

## 3.11 AMERICAN INDIAN TRADITIONAL RESOURCES

### 3.11.1 INTRODUCTION

#### 3.11.1.1 Overview

American Indian traditional resources are those resources that embody the beliefs, customs, and practices of a living community of people, in this case American Indians. The place of these resources in the culture has been passed down through the generations, usually orally or through practice. The traditional cultural significance of a resource arises from the role it plays in a community's historically rooted beliefs, customs, and practices (National Park Service 1998). Protected tribal resources, as defined in Department of Defense (DoD) Instruction 4710.02, *DoD Interactions with Federally-Recognized Tribes*, are "those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by or reserved by or for Indian tribes through treaties, statutes, judicial decisions, or executive orders (EOs), including tribal trust resources." This section addresses American Indian traditional resources and protected tribal resources at Naval Weapons Systems Training Facility (NWSTF) Boardman that are retained or reserved by or for American Indian Tribes through treaties. These resources include plants, animals, habitat, and locations associated with hunting, fishing, and gathering activities for subsistence or ceremonial use. Other American Indian resources such as traditional cultural properties are addressed in Section 3.10 (Cultural Resources).

#### 3.11.1.2 Regulatory Framework

American Indian Tribes are dependent sovereign nations. Accordingly, the United States has a trust relationship with American Indian Tribes. The DoD American Indian and Alaska Native Policy states: "Under the federal trust doctrine, the United States—and individual agencies of the federal government—owe a fiduciary duty to Indian tribes. The nature of that duty depends on the underlying substantive laws (i.e., treaties, statutes, agreements) creating the duty. Where agency actions may affect Indian lands or off-reservation treaty rights, the trust duty includes a substantive duty to protect these lands and treaty rights to the fullest extent possible." Otherwise, unless the law imposes a specific duty on the federal government with respect to Indians, the trust responsibility may be discharged by the agency's compliance with general statutes and regulations not specifically aimed at protecting Indian tribes." The trust responsibility has been interpreted to require federal agencies to carry out their activities in a manner that is protective of American Indian treaty rights. EO 13175, *Consultation and Coordination with Indian Tribal Governments*, affirms the trust responsibility of the United States and directs agencies to consult with American Indian Tribes and respect tribal sovereignty when taking actions affecting such rights.

Treaties between the United States and American Indian Tribes are government-to-government agreements and are "the Supreme law of the land." Tribal treaty rights are not affected by later federal laws (unless Congress clearly abrogates treaty rights). Treaty language securing fishing and hunting rights is not a "grant of rights (from the federal government to the Indians), but a grant of rights from them—a reservation of those not granted" (*United States v. Winans*, 25 S. Ct. 662, 1905). This means that the Tribes retain rights not specifically surrendered to the United States.

On October 21, 1998, DoD promulgated its American Indian and Alaska Native Policy emphasizing the importance of respecting and consulting with tribal governments on a government-to-government basis (explanatory text was added on November 21, 1999). The Policy requires that DoD consult with federally-recognized American Indian and Alaska Native Tribes on a government-to-government basis when proposed actions have the potential to significantly affect protected tribal resources, tribal rights,

or Indian lands prior to reaching a decision. In 2005, the Navy updated its policy for consultation with federally-recognized American Indian Tribes. The Secretary of the Navy Instruction (SECNAVINST) 11010.14A, Department of the Navy Policy for Consultation with Federally-Recognized Tribes (October 11, 2005), implements DoD policy within the Navy and encourages ongoing consultation and communications. Commander Navy Region Northwest (COMNAVREGNW) Instruction 11010.14, *Policy for Consultation with Federally-Recognized American Indian and Alaska Native Tribes* (November 10, 2009), sets forth policy, procedures, and responsibilities for consultations with federally-recognized tribal governments. The goal of the policy is to establish permanent government-to-government working relationships built upon respect, trust, and openness with tribal governments.

Other federal laws, EOs, and memoranda requiring consultation with American Indians include the National Historic Preservation Act; the American Indian Religious Freedom Act; the Archaeological Resources Protection Act; the Native American Graves Protection and Repatriation Act (NAGPRA); EO 12898, *Environmental Justice*; EO 13007, *Indian Sacred Sites*; EO 13175, *Consultation and Coordination with Indian Tribal Governments*; the Presidential Memorandum dated November 5, 2009 emphasizing agencies' need to comply with EO 13175; and the Presidential Memorandum dated April 29, 1994, *Government-to-Government Relations with Native American Governments*.

### **3.11.1.3 Determination of Significance**

Factors considered when determining if an alternative could have a significant impact on American Indian traditional resources included whether and to what degree the resource would be affected and whether access by tribal members to the resource would change. Government-to-government consultation was conducted with potentially affected federally-recognized American Indian Tribes to identify affected resources, evaluate the extent of any adverse effects, determine the significance of impacts, and develop mitigation measures, if necessary.

## **3.11.2 AFFECTED ENVIRONMENT**

### **3.11.2.1 Cultural Context**

The following summary of the ethnohistory at NWSTF Boardman is derived or excerpted from information in *Archaeological Research at the Proposed MPMG and MPTR Ranges, United States Naval Weapons System Training Facility, Boardman, Morrow County, Oregon* (Oregon National Guard 2005) and *Cultural Resource Assessment and Evaluation of the Well Springs Diversion of the Boardman Section of the Oregon Trail, Morrow County, Oregon, Located on Naval Weapons Training Facility, Boardman* (U.S. Department of the Navy 1997).

Many American Indian groups occupied, hunted and gathered, or traveled through the area that is now NWSTF Boardman. Today, they are represented by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the Confederated Tribes of the Warm Springs of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe.

NWSTF Boardman and vicinity are part of the ceded lands of the Umatilla, Cayuse, and Walla Walla Tribes as well as a small portion of the ceded lands of the Yakama. The Umatilla lived along both sides of the Columbia River from present-day Arlington, Oregon, to a few miles west of the mouth of the Walla Walla River. The Umatilla also inhabited the lower Umatilla River from the mouth to a few miles above its confluence with Butter Creek. The Umatilla were flanked on the east by the Cayuse, who had winter camps on both banks of Butter Creek, and on the west by the Walla Walla. The Cayuse spoke "a distinct language of their own with uncertain affinities, perhaps within the Penutian superfamily" (Stern 1998).

The three groups shared similar economic, social, and ceremonial characteristics and were therefore considered a single unit by many observers. The Umatilla, Cayuse, and Walla Walla probably traveled and jointly used resources on present-day NWSTF Boardman. The Yakama inhabited the area from the Cascade Mountains on the west, Columbia River to the south, and the Yakima River to the east.

As with most other southern Plateau peoples, Umatilla subsistence was based on root crops and salmon. In the spring, women and children traveled to the Grande Ronde valley and other areas to dig camas, lomatium, bitterroot, and other root crops while the men fished. In late spring and summer, families moved up the tributaries with the fish runs. During the summer months, the Umatilla and other groups lived in small villages of mat lodges and fish drying sheds, processing salmon and roots for immediate consumption as well as for winter storage. Families might spend several weeks in the uplands, with the men hunting deer and elk while women and children picked berries, gathered roots, and dried fish. By autumn, hunting parties spread out into the nearby Blue Mountains. Deer, elk, antelope, bears, and other large and small mammals were taken by means of decoys and drives (Stern 1998). Hunting camps were established to butcher and dry the meat and to process the skins. After acquiring the horse in the mid-1700s, the Cayuse became an equestrian-oriented people, using their horses to travel between winter villages on the mountains to hunt and acquire plant resources. The Yakama subsistence pattern was seasonally based and similar to the Umatilla and consisted of salmon fishing along the Columbia and Yakima rivers and their tributaries in the spring and early summer and hunting and plant gathering in the upper elevations during the summer and fall (Schuster 1998). Large villages were located along the major rivers with fishing stations along the rivers and hunting and gathering camps in the uplands (Schuster 1998).

The winter settlements nearest present-day NWSTF Boardman belonged to a group of Cayuse on Butter Creek. The nearest Umatilla winter houses were on the Columbia River around present-day Alderdale. The Umatilla wintered in longhouses constructed with a tripod pole frame that often measured up to 80 feet (24.4 meters) in length. The floors were covered with mats, and the longhouses could accommodate eight fires.

Plateau culture was first influenced by European trade items from the coastal groups encountering British and Spanish explorers in the late eighteenth century. The Lewis and Clark Expedition passed through Umatilla and Cayuse territory while traveling down the Columbia River to the Pacific Ocean in 1805 and during their return trip in 1806. After the expedition, fur traders and missionaries began traveling through the Plateau region, establishing relationships with the Umatilla and Cayuse. The Northwest Company built Fort Walla Walla in 1818. The fort, like others of its kind in the early 1800s, was a multicultural institution composed of Native Americans, Euroamericans, and Metis. Native Americans were allowed to store roots at the fort, and they used the fort as a nexus for trade and news (Stern 1998).

In 1855, a treaty was signed by representatives of the various American Indian bands of the Umatilla, Cayuse, and Walla Walla and Isaac Stevens, governor of Washington territory and its superintendent of Indian affairs. In the Treaty of 1855, the Cayuse, Umatilla, and Walla Walla Tribes ceded to the United States more than 6,400,000 acres (ac.) (2,589,992 hectares [ha]) of land in what is now northeastern Oregon and southeastern Washington, including present-day NWSTF Boardman. A parcel of land, designated the Umatilla Indian Reservation, was retained by the Tribes as a permanent homeland. Also in the Treaty of 1855, the Tribes reserved pre-existing rights to fish, hunt, and gather traditional foods and medicines throughout their traditional areas. The Umatilla Indian Reservation was created in 1859, and the Confederated Tribes of the Umatilla, Cayuse, and Walla Walla moved to reservation lands.

However, large numbers of the Umatilla and Walla Walla remained in their homelands along the Columbia River and continued their seasonal use of the region (Stern 1998). The Tenino moved to the Warm Springs Indian Reservation in 1855.

Following the move to the reservation, new conflicts arose between the American Indians and the Euroamerican miners, immigrants, and townspeople of the region. The newcomers realized that the reservation consisted primarily of fertile and productive agricultural land. Initial attempts to move the Indians elsewhere to open their lands to farming failed. The federal government upheld the American Indians' right to remain on their land in 1871 and again in 1878 (Stern 1998).

In 1885, the allotment system began, which undermined Indian efforts to successfully farm their land by rendering the cost of taxes and equipment unaffordable. Much of the reservation land was leased or sold to Euro-American ranchers and farmers. Since the 1960s, the CTUIR has carried out programs that have consolidated tribal land and developed economic resources (Stern 1998).

### **3.11.2.2 Treaty Rights**

Treaties with American Indian Tribes are government-to-government agreements, similar to international treaties, and preempt contrary state laws. Tribal treaty rights are not affected by later federal laws (unless Congress clearly abrogates treaty rights). Language in treaties and other federal laws securing off-reservation fishing and hunting rights has been construed as preserving aboriginal rights that American Indian Tribes traditionally exercised before the treaties were executed. Treaty fishing and hunting clauses are not a "grant of rights (from the federal government to the Indians), but a grant of rights from them - a reservation of those not granted" (United States v. Winans, 25 S. Ct. 662, (1905)). This means that the Tribes retain rights not specifically surrendered to the United States. Between 1854 and 1856, the United States negotiated treaties with the northwest Tribes to acquire great expanses of land. The treaties collectively are called the Stevens-Palmer Treaties, after Isaac I. Stevens, the governor of the Washington Territory, and Joel Palmer, the superintendent of Indian Affairs for the Oregon Territory, who negotiated the treaties on behalf of the United States (Woods 2005).

#### **3.11.2.2.1 Treaty with the Walla Walla, Cayuse, and Umatilla 1855 (12 Stat. 945)**

The outcome of the 1855 treaty negotiations was that the Cayuse, Umatilla, and Walla Walla retained a reservation in the Cayuse homeland. The tribes ceded 6.4 million ac. (2, 589,992 ha) to the United States, reserved rights for fishing, hunting, gathering foods and medicines, and pasturing livestock, and reserved 510,000 ac. (206,390 ha) on which to live (Confederated Tribes of the Umatilla Indian 1996). The treaty was signed on June 9, 1855 and ratified by the U.S. Congress on March 8, 1859.

The treaty with the Walla Walla, Cayuse, and Umatilla signed by the federal government on June 9, 1855, secured these Tribes the following under Article 1:

- A tract of land set aside as a residence for the Walla Walla, Cayuse, and Umatilla and regarded as an Indian Reservation.
- The exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians, and at all other usual and accustomed stations in common with citizens of the United States, and of erecting suitable buildings for curing the same; the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands in common with citizens, is also secured to them.

As a result of United States (U.S.) Congressional legislation in the late 1800s that diminished its size and allowed purchase and ownership by non-American Indians, the Umatilla Indian Reservation now consists of 172,000 ac. (69605.9 ha); nearly half is owned by non-American Indians (Confederated Tribes of the Umatilla Indian 1996).

NWSTF Boardman is within the lands ceded to the United States in 1855 by the Walla Walla, Cayuse, and Umatilla (Confederated Tribes of the Umatilla Indian 2013). However, the U.S. Department of the Navy (Navy) does not consider NWSTF Boardman to be open and unclaimed lands based on case law (American Indian Law Deskbook 2004). At the time of signing treaty documents, the term “open and unclaimed lands” applied to public domain lands held by the United States that had not been fenced or claimed through a land settlement act. Today, the term applies to lands remaining in the public domain (for the purposes of hunting, gathering foods, and grazing livestock or trapping) (National Forest Service 1997). Federal and state courts have ruled that public land is “open and unclaimed” unless it is being put to a use that is inconsistent with tribal hunting. For example, in *United States v. Hicks*, 587 F. Supp. 1162 (W.D. Wash), a federal district court ruled that the Olympic National Park was not “open and unclaimed” because one of its purposes is the preservation of native wildlife and because hunting is generally prohibited in the park.

The area now encompassing NWSTF Boardman was withdrawn from public lands in 1941 to be used for military training. Current military readiness activities such as weapons firing and air-to-ground bombing exercises are inherently dangerous. In addition, safety concerns such as the presence of unexploded ordnance exist from historic military use of the property. Public access to NWSTF Boardman is controlled per Naval Air Station Whidbey Island Instruction 8020.8 *Ground Entry/Access to NWSTF Boardman* for security reasons and to safeguard against potential hazards. Entry/access is restricted to official business only (i.e., military readiness activities and direct training support activities), with the exception of a cultural interpretive area at the Pioneer cemetery along the southern boundary that is open to the public. Currently, no hunting or gathering is allowed because these activities are considered incompatible with military readiness activities at NWSTF Boardman. Therefore, the Navy does not consider NWSTF Boardman to be open and unclaimed lands.

#### **3.11.2.2.2 Treaty with the Yakama 1855 (12 Stat. 951)**

In 1855, the Confederated Tribes and Bands of the Yakama Nation (consisting of the Yakama, Palouse, Pisuouse, Wenatshapam, Klikatat, Klinquit, Kowwas-say-ee, Li-ay-was, Skin-pah, Wish-ham, Shyiks, Ochechotes, Kah milt-pah, and Se-ap-cat, confederated Tribes and bands of Indians) ceded to the United States over 12,000,000 ac. (4,856,235 ha) of land in what is now central Washington (U.S. Government 1855). A parcel of land, designated the Confederated Tribes and Bands of the Yakama Nation Reservation, was retained by the Tribes as a permanent homeland. The treaty was signed on June 9, 1855 and ratified by the U.S. Congress on March 8, 1859.

The treaty with the Confederated Tribes and Bands of the Yakama Nation signed by the federal government on June 9, 1855, secured this Tribe the following under Articles 2 and 3 (U.S. Government 1855):

- A tract of land set aside as a residence for the Yakama and regarded as an Indian Reservation.
- The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated Tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting,

gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

Although most of the lands ceded to the United States by the Confederated Tribes and Bands of the Yakama Nation are located in Washington, the ceded lands boundary extends south of the Columbia River into Oregon and includes a very small part of the northern portion of NWSTF Boardman (Yakama Nation 2013). As discussed above in Section 3.11.2.2.1 (Treaty with the Walla Walla, Cayuse, and Umatilla 1855 [12 Stat. 945]), the Navy does not consider NWSTF Boardman to be open and unclaimed lands.

### **3.11.2.2.3 Treaty with the Confederated Tribes of Warm Springs 1855 (12 Stat. 963)**

Treaties with Oregon Tribes were negotiated and ratified by the United States between 1853 and 1864. These treaties established reservations in exchange for lands ceded by the Tribes although no off-reservation fishing or hunting rights were secured. The Treaty of Wasco, Columbia River, Oregon Territory with the Taih, Wyam, Tenino, and Dock-Spus Bands of the Walla Walla, and the Dalles, Ki-Gal-Twal-La, and the Dog River Bands of the Wasco who are now the Confederated Bands of the Warm Springs Reservation was signed by the federal government and representatives on June 25, 1855 and ratified by the U.S. Congress on March 8, 1859, secured these Tribes the following:

That the exclusive right of taking fish in the streams running through and bordering said reservation is hereby secured to said Indians; and at all other usual and accustomed stations, in common with citizens of the United States, and of erecting suitable houses for curing the same; also the privilege of hunting, gathering roots and berries, and pasturing their stock on unclaimed lands, in common with citizens, is secured to them.

### **3.11.2.2.4 Treaty with the Nez Perce 1855 (12 Stat. 957)**

Between 1854 and 1856, the United States negotiated treaties with Washington State tribes to acquire great expanses of land. The treaties collectively are called the Stevens-Palmer Treaties, after Isaac I. Stevens, the governor of the Washington Territory, and Joel Palmer, the superintendent of Indian affairs for the Oregon Territory, who negotiated the treaties on behalf of the United States (Woods 2005). The treaty with the Nez Perce was signed by the federal government in June 11, 1855 and ratified by the U.S. Congress on March 8, 1859; it secured the tribe the following:

The exclusive right of taking fish in all the streams where running through or bordering said reservation is further secured to said Indians: as also the right of taking fish at all usual and accustomed places in common with citizens of the territory, and of erecting temporary buildings for curing, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

### **3.11.2.3 American Indian Traditional Resources on Naval Weapons Systems Training Facility Boardman**

The CTUIR have identified plant and animal resources on NWSTF Boardman that are of particular traditional importance.

A traditional use survey was conducted at NWSTF Boardman in 2013 by the CTUIR, and resources of religious and cultural significance eligible for listing on the NRHP were identified. The Navy and the CTUIR have agreed that the resources are considered traditional cultural properties (i.e., eligible for inclusion in the NRHP) and will be treated and managed as eligible resources. The location and types of

American Indian traditional cultural properties identified at NWSTF Boardman is proprietary sacred information and cannot be publicly disseminated. Therefore, further description of these traditional cultural properties is not provided here.

The CTUIR have expressed interest in collecting traditional plant resources and hunting big game animals (e.g., mule deer and elk) and upland game birds (e.g., ring-necked pheasant, gray partridge, chukar, and California quail) on NWSTF Boardman (Quaempts 2010, 2012). As discussed above in Section 3.11.2.2.1 (Treaty with the Walla Walla, Cayuse, and Umatilla 1855 [12 Stat. 945]), and in accordance with Naval Air Station Whidbey Island Instruction 8020.8, *Ground Entry/Access to NWSTF Boardman*, entry/access is currently restricted to official business only for security reasons and to safeguard against potential hazards. However, if in the future, the Navy should determine that hunting and/or gathering activities are appropriate uses on all or some portions of NWSTF Boardman, the Navy will work with the CTUIR to formalize an access plan for the facility, as stipulated in the Memorandum of Agreement executed by the Navy, the Oregon SHPO, CTUIR, and the Advisory Council on Historic Preservation (ACHP) (Appendix C). Even if the present generation of tribal members does not have access to NWSTF Boardman for hunting, the CTUIR has a strong interest in preserving wildlife habitat and populations for future generations.

The Confederated Tribes and Bands of the Yakama Nation indicates that NWSTF Boardman is within the usual and accustomed territory of the Yakama reserved through the Treaty of 1855 (Meninick 2011). The term “usual and accustomed stations or places” was used in several treaties in the Northwestern United States. It describes lands adjacent to streams, rivers, or shorelines to which a tribe(s) usually traveled or was accustomed to travel for the purpose of taking fish. Federal courts have either referred to or defined the term when deciding lawsuits about the extent of a tribe’s off-reservation treaty right to take fish. It has not been found by the courts to include hunting, gathering, grazing, or trapping (National Forest Service 1997). Although NWSTF Boardman lacks permanent surface waters and fish resources, the Columbia River is located about 2 miles (3.2 kilometers) north. Columbia River salmon are an important American Indian traditional resource, and the relationship between the people, the salmon, and the Columbia Basin is the foundation of the time-honored laws of the Yakama people (Yakama Nation Fisheries 2013).

#### **3.11.2.4 Government-to-Government Consultation**

In accordance with DoD policies and Navy instructions, the Navy conducts government-to-government consultation with federally-recognized American Indian Tribes when proposed actions have the potential to significantly affect tribal resources, tribal rights, or Indian lands. The Commander, U.S. Pacific Fleet invited the following federally-recognized American Indian Tribes to initiate government-to-government consultation in October 2010:

- The CTUIR
- The Confederated Tribes of the Warm Springs Reservation of Oregon
- The Confederated Tribes and Bands of the Yakama Nation
- The Nez Perce Tribe

The CTUIR, the Confederated Tribes of the Warm Springs of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe were invited to initiate government-to-government consultation for the Proposed Action because they represent descendants of the historic American Indian groups that occupied, hunted and gathered, or traveled through the area that is now NWSTF Boardman.

The Navy's government-to-government consultation with the CTUIR included correspondence, tribal briefings, staff-level consultation phone calls, emails, and meetings, which led to a formal government-to-government consultation between the CTUIR Board of Trustees and the Commanding Officer of Naval Air Station Whidbey Island on July 11, 2013. Coordination with the CTUIR will continue and address topics that are outside the scope of this EIS.

The Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe did not request government-to-government consultation based on the Navy's October 2010 invitation or subsequent communications.

### **3.11.2.5 Current Requirements and Management Practices**

The Navy manages the protection of American Indian traditional resources at NWSTF Boardman and conducts government-to-government consultation with the CTUIR, the Confederated Tribes of the Warm Springs of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe in accordance with the American Indian Religious Freedom Act, NAGPRA, and appropriate Navy Instructions. Plant and wildlife resources are managed in accordance with the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012).

## **3.11.3 ENVIRONMENTAL CONSEQUENCES**

### **3.11.3.1 No Action Alternative**

Under the No Action Alternative, existing military readiness activities would continue and no new range enhancements would be constructed. As discussed in Section 3.5 (Vegetation), ongoing activities that could impact traditional plant resources include target maintenance and non-explosive practice munitions impacting the ground surface within the Main Target Area, and fire break maintenance. The ethnobotanical study did not specifically survey the Main Target Area. Traditional plant resources are not expected to occur in the target maintenance areas or fire breaks because these areas are maintained to be free of vegetation by disking. The Main Target Area and fire breaks have been subjected to similar maintenance and disturbance regimes for years. Traditional plant resources outside the Main Target Area and fire breaks would not be affected. Therefore, the No Action Alternative would not result in additional impacts on traditional plant resources or loss of associated habitat. Vegetation, including traditional plant resources, would continue to be managed under the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012).

Wildlife, including species such as mule deer and elk that were traditionally hunted by American Indians, would continue to be exposed to noise under the No Action Alternative. The primary source of noise would be low-altitude, fixed-wing aircraft overflights. Noise may elicit physiological and behavioral responses in wildlife. Exposed individuals would be expected to recover quickly from these responses, and exposure would be intermittent and infrequent. The short-term responses are not expected to affect the fitness of individuals. Therefore, population-level effects would not occur from noise. Impacts to wildlife habitat would be the same as described for vegetation above, and no additional loss of habitat would occur under the No Action Alternative.

While invasive plants would continue to degrade habitat at NWSTF Boardman under the No Action Alternative, additional habitat loss or degradation is not expected. Ground-disturbing activities would be limited to fire break maintenance, target maintenance, and projectile impacts in previously disturbed areas within the Main Target Area. The potential for aircraft, non-explosive practice munitions, and vehicles to strike wildlife would continue to exist. If strikes were to occur, no population-level effects

would occur because only a small number of individuals would be affected. The effects of electromagnetic radiation and lasers on wildlife would be negligible or minor under the No Action Alternative. The combined effects of all stressors on wildlife are not expected to be appreciably different from the effects of individual stressors. A low probability of mortality exists from physical strikes, but the other stressors are not expected to affect the fitness of individuals. No measurable impacts on local wildlife populations are anticipated under the No Action Alternative.

Traditional fish resources do not occur on NWSTF Boardman and the No Action Alternative would have no effect on the Columbia River or its salmon stocks.

As discussed in Section 3.11.2.2 (Treaty Rights), access to NWSTF Boardman is limited to official business only for security and safety. As a result, tribal hunting and gathering do not currently take place on NWSTF Boardman and would not occur under the No Action Alternative. However, if in the future, the Navy should determine that hunting and/or gathering activities are appropriate uses on all or some portions of NWSTF Boardman, the Navy will work with the CTUIR to formalize an access plan for the facility, as stipulated in the Memorandum of Agreement executed by the Navy, the Oregon SHPO, CTUIR, and the ACHP (Appendix C).

Government-to-government consultation with American Indians would continue under the No Action Alternative in accordance with current federal law and Navy policy. Plant and wildlife resources would continue to be managed in accordance with the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012). The No Action Alternative would have no significant impact on American Indian traditional resources.

### **3.11.3.2 Alternative 1**

As discussed in Section 3.5 (Vegetation), ground disturbance associated with Alternative 1 that could impact traditional plant resources includes new construction and training activities. The total area of construction disturbance would be 92 ac. (37 ha or 0.2 percent of NWSTF Boardman), 13 ac. (5.3 ha) of which are previously disturbed. Approximately 79 ac. (32 ha) of previously undisturbed area would be affected, about 50 ac. (20 ha) would be permanently converted to development, and about 29 ac. (12 ha) would be temporarily disturbed and revegetated in accordance with the post-construction restoration plan (Appendix F). Disturbance associated with training-related activities conducted in the Main Target Area under Alternative 1 would be the same as the No Action Alternative. However, training activities on the proposed new ranges would result in increased ground disturbance. Vegetation around targets on the new ranges would be disturbed by non-explosive practice munitions striking the ground and during target maintenance. Training activities under Alternative 1 would result in permanent localized effects on vegetation in the form of lost vegetation communities.

The ethnobotanical study did not specifically address areas that would be affected by Alternative 1. The total area of disturbance for construction represents a small portion of NWSTF Boardman (92 ac. [37 ha] or 0.2 percent), and traditional plant resources outside the proposed range enhancements would not be affected. Loss of individual traditional plants and habitat could occur under Alternative 1, but plant populations would not be affected. Traditional plant resources would continue to persist at NWSTF Boardman and would continue to be managed under the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012).

As discussed in Section 3.6 (Wildlife), the proposed range enhancements and increased training activities under Alternative 1 could affect wildlife and traditional animal resources. Construction

activities would result in temporary disturbance and permanent loss of wildlife habitat. As discussed for traditional plant resources, the total area of disturbance for construction represents a small portion of NWSTF Boardman (92 ac. [37 ha] or 0.2 percent), and habitat outside the proposed range enhancements would not be affected by construction. Noise and human activity associated with construction and use of the new ranges would be expected to result in short-term behavioral responses in wildlife. Big game and upland game bird species would likely avoid the immediate area during construction and when the ranges are operational. However, population-level effects are not anticipated. Big game and upland game bird species would continue to persist at NWSTF Boardman and would continue to be managed under the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012).

As discussed for the No Action Alternative, traditional fish resources do not occur on NWSTF Boardman. Alternative 1 would have no effect on the Columbia River or its salmon stocks.

As discussed in Section 3.11.2.2 (Treaty Rights), access to NWSTF Boardman is limited to official business only for security and safety. Tribal hunting and gathering do not currently occur at NWSTF Boardman, and there would be no change under Alternative 1. However, if in the future, the Navy should determine that hunting and/or gathering activities are appropriate uses on all or some portions of NWSTF Boardman, the Navy will work with the CTUIR to formalize an access plan for the facility, as stipulated in the Memorandum of Agreement executed by the Navy, the Oregon SHPO, CTUIR, and the ACHP (Appendix C).

Government-to-government consultation with American Indians would continue under Alternative 1 in accordance with current federal law and Navy policy. Plant and wildlife resources would continue to be managed in accordance with the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012). Traditional plant and animal resources would be protected for future generations should the current safety and access situation change. Alternative 1 would have no significant impacts on American Indian traditional resources.

### **3.11.3.3 Alternative 2**

Under Alternative 2, a second Convoy Live Fire Range (western CLFR) would be constructed, and the Joint-Use Range Operations Support Center would be constructed as a standalone building. However, the Digital Multipurpose Training Range would not be constructed under Alternative 2. Therefore, the total area of disturbance for Alternative 2 would decrease 27 ac. (11 ha) compared to Alternative 1 (from 92 ac. [37 ha] to 65 ac. [26 ha]). The area permanently converted to development under Alternative 2 would decrease 25 ac. (10 ha) compared to Alternative 1 (from 50 ac. [20 ha] to 25 ac. [10 ha]). Construction of the western CLFR would include placement of additional gravel on about 12 ac. (4.9 ha) of existing gravel road, but previously undisturbed areas would not be affected. Therefore, potential impacts on American Indian traditional resources under Alternative 2 would be similar, but less than those described for Alternative 1. Traditional plant, big game, and upland game bird species would continue to persist at NWSTF Boardman under Alternative 2 and would continue to be managed under the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012). Alternative 2 would have no effect on the Columbia River or its salmon stocks.

As discussed in Section 3.11.2.2 (Treaty Rights), access to NWSTF Boardman is limited to official business only for security and safety. Tribal hunting and gathering do not currently occur at NWSTF Boardman, and there would be no change under Alternative 2. However, if in the future, the Navy should determine that hunting and/or gathering activities are appropriate uses on all or some portions of NWSTF

Boardman, the Navy will work with the CTUIR to formalize an access plan for the facility, as stipulated in the Memorandum of Agreement executed by the Navy, the Oregon SHPO, CTUIR, and the ACHP (Appendix C).

Government-to-government consultation with American Indians would continue under Alternative 2 in accordance with current federal law and Navy policy. Plant and wildlife resources would continue to be managed in accordance with the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012). Traditional plant and animal resources would be protected for future generations should the current safety and access situation change. Alternative 2 would have no significant impacts on American Indian traditional resources.

### **3.11.3.4 Proposed Management Practices, Monitoring, and Mitigation Measures**

#### **3.11.3.4.1 Proposed ~~Best~~ Management Practices**

The Navy would continue to manage the protection of American Indian traditional resources at NWSTF Boardman and conduct government-to-government consultation with the CTUIR, the Confederated Tribes of the Warm Springs of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe in accordance with the American Indian Religious Freedom Act, NAGPRA, and appropriate Navy Instructions. Plant and wildlife resources would continue to be managed in accordance with the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012).

#### **3.11.3.4.2 Proposed Monitoring**

Government-to-government consultation with CTUIR did not identify a need for additional monitoring of specific American Indian traditional plant and animal resources. Therefore, no additional monitoring is proposed for American Indian traditional resources under the No Action, Alternative 1, or Alternative 2.

#### **3.11.3.4.3 Proposed Mitigation Measures**

Government-to-government consultation with the CTUIR did not identify a need for mitigation measures effects to American Indian traditional plant and animal resources. Therefore, mitigation measures are not proposed for American Indian traditional resources under the No Action, Alternative 1, or Alternative 2.

#### **3.11.3.5 Summary of Effects and Conclusions**

The No Action Alternative, Alternative 1, and Alternative 2 would result in short- and long-term impacts on American Indian traditional plant and animal resources. However, the impacts would be minor and localized, and no population-level impacts are anticipated. Traditional plant, big game, and upland game bird species would continue to persist at NWSTF Boardman under each alternative and would continue to be managed under the *NWSTF Boardman INRMP* (U.S. Department of the Navy 2012). The alternatives would have no effect on the Columbia River or its salmon stocks. Tribal hunting and gathering does not currently take place at NWSTF Boardman, and this would not change under the No Action Alternative, Alternative 1, or Alternative 2. However, if in the future, the Navy should determine that hunting and/or gathering activities are appropriate uses on all or some portions of NWSTF Boardman, the Navy will work with the CTUIR to formalize an access plan for the facility, as stipulated in the Memorandum of Agreement executed by the Navy, the Oregon SHPO, CTUIR, and the ACHP (Appendix C). Traditional plant and animal resources would be protected for future generations should the current safety and access situation change. The No Action Alternative, Alternative 1, and Alternative 2 would have no significant impacts on American Indian traditional resources (Table 3.11-1).

**Table 3.11-1: Summary of Impacts on American Indian Traditional Resources, Naval Weapons Systems Training Facility Boardman, Oregon**

Alternative	Summary of Effects and National Environmental Policy Act Determination
<b>No Action Alternative</b>	<ul style="list-style-type: none"> <li>• Short- and long-term impacts on American Indian traditional plant and animal resources from ground disturbance and noise. However, the impacts would be minor and localized, and no population-level impacts are anticipated. Tribal hunting and gathering does not currently take place at NWSTF Boardman, and this would not change. The No Action Alternative would not result in significant impacts on American Indian traditional resources.</li> </ul>
<b>Alternative 1</b>	<ul style="list-style-type: none"> <li>• Short- and long-term impacts on American Indian traditional plant and animal resources from ground disturbance, habitat loss, and noise. However, the impacts would be minor and localized, and no population-level impacts are anticipated. Tribal hunting and gathering does not currently take place at NWSTF Boardman, and this would not change. Alternative 1 would not result in significant impacts on American Indian traditional resources.</li> </ul>
<b>Alternative 2</b>	<ul style="list-style-type: none"> <li>• Short- and long-term impacts on American Indian traditional plant and animal resources from ground disturbance, habitat loss, and noise. However, the impacts would be minor and localized, and no population-level impacts are anticipated. Impacts would be less than Alternative 1 because the Digital Multipurpose Training Range is not part of Alternative 2. Tribal hunting and gathering does not currently take place at NWSTF Boardman, and this would not change. Alternative 2 would not result in significant impacts on American Indian traditional resources.</li> </ul>