

October 22, 2006

Sen. Mike Crapo
239 Dirksen Senate Building
Washington, DC 20510

Subject: Senate Bill S. 3794, The Owyhee Initiative Implementation Act of 2006

Dear Sen. Crapo:

In the past month, the members of the Idaho Professional Archaeological Council (IPAC) have examined Senate Bill S. 3794, regarding implementation of the Owyhee Initiative Agreement. IPAC represents professional archaeologists in all sectors – state and federal agencies, private businesses, and universities. All our members are committed to protecting cultural resources in Idaho, including the Owyhee Canyonlands. IPAC has not taken a position on the overall goals of the bill because the designation of Wilderness Areas and Wild and Scenic Rivers falls outside the purview of our organization. However, we have several concerns about the bill with respect to the management of cultural resources.

First, the bill states that cultural resources will be managed according to the Shoshone-Paiute Cultural Resource Protection Project, or Plan. However, the most recent Plan (dated September 11, 2006) does not clearly indicate how cultural resources will be managed, the boundaries of the management area, or other topics typically addressed in a cultural resource management plan. During a recent meeting of IPAC on September 29, Mr. Doug McConnaughey told us that the Shoshone-Paiute's Plan is concerned with establishing a monitoring program using tribal rangers and would not otherwise affect how cultural resources in the area are managed. In this case, we ask that a statement be added to the bill (perhaps under Title IV, Section 402) to the effect that no provisions of the Act or the Shoshone-Paiute Cultural Resource Protection Project would supersede the requirements of the National Historic Preservation Act (NHPA) or of the Archaeological Resources Protection Act (ARPA).

Second, the Shoshone Paiute Plan specifically expresses opposition to the scientific study of archaeological sites (Appendix II, p. 21). This opposition is stated in such way as to imply that only sacred sites are of concern, but in fact places no limit on which resources may be excluded from scientific study. The main body of the Owyhee Initiative Agreement itself explains that an independent Science Review panel would evaluate all BLM management decisions and actions in the area (Section IV). However, the Agreement also specifically states that tribal cultural resources would be exempt from Science Review (Section IV, N). We ask that Section IV.N be removed from the Agreement, that the Science Review process be expanded to include the review of

management decisions related to cultural resources, and that a professional archaeologist serve on the Science Review panel.

IPAC is not opposed to increasing the protection of cultural resources in the Owyhee Desert, or in the Shoshone-Paiute Tribes' active involvement in this protection. However, as stated in our bylaws, we are committed to the scientific study of archaeological sites. While the Shoshone-Paiute Tribes have special and appropriate interest in the archaeological sites in the Owyhee Desert, these archaeological sites are on public land and are part of our nation's heritage. The NHPA has been in effect for 40 years; ARPA for 37 years; and the Antiquities Act is celebrating its 100th anniversary this year. These laws and related regulations have evolved over the years to ensure that the interests of scientists, tribal members, and the public are all given weight in how archaeological sites are identified, evaluated, studied, and protected. There are various procedures in the NHPA and its implementing regulations (36 CFR Part 800) that ensure tribal involvement in decision-making – consultation (such as the Wings and Roots process currently used by the BLM Boise District and Mountain Home Air Force Base); Programmatic Agreements involving agencies, tribes, project proponents, the Idaho SHPO, and others; and Tribal Historic Preservation Offices, such as those recently implemented by the Nez Perce and Coeur d'Alene tribes. The Owyhee Initiative Implementation Act, as it is currently written, short-circuits the process. It gives final management authority to only one of the many parties that have legitimate interests in Idaho's past, but without ensuring that cultural resources will continue to be managed under existing historic preservation laws and regulations.

This letter is being sent in the spirit that a reasonable solution can be found that will protect the wilderness characteristics of the Owyhee Canyonlands, the interests of the Shoshone-Paiute Tribes, the multiple use of our public lands, and the integrity of the scientific study of our past. You and your staff have been a great help in IPAC's efforts to support the appropriate management of cultural resources in southwestern Idaho, and I would be happy to discuss our concerns with you at your convenience. Feel free to call me at (208) 336-1437 or (208) 867-4419.

Sincerely,

Jim Rudolph
President