

Tribal Trust Responsibility

The Shoshone-Bannock Tribes have ancestral rights to uses of the Forest. The relationship of the United States Government with American Indian tribes is based on legal agreements between sovereign nations. The Fort Bridger Treaty signed on July 3, 1868 provided for the establishment of the Fort Hall Indian Reservation. It also granted hunting and fishing to tribal members on “all unoccupied lands of the United States.” This right applies to all public domain lands reserved for National Forest purposes that are presently administered by the Caribou-Targhee National Forest. These rights are still in effect, and management actions recognize these rights. Consultation with the Shoshone-Bannock Tribal Council is required on lands management activities and land allocations that could affect these rights. (Caribou-Targhee National Forest Revised Forest Plan)

Cultural Resource Consultation

As required under 36CFR800.2

A) The agency official shall ensure that consultation in the section 106 process provides the Indian tribe a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects.

B) The Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets, or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies, or limits the exercise of any such rights.

C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government

D) When Indian tribes and Native Hawaiian organizations attach religious and/or cultural significance to historic properties off tribal lands, section 101(d)(6)(B) of the act requires Federal agencies to consult with such Indian tribes and Native Hawaiian organizations in the section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations and should consider that when complying with the procedures in this part.