

**Committee on Natural Resources
US House of Representatives
1324 Longworth House Office Building
Washington D.C. 20515
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Written Testimony provided by Ted Howard
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Re: Oversight Hearing on the Impacts of Unmanaged Off-Road Vehicles on Federal Land.

My Name is Ted Howard and I am the cultural resources director and tribal member of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation of Idaho and Nevada. I am also a licensed pilot and I have monitored the public lands from the air and on the ground for several years.

Duck Valley is located in southern Idaho/northern Nevada, the state line dissects our reservation down the center exactly. Our reservation consists of 290,000 acres and it is the most remote Indian Reservation in the lower 48 States.

The people that make up the membership of our reservation, although they are all Shoshone and Paiute people, came from different areas. Some are from the Humboldt region of northern Nevada and others came from the Boise, Bruneau and the Wieser Valley areas in Idaho, and many have connections to southeastern Oregon.

The isolation has enabled our people to maintain our language and traditions. More so than tribal communities those are located adjacent to, or in urban areas. Our traditions provides for an intimate connection with our environment and the cultural and natural resources.

I would like to share a little about how we view our environment, our sacred sites and other resources.

The Owyhee Canyon lands and the Owyhee Desert are a part of the homelands of the Shoshone-Paiute people.

The Owyhee Desert includes southwestern Idaho, southeastern Oregon and northern Nevada, this area is sometimes referred to as the ION region. The Owyhee Desert consists of an estimated 10,000 square miles of undeveloped land in three states.

The Owyhee River is a part of the Columbia River drainage system and was once the spawning grounds for salmon before the dams in the Columbia and the Snake Rivers made their migration more difficult and the Hells Canyon Dam ultimately blocked their migration up the Snake River and its tributaries all together. There are many sites within our homelands that are sacred to our people. Tribal members use these sites to pray, to vision quest, or to conduct ceremonies. Many of these sites have been used for countless generations.

The Owyhee Canyon lands have always been an important area for our people. And that was the reason our people took refuge there when the Bannock War of 1878 broke out.

During that era there were many battles fought throughout the area, and as a result the canyon lands became even more special. There was an all out attempt to exterminate our people from the face of the earth. There were bounties on Indian scalps, \$100.00 for a man's scalp, \$50.00 for a woman and \$25.00 for a child. Many of our people fought died there and are buried there.

A belief in the sacredness of lands, when seen in the Indian context, is an integral part of the experiences of the people, past, present and future. Indians who have never visited certain sacred sites nevertheless know of these places from community knowledge, and they intuit this knowing to be an essential part of their being.

Every identifiable region has sacred places peculiar to its geography. Their sacredness does not depend on human occupancy but on stories that describe the revelation that enabled their people to experience the holiness there.

Sacred places are the foundation of all other beliefs and practices because they represent the presence of the sacred in our lives. They properly inform us that we are not larger than nature and that we have responsibilities to the rest of the natural world that transcend our own desires and wishes.

The Shoshone-Paiute people recognize that all things are interconnected. Everything on earth has a purpose and all of creation is equal. That includes humans, we too, are a part of creation, we are not above the rest of creation. The plants, animals, birds, trees, rocks, etc., have as much right on this earth as we do. Every part of creation have a duty that they provide to keep the earth and our environment healthy, and whole.

Agencies separate the resources into different categories, natural resources, botanical, cultural, etc. Tribes do not separate the resources. We view the environment as a whole. The well being of the earth and the environment is dependant on all of the resources, collectively.

The sun, the moon and all of these things we take for granted play an important part in keeping everything in harmony.

Water, is the essence of life. All life needs water to survive. Water is the life giving blood of Mother Earth, and we must do everything in our power to keep it clean for the coming generations and all life.

Plants are important for a variety of reasons. They are gathered for their roots, leaves or seeds, etc., according to the seasons. Some plants are important for food, others for their medicinal qualities. Plants can be used in a variety of ways such as making baskets, cordage for ropes or making traps, weapons, etc. Our ancestors braided moccasins and garments from sage bark. Some plants and roots are used for ceremonial purposes, for curing illnesses, for cleansing our physical body, our spirit and soul.

Animals are important; they provide meat for nourishment, the hides provide clothing, shoes, shelter, tools and weapons.

Our elders continually remind us that the animals were here long before we were. They possess more knowledge than we do. According to our legends, there was a time when animals could speak. They taught us which plants were edible and which plants to use for curing illnesses and how to use them, and how to take care for and respect the earth and the resources she provides. We are taught that we must always respect to those we share the earth with.

Before a harvest, ceremonies are conducted, and prayers are offered in the native tongue. Appropriate songs are used, and sometimes there are several songs that must be sung in a certain sequence.

Indian people never hunt for recreation. Hunting is always out of necessity. We never kill a deer for his antlers. In fact, many of the larger animals are spared so they may provide for a stronger gene pool. When an animal is harvested, it is never wasted regardless. We realize that a life was taken so that we may live, leaving it would be disrespectful. Our people use virtually every part of the animal, the meat, hide, bones, horns, etc.

On several occasions during monitoring, I have discovered antelope carcasses that were left to rot, just the heads were taken. And because of our connection to the lands and the resources it is very disturbing to the tribes to witness the destruction and the disrespect that is taking place on public lands. And a large percentage of that destruction is directly related to the use of OHVs.

Over the past thirteen years the Shoshone-Paiute Tribes have developed a working relationship with several federal agencies in the state of Idaho. We have monthly meetings through the Wings & Roots Consultation Process, and all proposals are brought before the tribes through this forum for govt-to-govt consultation, including ATV related issues.

The Idaho BLM has worked closely with our tribes in the protection and preservation of cultural and natural resources. In the Boise District there are three rangers (law enforcement) and there are 3 million acres in the District. The BLM and the Shoshone-Paiute Tribes developed a Cooperative Cost Share Agreement which provided funding for the monitoring of the Owyhee Canyon lands and the surrounding area by aerial surveillance and monitoring on the ground. Through this agreement the tribes were able to provide monitoring over the 3 million acres and report any suspicious activities to the BLM within a matter of hours. We have been informed that the funding for this partnership was discontinued, and will no longer be available for FY 2009. The Boise District has completed cultural surveys on an estimated 5% of the 3 million acres. So there are many sites that are not documented, and the vandals are aware that the area is rich in cultural resources.

We also have a good relationship with the BLM Twin Falls District. The Twin Falls District also has a lot of land under their jurisdiction and the western portion of their district is a part of the Owyhee Canyon lands. They too struggle with limited law enforcement, and too much area to cover, and an increasing number of people on the

public lands. The situation allows for illegal activities to occur and the destruction and looting of irreplaceable resources and the environment continually worsens.

The forest is getting a lot of pressure as well. Because of the difference in terrain the pressures are a little different. Because of the steeper terrain most of the traffic is focused more along ridges and in the flatter areas of the valleys, and along streams. These are also the areas where our ancestors camped. Many of the trails used by ATV's along ridges are old Indian trails, and that includes sites along the trail. These sites are being impacted by OHV traffic and vandals. The forest service is attempting to divert the traffic away from these areas but don't always have the room to accomplish that. The ATV users create crossings to ford creeks and this causes problems with sedimentation. This creates problems, especially during spawning season. Some of the streams are occupied by fish that are threatened or listed, such as Bull Trout and Salmon. The use of ATVs in the steeper terrain also results in erosion.

The Boise National Forest and the Payette National Forest have monthly meetings with the Shoshone-Paiute Tribes to discuss these issues. They are in the same situation as the BLM, with a lot of real estate and few people to effectively provide the protection for the land and the resources that they are obligated to oversee.

The Shoshone-Paiute Tribes have requested on many occasions, for the Sawtooth National Forest to consult with us. This has gone on for several years and so far they have chosen to ignore the requests from the tribes and violate their mandated obligation to consult with our tribes.

We also have struggled with the Oregon BLM. The BLM Vale District has also chosen not to consult with our tribes. The Owyhee Canyon extends into the Vale District and we have many sites throughout that area that are being impacted and the tribes are being left out.

The BLM Nevada, Elko and Winnemucca Districts have also chosen to ignore their mandated obligation to consult with us, although we have requested consultation on many occasions.

Through our monitoring on the ground and aerial surveillance we have witnessed an increase in human presence in the region over the last several decades.

The ATV Registrations in Idaho have increased drastically over the last 25 years. Here is some of the data that I was provided. They appear to have started keeping data in 1973 and it remained consistently low until the mid eighties.

- 1985 = 3,099
- 1990 = 8,883
- 1995 = 22,967
- 2000 = 51,042
- 2005 = 104,129

- 2006 = 117,567

During my aerial monitoring flights I have observed the trails created by ATV's and they have increased at an alarming rate over the past decade. These trails are very prominent from the air along the canyon rims, these trails are actually two track roads created by the ATVs that parallels the canyons for miles.

- A big percentage of these roads/trails were created by trappers and hunters with ATVs. Bob cat pelts bring anywhere from \$400.00 to \$500.00 per pelt. Some of these trappers can have several traps lines set. These trap lines consists of 100 – 200 or more, steel jawed traps, that are intended set to catch bob cats or whatever else that steps in it. Deer and antelope hunters also create trails while searching for game. When they get the game down, they use the ATV's to haul the game out. Getting to the downed game usually results in breaking new trails.
- During antelope (archery) season the construction of hunting blinds is popular. Hunters use ATVs to transport 4x8 sheets of plywood, 2x4s, logs and other material to construct the hunting blinds. Many of these blinds are placed at remote watering holes far from any roads, and some blinds are left in place so they can use them the following year.
- I have also witnessed hunters chasing antelope on their ATVs. In the desert environment there is no way for the antelope to get away. I watched one afternoon as the antelope were running and several minutes later they were going back in the other direction and back again. That's when I noticed why they were running; they were being chased by several ATVs. The "sportsmen" had placed themselves at strategic locations so they could head them off as they tried to get away. They eventually tire so these "sportsmen" could bag the animal of his choosing.
- Once trails are created, other people will begin using them for sight seeing, recreation, etc., and other trails begin to branch off into different trails and it goes on and on.
- And there are those that use these trails for illegal activities. As I pointed out earlier, there are archaeological sites throughout the area. Some artifacts are worth thousands of dollars on the black market. People that are involved in this illegal activity are always looking for sites to vandalize. The ATV provides a vehicle for looters to cover a lot of country in a short period of time very easily, and access areas that they could not have been able to without an ATV. The ATV makes it easy for them to haul their tools in and haul the artifacts out. Some of the stone mortars and other artifacts are heavy, but with the aid of an ATV, that's not a problem. They could easily make several trips.
- ATVs also contribute to the spread of noxious weeds by distributing seeds into areas where there were none.
- They can also be a fire hazard during extreme dry conditions, which is usually in the fall during hunting season.

I have brought this to attention of the agencies and they usually recite their regulations, and deny that anyone is doing those things. I remind them that regulations are useless without enforcement.

I have served on the Bureau of Land Management's (BLM) Resources Advisory Council (RAC) for 10 years, and I am always frustrated that recreation is held in such high regard. They seem to be under the impression that public lands are theirs to destroy. There needs to be more consideration for the natural inhabitants and the environment. If the trend in the increase of ATVs on forest and public lands continues at the pace that it has in the last several decades, just think of the destruction that they'll leave in their wake in the next 10 – 20 years if nothing is done.

There is an area known as the Owyhee Front along the Snake River (on public lands) in Owyhee County that is designated for ATVs. It consists of several hundred miles of trails across 135,000 acres of public land. This area is used for races and other events and by recreational users. So they have an area set aside specifically for ATV/OHV use.

I would like to make a recommendation that stronger measures be taken to protect the Federal lands and the resources. Most of the public lands are currently designated as "Open," and there are no restrictions on ATVs, and enforcement is nearly nonexistent.

I recommend that public lands be closed to ATV/OHV use until there is regulations developed to control this desecration and adequate law enforcement to ensure that OHV users will stay on the designated trails. Travel Management Plans must be developed and all unauthorized trails must be closed to OHV use and decommissioned. OHV registration fees should be increased for the rehabilitation on Federal lands.

Arrangements need to be made with the ranchers and others that use ATVs for fence repair and duties related to their line of work.

During hunting season the ATV's could be permitted, only for the duration of the hunting season to licensed hunters providing they stay on the designated trails.

Thank you for the opportunity to share some of our thoughts, experiences and suggestions with the Sub-Committee on Natural Resources. Thank you for the opportunity to share some of our teachings on the importance of our homelands to contemporary tribal members and the traditional importance of the resources. It is our hope that others will understand and embrace the love and respect we have for everything that we share the earth with.

It is our duty as contemporary caretakers of the earth, to preserve all we can so that the coming generations can have and enjoy all the earth has to offer, and it will be their time to do the same for their grandchildren.