homesteads, farms, ranches, agrarian and ranching features, irrigation features, and rural residences. The principal exception is the Upper Tongue River subwatershed, in which a large number of urban buildings and structures have been documented in Sheridan. The next most common site type is transportation features, which include trails, roads, bridges, railroads, stage stations, railroad stations, and related structures or features. Where historic military sites, early exploration sites, and early transportation sites have been recognized and documented, most are considered significant because of their associations with significant historic events. The Bozeman Trail, its several variants, and related sites, were highly significant in western history and retain a large number of well preserved segments. The Outlaw Cave/Red Wall area of the Middle Fork Powder River is rich in prehistoric caves and rockshelters, premiere prehistoric rock art sites, prehistoric stone features, and historic sites that figure prominently in Western lore. The proportion of significant historic sites is high in most categories, and these sites require additional work beyond basic field recording. In addition, many of the historic sites are unevaluated and require additional background or context research to assess their eligibility.

### **Native American Traditional Cultural Places**

General ethnographies of the Lakota, Crow, Mandan, Hidatsa, Arikara, Cheyenne, Arapaho, Shoshone, and other tribes that may have had traditional ties to this region do not provide information on specific resources in the study area that are likely to be traditional cultural concerns because these resources are considered confidential by the tribes. There are certainly prominent and identifiable places to the west in the Big Horn Mountains and to the east in the Black Hills area.

**Table 2.6-3  
Historic Site Types by Historic Theme and Subwatershed**

Subwatershed	Evaluation	Rural	Urban	Mining	Transportation	Military	Exploration	Communication	Other	Unknown	Total	Percent
Little Bighorn River	Eligible	0	0	0	3	0	0	0	0	0	3	60
	Unevaluated	0	0	0	0	0	0	0	0	0	0	0
	Not Eligible	1	0	0	1	0	0	0	0	0	2	40
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0.2</b>
Upper Tongue River	Eligible	8	11	3	13	4	0	0	0	1	40	16.9
	Unevaluated	37	13	14	2	5	1	0	9	12	93	39.2
	Not Eligible	12	60	8	22	0	0	0	2	0	104	43.9
	<b>Total</b>	<b>57</b>	<b>84</b>	<b>25</b>	<b>37</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>11</b>	<b>13</b>	<b>237</b>	<b>10.5</b>
Middle Fork Powder River	Eligible	8	1	0	1	1	0	0	0	1	12	12.1
	Unevaluated	34	6	0	2	0	0	0	8	6	56	56.6
	Not Eligible	16	1	0	2	0	0	0	11	1	31	31.3
	<b>Total</b>	<b>58</b>	<b>8</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>8</b>	<b>99</b>	<b>4.4</b>
North Fork Powder River	Eligible	1	0	0	0	0	0	0	0	0	1	50
	Unevaluated	0	0	0	0	0	0	0	0	0	0	0
	Not Eligible	0	0	0	0	0	0	0	1	0	1	50
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>&lt;0.1</b>
Upper Powder River	Eligible	10	0	0	13	2	0	0	3	1	29	8.5
	Unevaluated	74	1	2	3	4	1	0	10	23	118	34.7
	Not Eligible	120	0	2	13	0	1	0	49	8	193	56.8
	<b>Total</b>	<b>204</b>	<b>1</b>	<b>4</b>	<b>29</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>62</b>	<b>32</b>	<b>340</b>	<b>15.1</b>
South Fork Powder River	Eligible	1	0	0	1	0	0	0	1	0	3	18.8
	Unevaluated	1	1	0	0	0	3	0	1	1	7	43.7
	Not Eligible	2	0	0	4	0	0	0	0	0	6	37.5
	<b>Total</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>16</b>	<b>0.7</b>
Salt Creek	Eligible	0	0	0	2	0	0	0	0	0	2	7.1
	Unevaluated	6	0	0	2	0	0	0	0	1	9	32.2
	Not Eligible	5	0	1	6	0	0	0	5	0	17	60.7
	<b>Total</b>	<b>11</b>	<b>0</b>	<b>1</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>28</b>	<b>1.2</b>

Table 2.6-3 (Continued)

Subwatershed	Evaluation	Rural	Urban	Mining	Transportation	Military	Exploration	Communication	Other	Unknown	Total	Percent
Crazy Woman Creek	Eligible	1	0	0	6	1	0	0	1	0	9	12.7
	Unevaluated	18	1	2	2	0	2	0	3	1	29	40.8
	Not Eligible	17	0	1	8	0	0	0	5	2	33	46.5
	<b>Total</b>	<b>36</b>	<b>1</b>	<b>3</b>	<b>16</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>9</b>	<b>3</b>	<b>71</b>	<b>3.1</b>
Clear Creek	Eligible	16	8	0	6	3	0	0	1	1	35	19.7
	Unevaluated	32	12	4	5	0	0	0	4	12	69	38.7
	Not Eligible	15	10	3	39	0	0	2	5	0	74	41.6
	<b>Total</b>	<b>63</b>	<b>30</b>	<b>7</b>	<b>50</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>13</b>	<b>178</b>	<b>7.9</b>
Middle Powder River	Eligible	2	0	0	0	0	0	0	0	0	2	5.5
	Unevaluated	18	0	0	0	0	0	0	1	0	19	52.8
	Not Eligible	7	1	0	2	0	0	0	5	0	15	41.7
	<b>Total</b>	<b>27</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>36</b>	<b>1.6</b>
Little Powder River	Eligible	9	0	0	0	0	1	0	0	0	11	5.8
	Unevaluated	49	2	0	2	0	0	0	6	5	64	33.7
	Not Eligible	66	2	2	10	0	0	0	22	13	115	60.5
	<b>Total</b>	<b>124</b>	<b>4</b>	<b>2</b>	<b>12</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>29</b>	<b>18</b>	<b>190</b>	<b>8.4</b>
Little Missouri River	Eligible	0	0	0	0	0	0	0	0	0	0	0
	Unevaluated	3	1	0	1	0	0	0	1	1	7	70
	Not Eligible	2	0	0	0	0	0	0	0	1	3	30
	<b>Total</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>10</b>	<b>0.4</b>
Antelope Creek	Eligible	14	1	0	4	0	0	0	2	2	23	7.9
	Unevaluated	37	1	2	0	0	0	0	16	13	69	23.5
	Not Eligible	123	0	5	6	1	0	0	55	11	201	68.6
	<b>Total</b>	<b>174</b>	<b>2</b>	<b>7</b>	<b>10</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>73</b>	<b>26</b>	<b>293</b>	<b>13.0</b>
Dry Fork Cheyenne River	Eligible	3	0	0	2	0	0	0	1	0	6	4.1
	Unevaluated	50	0	0	3	0	0	0	20	7	80	54.8
	Not Eligible	32	0	1	4	1	0	0	18	4	60	41.1
	<b>Total</b>	<b>85</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>39</b>	<b>11</b>	<b>146</b>	<b>6.5</b>
Upper Cheyenne River	Eligible	4	0	0	1	0	0	0	3	0	8	4.8
	Unevaluated	13	0	0	2	0	0	0	7	8	30	18.0
	Not Eligible	85	0	1	7	0	0	0	35	1	129	77.2
	<b>Total</b>	<b>102</b>	<b>0</b>	<b>1</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>45</b>	<b>9</b>	<b>167</b>	<b>7.4</b>

Table 2.6-3 (Continued)

Subwatershed	Evaluation	Rural	Urban	Mining	Transportation	Military	Exploration	Communication	Other	Unknown	Total	Percent
Lightning Creek	Eligible	2	0	0	0	0	0	0	0	0	2	3.9
	Unevaluated	8	0	0	0	0	0	0	3	10	21	41.2
	Not Eligible	15	0	0	0	0	0	0	11	2	28	54.9
	<b>Total</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>12</b>	<b>51</b>	<b>2.3</b>
Upper Belle Fourche River	Eligible	17	0	0	5	3	0	0	1	1	27	8.6
	Unevaluated	37	1	4	4	0	0	0	9	18	73	23.3
	Not Eligible	130	3	4	10	0	0	0	47	19	213	68.1
	<b>Total</b>	<b>184</b>	<b>4</b>	<b>8</b>	<b>19</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>57</b>	<b>38</b>	<b>313</b>	<b>13.9</b>
Middle North Platte River	Eligible	0	0	0	4	0	0	0	0	0	4	5.6
	Unevaluated	34	0	0	1	0	0	0	8	1	44	61.1
	Not Eligible	14	0	0	4	0	0	0	4	2	24	33.3
	<b>Total</b>	<b>48</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>3</b>	<b>72</b>	<b>3.2</b>
Total Eligible Sites		96	21	3	61	14	1	0	14	7	217	9.6
Total Unevaluated Sites		451	39	28	29	9	7	0	106	119	788	35.0
Total Sites		1,209	137	59	228	25	9	2	395	190	2,254	100
<b>Percent Total Sites</b>		<b>53.6</b>	<b>6.1</b>	<b>2.6</b>	<b>10.1</b>	<b>1.1</b>	<b>0.4</b>	<b>&lt;0.1</b>	<b>17.5</b>	<b>8.4</b>	<b>100</b>	

<sup>1</sup>Rural sites include small and large ranch/agrarian core complexes, outlining ranch/agrarian features (e.g., field barns, stock shelters, stock ponds or tanks, machinery hands), homesteads, and rural community buildings (e.g., grange halls, rural schools, and rural churches).

<sup>2</sup>Urban sites include outhouses, dance halls, saloons, parks, homes, hotels/lodges, stores, commercial buildings, power plants, and warehouses.

<sup>3</sup>Mining sites include mines, tipple, loadout, well field, and mining support.

<sup>4</sup>Transportation sites include overland migration corridor/emigrant trail, inscriptions, trail/stage route, freight road, airstrip, ferry, bridge, and railroad.

<sup>5</sup>Military sites include blockhouses, proving grounds, air base, missile silos, military camp, and weapons depot.

<sup>6</sup>Exploration sites include fur trade cabins, trading post, trade beads, and survey marker.

<sup>7</sup>Communication sites include telegraph/telephone lines, Pony Express Station, and transmission lines.

<sup>8</sup>Other sites include Civilian Conservation Corps Camp/conservation site, hatchery, monument, prison camp, lumber mill, timber camp, cabins, and burial/cemetery/grave.

Source: BLM 2003a.

## **2.0 Description of Current Conditions**

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Probably the most widely known examples would be the Big Horn Medicine Wheel and Devils Tower. The known sacred and traditional places offer some indications of the types of places valued by the Plains horse cultures in the historic period. However, any identification of sacred or traditional localities must be verified in consultation with authorized tribal representatives.

Conspicuous landmarks, prominences, and high locations were often held in reverence. It would be reasonable to assume that Pumpkin Buttes, several of the more distinctive or isolated buttes throughout the study area, and distinct rock formations in the Middle Fork and Red Wall country were traditionally important places. Some of these natural features may have associated rock art, cairns, offering sites, vision quest sites, or other tangible evidence of traditional importance, while others may be embedded in oral traditions.

Distinctive natural water bodies and confluences of flowing streams and rivers were considered by many tribes to be sources of power and inspiration and mirrors of the inner spirit. The presence of flowing water or bodies of water and high isolated locations such as buttes in close proximity to one another were sometimes considered especially powerful or close to the spirits. These kinds of locations were commonly used for fasting or vision quests. Some vision quest sites that were used repeatedly over the generations have physical features, such as cairns, small stone circles, offerings, small clusters of stone, or stone alignments, in addition to the character of their physical setting. When there is no physical evidence, vision quest sites are remembered through songs and preserved memories.

At a smaller scale, traditional rock art marks localities that were important or sacred to past populations, and the rock art itself is a traditional concern to most existing tribes. Similarly, images and designs engraved in stone, some rock alignments, and many ancient rock cairns, mark traditionally significant locations. Any location with cobble figures, unusually small or large stone circles or medicine wheels, geometric stone alignments, or prominent cairns should be considered a potential sacred or traditional site. Tribes also may consider alignments and cairns associated with more mundane functions such as trails and game drives to be sacred or traditionally important, and also may consider most archaeological sites to be traditional cultural places important to their tribal identity. Several of the tribes that have traditional ties to the study area consider "tipi rings" (i.e., stone circle sites) to be sensitive sites that may have spiritual or sacred associations. Traditional tribal concerns also can include traditional gathering areas for medicinal and ceremonial materials. The persistence of plants for food, material, and medicinal purposes, and their associated artifacts, are extremely important to the tribes.

### **SHPO Data**

According to the SHPO database, 10,795 cultural sites have been identified in the study area. Of these, 5,871 (54 percent) are prehistoric sites, 2,664 (25 percent) are historic sites, 167 (1.6 percent) are multi-component sites, 51 (less than 1 percent) are sites of unknown cultural affiliation, unknown use, or with no information, and 2,042 (19.0 percent) sites are labeled as "not encoded." The SHPO defines "not encoded" as those sites that have no field value entered in the database table. Artifact scatters, camps, habitation features, rock features, and lithic sources are the predominate prehistoric site type in the study area.

Artifact Scatters – Artifact scatters are predominantly scatters of stone tools and stone tool-making debris in the region, but they also include ground stone, ceramics, and composite artifact scatters.

## 2.6 Cultural Resources and Native American Concerns

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These sites are important because they are often the only remnants indicating the presence of human activity. Artifact scatters may provide information on chronology, subsistence, technology, settlement patterns, and resource choices, and they help in understanding past lifeways.

**Camps** – Camps are predominantly sites with artifact scatters and features or a range of artifact types that indicate habitation of the area. These types of sites include open camps, habitation areas, or artifacts and features. Camps are more often evaluated in the field as eligible to the NRHP than artifact scatters. These sites are important because they have the potential to yield information about issues of settlement, subsistence, technology, chronology, and social organization by various prehistoric peoples.

**Habitation Features** – Habitation features are predominantly stone circle sites in the region, but also include open architecture, structures, lodges, and rockshelters. These sites are important because they can provide evidence of the range of habitation structural types and preferences and may provide information on settlement patterns, seasonal use of the area, social organization, and past lifeways.

**Rock Features** – Rock features are predominantly cairns, hunting blinds, and rock alignments, but they can include any non-habitation rock feature such as a medicine wheel. These sites are important because they may provide information on ceremonial uses in the area, subsistence, territorial markers, and cultural use of the landscape.

**Lithic Source** – Lithic source is a location used for acquisition of stone suitable for chipped stone tool manufacture. These locations may be areas of bedrock outcrops containing usable stone, or may be areas where pebbles, cobbles, or boulders of raw material have been deposited by past geological processes. These sites are important because they may provide information on resource choices and technology of prehistoric peoples. Some lithic material may be found quite far from its source. The distribution of culturally modified materials away from lithic source areas can provide important information on the movement or interaction of cultural groups over time.

Historic sites in the study area mainly consist of debris scatters, homesteads, ranching camps/features, cairns, transportation features (e.g., railroads, bridges, trails, and stage routes), and mines. Multi-component sites are predominantly artifact scatters and camps that contain evidence of use by different cultural groups or by the same group over different periods. The majority of not encoded sites are lithic scatters, open camps, stone circles, hearths, or quarries. Cairns and rock piles account for the majority of unknown sites.

The NRHP-eligibility status of documented sites can include, but is not limited to, recommended as not eligible for the NRHP, not eligible with SHPO concurrence, recommended as eligible for the NRHP, or eligible with SHPO concurrence. Due to the large number of sites in the study area, the sites have been categorized by prehistoric, historic, multicomponent, unknown, and not encoded, and each category lists the number of sites per eligibility status (**Tables 2.6-4 through 2.6-8**).

## 2.0 Description of Current Conditions

Table 2.6-4  
NRHP Eligibility Status of Prehistoric Sites

Eligibility Status	Number of Prehistoric Sites
Destroyed	41
Eligible (SHPO Concur) Destroyed	6
Eligible/Consultant/No Review	316
Eligible/NRHP Keeper	72
Eligible (SHPO Concurrence)	616
Eligibility Unknown	1,217
Keeper DOE/Destroyed	5
Listed on NRHP	3
No Eligible Info/Destroyed	3
No Eligibility Information	10
Noncontrib/Eligible SHPO Concur	7
Not Eligible/Consultant/No Review	1,970
Not Eligible/Destroyed	23
Not Eligible/SHPO Concur	1,519
Not Found/Unlocated	11
See Site Form for Eligibility	44
Uneval Segment/SHPO Concur Eligible	2
Unknown Eligibility, Destroyed	6
<b>Total</b>	<b>5,871</b>

Table 2.6-5  
NRHP Eligibility Status of Historic Sites

Eligibility Status	Number of Historic Sites
Contrib/Eligible SHPO Concur	9
Destroyed	8
Eligible (SHPO Concur) Destroyed	1
Eligible/Consultant/No Review	66
Eligible/NRHP Keeper	4
Eligible (SHPO Concurrence)	91
Eligibility Unknown	476
Keeper DOE/Destroyed	4
Listed on NRHP	53
Listed on NRHP/Destroyed	2
National Landmark	3
No Eligibility Information	4
Noncontrib/Eligible SHPO Concur	32
Not Eligible/Consultant/No Review	1,089
Not Eligible/Destroyed	6
Not Eligible/SHPO Concur	777
Not Found/Unlocated	6
See Site Form for Eligibility	27
Uneval Segment/SHPO Concur Eligible	1
Unknown Eligibility, Destroyed	5
<b>Total</b>	<b>2,664</b>

## 2.6 Cultural Resources and Native American Concerns

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**Table 2.6-6  
NHRP Eligibility Status of Multicomponent Sites**

Eligibility Status	Number of Multicomponent Sites
Eligible (SHPO Concur) Destroyed	3
Eligible/Consultant/No review	26
Eligible/NRHP Keeper	2
Eligible (SHPO Concurrence)	2
Eligibility Unknown	10
No Eligibility Information	3
Not Eligible/Consultant/No Review	111
Not Eligible/SHPO Concur	10
<b>Total</b>	<b>167</b>

**Table 2.6-7  
NRHP Eligibility Status of Sites with Unknown Cultural Affiliation**

Eligibility Status	Number of Unknown Sites
Elig/Consultant/No review	1
Eligible (SHPO Concurrence)	1
Eligibility Unknown	17
Noncontrib/Elig SHPO Concur	1
Not Elig/Consultant/No Review	19
Not Eligible/SHPO Concur	11
Unknown Eligibility, Destroyed	1
<b>Total</b>	<b>51</b>

**Table 2.6-8  
NRHP Eligibility Status of Not Encoded Sites**

Eligibility Status	Number of Not Encoded Sites
Destroyed	11
Eligible/Consultant/No review	90
Eligible/NRHP Keeper	68
Eligible (SHPO Concurrence)	41
Eligibility Unknown	440
Listed on NRHP	4
No Eligibility Information	8
Not Eligible/Consultant/No Review	652
Not Eligible/Destroyed	7
Not Eligible/SHPO Concur	19
See Site Form for Eligibility	700
Unknown Eligibility, Destroyed	2
<b>Total</b>	<b>2,042</b>

Source: Wyoming SHPO 2005.

## 2.0 Description of Current Conditions

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### 2.6.3.2 Native American Concerns

The 1992 NHPA amendments place major emphasis on the role of Native American groups in the Section 106 review process. Subsequent revisions to the regulations of the Advisory Council on Historic Preservation (Council) published May 18, 1999, incorporate specific provisions for federal agencies to involve Native American groups in land or resource management decisions and for consulting with these groups throughout the process. Before making decisions or approving actions that could result in changes in land use, physical changes to lands or resources, changes in access, or alienation of lands, federal managers must determine whether Native American interests would be affected, observe pertinent consultation requirements, and document how this was done. The consultation record will be the federal agency's basis for demonstrating that the responsible manager has made a reasonable and good faith effort to obtain and consider appropriate Native American input in decision making.

Under Native American Consultation:

- The federal agency must consult with any Native American group that attaches religious and cultural significance to historic properties that may be affected by an undertaking regardless of location (Section 101[d][6][b]). Such Native American group is a consulting party.
- The federal agency must make a reasonable and good faith effort to identify Native American groups to be consulted.
- The federal agency must be respectful of tribal sovereignty in conducting consultation.
- The federal agency must recognize the government-to-government relationship.
- Historic properties of religious and cultural significance may be located on ancestral, aboriginal, or ceded lands of Native Americans.
- The Native American groups may enter into agreement with the federal agency regarding any aspect of tribal participation in the Section 106 review process. The agreement may provide the Native American groups with additional participation or concurrence in agency decisions under Section 106 provided that no modification may be made in the roles of other parties without their consent.

As a formal participant in the national historic preservation program, a tribe may assume official responsibility for a number of functions aimed at the preservation of significant historic properties. Those functions include identifying and maintaining inventories of culturally significant properties, nominating properties to national and tribal registers of historic places, conducting Section 106 reviews of federal agency projects on tribal lands, and conducting educational programs on the importance of preserving historic properties.

When an undertaking occurs on or affects historic properties on tribal lands, federal agencies must consult with a representative designated by the tribe, the Tribal Historic Preservation Officer (THPO). In some cases, the THPOs have formally assumed the responsibilities of the SHPO on

## **2.6 Cultural Resources and Native American Concerns**

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their tribal lands. Whether or not the THPO has formally assumed SHPO responsibilities, they must be consulted when an undertaking occurs on tribal lands.

While the THPO must be consulted when a project occurs or affects historic properties on tribal lands, many historic properties of religious and cultural significance to Indian tribes are not located on tribal lands. Section 101(d)(6) of the NHPA states that properties of traditional religious and cultural importance to tribes can be eligible to the NRHP. This section goes on to require that agencies consult with any Indian tribe that attaches religious and cultural importance to such properties. This consultation requirement applies regardless of whether such properties are on or off tribal lands.

In accordance with Section 106 of the NHPA and the NAGPRA, Native American consultation would be conducted as part of NEPA compliance for future federally permitted projects.

### **2.6.4 Comparison to Previous Predictions**

Predictions relative to potential future impacts to cultural resources were not presented in the Coal Development Status Check (BLM 1996) or earlier EISs (BLM 1979, 1981) for the Wyoming PRB.