



# YUROK TRIBE

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Office of Information and Regulatory Affairs  
725 17th Street, NW  
Washington, DC 20503

May 20, 2015

Attention: Desk Officer for the Department of the Interior; Madonna Baucum, NPS  
Information Collection Clearance Officer

Re: 1024-AD84: Information Collection Requirements for Proposed Rule for Gathering  
of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for  
Traditional Purposes

Aiy-ye-kwee':

The Yurok Tribe submits the following comments regarding the information collection requirements for the National Park Service (NPS) proposed rule on gathering and removal of plants or plant parts by federally recognized tribes for traditional purposes. The Yurok Tribe is the largest federally recognized Indian tribe in California with over 6,000 members. Our reservation includes 55,890 acres in Northern California straddling the mouth of the Klamath River and up the River forty-four miles in a one mile wide strip on each side of the River. Our reservation represents only a small portion of our ancestral territory, which extends west out to the Pacific Ocean coast and throughout what is now designated as the Redwood National and State Parks (RNSP). Our Tribe is the only federally recognized tribe that has a valid ancestral territory claim to RNSP lands. We submit these comments with the intention of ensuring the National Park Service demonstrates sufficient deference to the Yurok Tribe's ancestral territory claims, and minimizes the burden on us to validate such claims for federal government purposes.

The Yurok Tribe has always been a steward of its ancestral territory, and discussions with RNSP and the Yurok Tribe regarding co-management of the parks are ongoing. We anticipate that promulgation of this rule will be consistent with these efforts to recognize the equal interests and roles the federal government and the Tribe has in the protection of the lands that are now designated as RNSP lands.

Generally, the Yurok Tribe supports the NPS efforts to facilitate the traditional gathering of culturally significant plants and plant parts by federally recognized tribes. We also recognize the management obligations of the NPS to prevent the degradation of the Nation's National Parks. However, we feel the extent and type of information federally recognized tribes are required to provide in this proposed rule is overly burdensome and fails to adequately protect sensitive tribal information. As written, we do not believe this proposed rule meets the ICR certification requirements outlined in 5 C.F.R. § 1320.9(g) and 5 C.F.R. § 1320.8(b)(3). To that end, below is an explanation of our concerns and our suggested amendments to this proposed rule.

**Section 2.6(f)(7) Should Allow for Agreement Criteria to be Developed in a Case-by-Case Basis, and Incorporate Options for Internal Tribal Record Keeping and Permitting**

As written this proposed rule requires the Superintendent of parks to collect information from requesting tribes regarding who is authorized to gather, what will be gathered, how much will be gathered, when it will be gathered, how it will be gathered, where it will be gathered, etc. In addition NPS is the entity responsible for issuing permits to individuals after the extensive gathering information is collected from the Tribe. This proposed permitting system administered by NPS does not factor in how difficult it will be for tribal administrators to, not only collect this type of information, which is not readily available, but also to get tribal members to cooperate. In the alternative, the Yurok Tribe suggests that the rule be redesigned to provide tribes the opportunity to manage the permitting system internally, so that no information regarding who, what, where, how much, and when, needs to be collected by NPS. Rather, the Tribe will develop its own information collection and management system. In lieu of NPS issued permits, authorization to gather will be confirmed by NPS through possession of a tribal enrollment card.

We acknowledge that each Tribe request and the resources and willingness for co-management of an agreement will vary. Therefore we suggest that § 2.6(f) agreement criteria be eliminated, and replaced with a statement that "an agreement to gather and remove plants or plant parts must be implemented through a permitting system to be developed on a case-by-case basis through negotiation with the requesting tribe." This language would allow for NPS administered permits if necessary. The section could also include minimum requirements for the agreement, including the name of the tribe the basis for eligibility, and a description of the co-management system used to administer the permitting system.

**Proposed Section 2.6(f)(4) - (7) Constitute Unnecessary and Burdensome Information Collection**

The following comment is related to our suggestion above. These subsections of 2.6(f) require tribes to state specifically in their agreement with NPS the identity of members



authorized to gather, as well as type, size, quantity, times and locations of plants or plant parts that may be gathered. The Yurok Tribe is not willing to require its authorized gathering members to disclose to outside sources their personal information and the exact locations of gathering sites that are sacred or culturally significant. We do not have sufficient assurances from the federal government that the confidentiality of such information will be protected. Moreover, specific location and time information is not necessary for NPS to adequately monitor the tribe's gathering practices. An agreement acknowledging gathering rights for individuals with a valid enrollment card of the Tribe for which the agreement was authorized, along with assurances of internal tribal monitoring is more than sufficient.

The NPS must respect tribal ownership of this information. As a recent Department of Interior policy statement on the confidentiality of sacred sites has acknowledged, "When consulting with tribes to determine whether culturally sensitive locations may be affected by Federal actions, Federal agencies shall respect tribal desires to keep information about such locations confidential." Imposing a requirement to disclose information regarding gathering sites is contrary to the sentiments of the statement quoted above, and places an undue burden on the Tribe. Therefore the Yurok Tribe suggests these criteria be removed from the proposed rule to eliminate the risk of disclosure of this information by the NPS, and to facilitate tribal member participation in the NPS traditional gathering agreement process.

Thank you for the opportunity to provide comments on the proposed rule. Should you have any questions regarding our comments please feel free to contact me.

Wok-hlew',



Thomas O'Rourke  
Tribal Chairman  
Yurok Tribe

