



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Great Smoky Mountains National Park
107 Park Headquarters Road
Gatlinburg, Tennessee 37738



I.A.1

September 28, 2016

Patrick H. Lambert, Principal Chief
Eastern Band of Cherokee Indians
88 Council House Loop, PO Box 1927,
Cherokee, NC 28719

Dear Chief Lambert:

I am happy to acknowledge receipt of your September 12, 2016 letter requesting that the Eastern Band of Cherokee Indians enter into an agreement with Great Smoky Mountains National Park concerning collecting plants or plant parts from the park. Recently passed regulation has given me authority to enter into such an agreement and outline requirements for drafting and implementing the agreement. The new rule, titled Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes is currently found in the Federal Register (RIN 1024-AD84) and will be codified in 36 CFR 2.6.

The new rule sets a 90 day response time from your request to acknowledge receipt of your request and to initiate consultation. We are working together well ahead of the required timeline as our meeting on August 15, 2016 kicked off the consultation process. During that meeting we discussed requirements under the new rule and presented ideas to move forward towards entering into an agreement to allow collection of sochan (*Rudbeckia laciniata*) and ramps (*Allium tricoccum*), possibly starting with just sochan if more time is needed to collect data on the traditional method of harvesting ramps. We also acknowledged the need to prepare an Environmental Assessment (EA) analyzing the potential impacts of collection on park resources and values. The EA will look specifically at impacts from activities allowed under the agreement we will negotiate through consultation.

As spelled out in the gathering rule, the agreement will contain details about plant species, seasons, size and quantities, locations, harvest methods and protocols for monitoring the severity, duration, and timing of any impacts from the gathering activity. Therefore, I believe our next step needs to include agreeing on these details related to harvesting sochan and ramps. I propose this will best be accomplished by several small

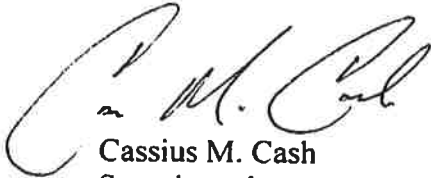
working groups focused on 1) administration/agreements, 2) managing the permitting process/enforcement, and 3) the biology/science/monitoring. Some individuals might end up on more than one group. Once the groups are organized and scheduled for meetings, we will need to get the EA process underway. A decision on how we will get the EA and Finding of No Significant Impact (FONSI) written will need to be agreed on fairly soon. The timeline for writing the EA can be lengthy, but I believe it can get started and proceed as the working groups are preparing the details. Perhaps the project leader for the EA could serve as the coordinator for the entire project.

Once a FONSI is signed by the NPS Southeast Regional Director, a permit can be issued under the new Gathering Rule to allow harvesting of sochan and ramps.

Thank you for naming Terri Henry, Secretary of State as your point of contact for this project. I am assigning Jeff Troutman (aka Thomas Troutman), Resource Management and Science Division Chief, as the NPS point of contact for the project. Jeff can be reached at 865-436-1245 or via e-mail at jeff_troutman@nps.gov. Jeff works at park headquarters near Gatlinburg.

I look forward to continuing our consultation as we work together towards a common goal of conserving natural and cultural resources as well as preserving traditions cherished by the Cherokee Tribe.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. M. Cash".

Cassius M. Cash
Superintendent