

1 of 2

November 1987

UPDATE INSTRUCTIONS
ENVIRONMENTAL GUIDANCE PROGRAM REFERENCE BOOK
AMERICAN INDIAN RELIGIOUS FREEDOM ACT

November 1987

Instructions for updating the American Indian Religious Freedom Act Reference Book with the November 1987 revised materials are as follows:

- o Remove all existing material in Sections 1-4 and replace with enclosed new material in a loose-leaf binder.

Any information regarding modifications in the distribution of this Reference Book, including additions, deletions, and address changes, should be conveyed to Timothy Harms by calling him (FTS: 896-6073) or by sending them to him at the following address:

Timothy Harms
U. S. Department of Energy
Office of Environmental Guidance
and Compliance
Washington, D. C. 20585

DISCLAIMER

This report was prepared as an account of work sponsored by an agency of the United States Government. Neither the United States Government nor any agency thereof, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the United States Government or any agency thereof. The views and opinions of authors expressed herein do not necessarily state or reflect those of the United States Government or any agency thereof.

MASTER

Date_____

CHANGES IN REFERENCE BOOK DISTRIBUTION

Please modify the distribution for the American Indian Religious Freedom Act Reference Book by (check one):

___ Adding:

___ Deleting:

___ Correcting the address as indicated:

___ Removing _____ and adding:

Name: _____

Address: _____

Phone: (Commercial) _____

(FTS) _____

Please send this form to:

Timothy C. Harms
U. S. Department of Energy
Office of Environmental Guidance
and Compliance
Washington, D. C. 20585

ENVIRONMENTAL GUIDANCE PROGRAM REFERENCE BOOK

American Indian Religious Freedom Act

Prepared for

ASSISTANT SECRETARY FOR ENVIRONMENT,
SAFETY AND HEALTH

OFFICE OF ENVIRONMENTAL GUIDANCE
AND COMPLIANCE

Prepared by the

ENVIRONMENTAL SCIENCES DIVISION
Oak Ridge National Laboratory
operated by
MARTIN MARIETTA ENERGY SYSTEMS, INC.
for the
U.S. DEPARTMENT OF ENERGY
under Contract No. DE-AC05-84OR21400

PREFACE

This Reference Book contains a copy of the American Indian Religious Freedom Act and guidance for DOE compliance with the statute. The document is provided to DOE and contractor staff for informational purposes only and should not be interpreted as legal guidance. Updates that include important new requirements will be provided periodically. Questions concerning this Reference Book may be directed to Timothy Harms, EH-231 (FTS: 896-6073).

TABLE OF CONTENTS

1. SUMMARY
2. HISTORY AND STATUTE
AIRFA
3. GUIDANCE FOR COMPLIANCE
DOE Summary Statement
NPS Native American Relationships Management Policy
4. UPDATES
The American Indian Religious Freedom Act:
Guidance for Compliance by Federal Agencies -
First Revision

SECTION 1. SUMMARY

The American Indian Religious Freedom Act (AIRFA) clarifies U.S. policy pertaining to the protection of American Indian religious freedom. In so doing, the Act encourages federal protection of sites considered sacred to Native Americans. Although religious freedom is guaranteed by the First Amendment to the United States Constitution, numerous infringements upon this guarantee with regard to Native American religious practices resulted in congressional action to reaffirm Indian rights.

The American Religious Freedom Act is primarily a policy statement. Approximately half of the brief statute is devoted to congressional findings. Following the congressional findings, the Act makes a general policy statement regarding American Indian religious freedom. The final section of the Act requires the President to order agencies to review their policies and procedures in consultation with traditional native religious leaders.

SECTION 2. HISTORY AND STATUTE

Although freedom of religion is a right guaranteed to all Americans by the First Amendment to the United States Constitution, the special nature of Indian religions has frequently resulted in conflicts between federal law and policy and Indian religious freedom. Some federal laws, such as those protecting wilderness areas or endangered species, have inadvertently given rise to problems such as denial of access to sacred sites or prohibitions on possession of animal-derived sacred objects by Native Americans.

The American Indian Religious Freedom Act of 1978 (AIRFA) was, therefore, passed to acknowledge prior infringement on the right of freedom of religion for Native Americans and to state in a clear, comprehensive, and consistent fashion the federal policy that laws passed for other purposes were not meant to restrict the rights of Native Americans. The Act established a policy of protecting and preserving the inherent right of individual Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians) to believe, express, and exercise their traditional religions.

The American Indian Religious Freedom Act is primarily a policy statement. Approximately half of the brief statute is devoted to congressional findings. Those findings include the following statements pertaining to the past U.S. government agency actions:

- o The lack of a clear, comprehensive, and consistent federal policy has often resulted in the abridgement of religious freedom for American Indians practicing their traditional religions.

- o Such religious infringements resulted from the lack of knowledge or the insensitive and inflexible enforcement of federal policies and regulations associated with a variety of laws.
- o Laws and policies often deny Native Americans access to sacred sites.

Following the congressional findings, the Act makes a general policy statement regarding American Indian Religious Freedom:

"...henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." (42 USC 1966)

The final section of the Act requires the President to order agencies to review their policies and procedures in consultation with traditional native religious leaders. The statute required the President to report to the Congress on the results of this review within one year of passage of the Act.

THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT

(Public Law 95-341; August 11, 1978)

Whereas the freedom of religion for all people is an inherent right, fundamental to the democratic structure of the United States and is guaranteed by the First Amendment of the United States Constitution;

Whereas the United States has traditionally rejected the concept of a government denying individuals the right to practice their religion and, as a result, has benefitted from a rich variety of religious heritages in this country;

Whereas the religious practices of the American Indian (as well as Native Alaskan and Hawaiian) are an integral part of their culture, tradition and heritage, such practices forming the basis of Indian identity and value systems;

Whereas the traditional American Indian religions, as an integral part of Indian life, are indispensable and irreplaceable;

Whereas the lack of a clear, comprehensive, and consistent federal policy has often resulted in the abridgement of religious freedom for traditional American Indians;

Whereas such religious infringements result from the lack of knowledge or the insensitive and inflexible enforcement of federal policies and regulations premised on a variety of laws;

Whereas such laws were designed for such worthwhile purposes as conservation and preservation of natural species and resources but were never intended to relate to Indian religious practices and, therefore, were

passed without consideration of their effect on traditional American Indian religions;

Whereas such laws and policies often deny American Indians access to sacred sites required in their religions, including cemeteries;

Whereas such laws at times prohibit the use and possession of sacred objects necessary to the exercise of religious rites and ceremonies;

Whereas traditional American Indian ceremonies have been intruded upon, interfered with, and in a few instances banned; Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Section 2. The President shall direct the various federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after approval of this resolution, the

President shall report back to the Congress the results¹ of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

¹The results are found in the American Indian Religious Freedom Act Report (Department of the Interior. 1979. American Indian Religious Freedom Act Report. Federal Agencies Task Force. U.S. Government Printing Office, Washington, D.C.).

SECTION 3. GUIDANCE FOR COMPLIANCE

There are no specific regulations implementing the American Indian Religious Freedom Act. The only general document that describes methods for fulfilling its stated policy of protecting and preserving Native American religious rights and practices is the report prepared by the Secretary of the Interior and presented by the President to Congress in 1979 (DOI 1979). Section II.C.2 of that document, which described DOE's policy, is included in this section. There is an Indian Affairs Unit (also called the Indian Desk) within DOE's Office of Intergovernmental Affairs. This unit serves as the principal contact for tribal governments with DOE and as the departmental resource on relations with tribal governments. This unit can be of assistance to DOE project managers in determining the effect of DOE activities on Native Americans since it maintains active, ongoing contact with the major Native American organizations.

In addition to the step-by-step procedures presented in DOE's policy statement, a document describing federal agency compliance with the Act has been prepared (Sharples and Salk 1988) (see Section 4.). The publication provides guidance for implementing the policy established by the Act and includes specific information on:

- (1) understanding the rights and concerns of Native Americans, particularly with regard to federal energy projects;
- (2) accomplishing successful consultation with Native Americans under AIRFA; and
- (3) integrating AIRFA implementation with the requirements of other

environmental laws and regulations, particularly the National Environmental Policy Act of 1969 (NEPA).

While no federal agencies have promulgated regulations for compliance with the AIRFA, the Departments of Interior, Agriculture, and Defense and the Tennessee Valley Authority have promulgated uniform regulations (43 CFR 7) under the authority of the Archeological Resources Protection Act of 1979 which protect articles of religious importance to Native Americans. These regulations are included in the Environmental Compliance Program Reference Book on Historic Preservation Requirements.

The National Park Service (NPS) has prepared a Native American Relationships Management Policy. This policy was published in the Federal Register on September 22, 1987 (52 FR 35674) and is included in this section.

Within the Department of Agriculture, the Forest Service is considering preparing a similar policy statement. Publication for public comment will not be before mid-1988.

References

- Department of the Interior (DOI). 1979. American Indian Religious Freedom Act Report. Federal Agencies Task Force. U.S. Government Printing Office, Washington, D.C.
- Sharples, Frances E., and Martha S. Salk. 1988. The American Indian Religious Freedom Act: Guidance for compliance by federal agencies. First Revision. ORNL-6166/R1. Oak Ridge National Laboratory, Oak Ridge, TN 37831. 88 pp. (available from National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161).

DEPARTMENT OF ENERGY SUMMARY STATEMENT TO THE INTER-AGENCY
TASK FORCE ON INDIAN RELIGIOUS FREEDOM²

For purposes of the Inter-Agency Task Force on Indian Religious Freedom, the Department of Energy (DOE) has identified the protection of sacred sites as a potential problem area during the evaluation of procedures required in the American Indian Religious Freedom Act. To avoid in a systematic manner future religious infringements, the DOE is considering as a possible approach the following process, either as a regulation or as an internal issuance.

The DOE is interested in seeing that the free exercise of religion is protected efficiently without setting up an unnecessarily cumbersome mechanism. Therefore, it seems likely that the process will be integrated into the environmental review process which is already established, perhaps as part of the Environmental Impact Statement. The process would likely apply to both substantial involvement by DOE or direct authority for DOE's proposed activity which affects any specific site for which an environmental review is required.

Before the DOE would proceed with its proposed activity, an investigation would be made to ascertain if the site at issue is related to the religious rites or ceremonies or is a sacred site of any traditional religion which is currently being practiced by any American Indian, Eskimo, Aleut or Native Hawaiian.

If the investigation finds indications that the site is currently a subject of religious practices, then the Native traditional religious leaders

²Source: Department of the Interior (DOI). 1979. American Indian Religious Freedom Act Report. Federal Agency Task Force. U.S. Government Printing Office, Washington, D.C., pp. 27-28.

shall be consulted, in order to determine whether the DOE proposed action would infringe on the free exercise of religion in any way and to gain an understanding of any impact on the Native American traditional religions. We foresee that the most difficult issue for the DOE will be whether its proposed alteration of a site would deny access to a sacred site or otherwise infringe on the free exercise of religion.

If consultation indicates that the proposed DOE action may infringe on the free exercise of religion, then alternate plans will be prepared with additional consultation with the Native traditional religious leaders. Alternate plans which do not infringe on the free exercise of religion will be examined to determine whether they adequately meet the goals of the DOE for the site.

The DOE will make all deliberate effort to adopt a course of action consistent with the policy enunciated in P.L. 95-341. We are very aware of the rulings of the United States Supreme Court that the federal government may not abridge the free exercise of religion unless there is a compelling governmental interest at stake.

If no alternative is feasible and DOE finds upon consultation that its proposed action would deny the free exercise of religion, then the difficult question must be asked: How crucial is the project? To safeguard against the answer being made by the program people most intimately involved in the project, the finding will be made within the environmental review, as previously noted. Within the DOE the Assistant Secretary for Environment is structurally separate from the major program offices.

If the DOE's proposed action is deemed to be compelling, and must proceed, then the findings and justification would be reviewed by the IR

Secretariat, which includes the Indian Affairs Office. Then the findings and justifications, accompanied by the Inter-governmental and Institutional Relations report, will be forwarded to the Secretary for written approval before a final action is taken. Upon the Secretary's final approval, notice will be given. The findings and justification will be published and communicated to the native traditional religious leaders or other concerned parties.

DEPARTMENT OF THE INTERIOR

National Park Service

Native American Relationships Management Policy

- I. Introduction
 - A. Philosophy
 - B. Legislation
 - C. Application
- II. Explanation of Terms
- III. Native American Traditional Activities
 - A. Practice of Native American Religion
 - B. Access and Use
 - 1. Access
 - 2. Use
 - C. Taking of Natural Resources
 - 1. Plants, Fish and Wildlife
 - 2. Other Natural Resources
 - D. Traditional Sacred Resources
 - 1. Identification and Protection
 - 2. Burial and Cemetery Sites
- IV. Planning, Resources Management, and Operation
 - A. Native American Involvement and Consultation
- V. Research and Interpretation
 - A. Archeological and Ethnographic Studies
 - B. Museum Collections
 - C. Interpretation

The National Park Service, to the extent consistent with each park's legislated purpose, shall develop and execute its programs in a manner that reflects knowledge of and respect for the cultures, including religious and subsistence traditions, of native American tribes or groups with demonstrable ancestral ties to particular resources in or within the National Park system. Such ties shall be established through evidence from systematic archeological or ethnographic studies, including ethnographic oral history and ethnohistory studies, or a combination of these sources.

I. Introduction

A. Philosophy

In many units of the National Park System (System), the National Park Service (Service) is specifically charged with the mission to preserve and interpret the cultural heritage of Native American tribes or groups. In addition, many units contain natural resources as well as features of the built environment, objects and structures that are associated with traditional sacred, subsistence or other cultural practices of contemporary Native American peoples, and necessary for their cultural continuity. Service plans, programs and activities all have the potential to affect such places and resources, and the cultural activities associated with them. Implementation of this policy is meant to ensure that (1) the Service's general regulations on access to and use of park natural and cultural resources are applied in an informed and balanced manner that does not unreasonably interfere with Native American use of traditional areas or sacred resources nor result in degradation of unit resources, (2) Service managers establish and maintain effective consulting relationships with potentially affected Native American tribes and groups, and (3) management decisions will consider the concerns of potentially affected Native American tribes or groups.

B. Legislation

Numerous laws, Executive Orders, treaties, and cooperative agreements provide for assistance, give rights of use to resources administered by the Service or define relationships between the Service and Native Americans. In addition to the National Park Service Organic Act of 1916, and park-specific enabling legislation, the following are some of the principal documents that will affect the implementation of this policy:

- Antiquities Act of 1906 (Pub. L. 209) as amended.
- Historic Sites Act of 1935 (Pub. L. 74-292).
- National Historic Preservation Act of 1966 (Pub. L. 89-665, as amended by Pub. L. 91-423, Pub. L. 94-422, Pub. L. 94-458 and Pub. L. 96-515).
- National Environmental Policy Act of 1969 (Pub. L. 91-190).
- Endangered Species Act of 1973 (Pub. L. 93-205, as amended by Pub. L. 94-325, Pub. L. 94-359).
- The American Indian Religious Freedom Act of 1978 (Pub. L. 95-341).
- The Archaeological Resources Protection Act of 1979 (Pub. L. 96-95).
- Alaska National Interest Lands Conservation Act of 1980 (Pub. L. 96-487).
- Museum Properties Management Act of 1955 (Pub. L. 84-127).

E.O. 11593 Protection and Enhancement of the Cultural Environment (1971).

36 CFR Chapter 1, National Park Service, Department of the Interior.

40 CFR Parts 1500 through 1517 Council on Environmental Quality.

43 CFR Part 7 Archaeological Resources Protection Act of 1979: Final Uniform Regulations.

National Park Service *Management Policies*, 1978.

NPS-28, National Park Service *Cultural Resources Management Guideline*. Release No. 3, August 1985.

National Park Service *Museum Handbook*.

C. Application

This policy applies only to those groups specified in Section II.

II. Explanation of Terms

For purposes of this policy, the term "Native American" applies to American Indians, including Carib and Arawak; Eskimo; and Aleut; Native Americans of the Pacific Islands, including Native Hawaiians, Native Samoans, Chamorros and Carolinians.

"Tribe or Group" applies to any Nation, tribe, band or group of Native Americans recognized in statute or treaty by Federal or State governments; or any group of Native Americans not recognized in statute or treaty by Federal or State governments but identified by themselves and known by others as members of a named cultural unit that historically has shared linguistic, cultural, social (kinship) and related characteristics that distinguish it ethnically from other Native American groups. "Tribe or group" does not apply here to Native Americans of diverse cultural backgrounds (pan-tribal organizations) who voluntarily associate together for some purpose or purposes.

"Sacred Resources" applies to traditional sites, places or objects that Native American tribes or groups, or their members, perceive as having religious significance.

"Traditional" applies to beliefs and behaviors that have been transmitted across generations, and are identified by their Native American practitioners to be necessary for the perpetuation of their cultures. Characteristically, cultural practices are so interrelated that religious activities are not totally separable from subsistence, family life or other feature. Traditional also applies to the sites, objects, or places intimately associated with those beliefs or behaviors.

"Ethnographic resource" refers to park resources with traditional subsistence, sacred ceremonial or religious, or other cultural meaning for contemporary Native Americans.

"Historic" refers to prehistoric, ancestral, or traditional relationships, practices, or cultural resources that demonstrate cultural significance or persistence over time, as evidenced by archeological and ethnographic studies, including oral histories and ethnohistories.

III. Native American Traditional Activities

A. Practice of Native American Religion

Public Law 95-341, the American Indian Religious Freedom Act, enacted on August 11, 1978, states that "henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." This statute does not create additional rights or change existing authorities. It has, however, led Federal agencies to develop policies that managers become informed about Native American religious culture, consult Native Americans about religious effects of proposed actions, and avoid unnecessary interference with traditional religious practices that Federal undertakings might affect. Agency decision-making regarding Native American access to and use of traditional sacred resources for customary ceremonials should reflect the least restrictive regulatory means available.

The non-drug use of peyote for ceremonial purposes is limited to members of the Native American Church during religious ceremonies. The following holds in accord with regulations of the Department of Justice, Drug Enforcement Administration: 21 CFR 1307.31, Special Exempt Persons: Native American Church:

The listing of peyote as a controlled substance in Schedule 1 does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the Native American Church so using peyote are exempt from registration. Any person who manufactures peyote for or distributes peyote to the Native American Church, however, is required to obtain registration annually and to comply with all other requirements of the law.

B. Access and Use

1. Access

The Superintendent shall provide reasonable access to Native Americans for pursuit of religious activities in National Park Service areas to the

extent permitted by provisions of NPS *Management Policies* on Religious Activities VII-18 and Public Assembly VII-21 to 23. When appropriate, a permit may be required in accord with 36 CFR 2.50 "Special Events" or 2.51 "Public Assemblies, Meetings."

Native Americans may obtain a waiver of fees from the Superintendent when making a non-recreational visit to a unit of the National Park System for religious or other traditional purpose²

2. Use

Members of Native American tribes or groups shall be permitted to perform traditional religious or other customary activities at places within park areas which have been used historically for such purposes, in accordance with the principles stated in section A and B.1 above and the limitations noted in section C. Native Americans may enter and camp overnight for the duration of religious ceremonies without entrance and camping fees.

Use of non-historical or non-traditional locations, and activities that physically impact park resources, shall be subject to regulations in 36 CFR Part 1, General Provisions, and 36 CFR Part 2, Resource Protection, Public Use and Recreation. Superintendents may require a permit in accord with 36 CFR 2.50 or 2.51. Performance of a traditional ceremony or the conduct of a religious activity at a particular place shall not form the basis for prohibiting others from using such areas.

Native Americans seeking to use park areas under this section should consult with the park Superintendent about the proposed activity, orally or in writing. The denial of permission to carry out the activity or the imposition of any condition thereon may be appealed by the applicant to the Regional Director.

C. Taking of Natural Resources

1. Plants, Fish and Wildlife

The taking of fish and wildlife, by Native Americans, for the pursuit of traditional subsistence or religious activities is permitted when authorized by law or existing treaty rights, or in accord with 36 CFR 2.1 to 2.3 and National Park Service *Management Policies*, IV-3 to IV-11.

Disposal of surplus wildlife and carcasses shall continue as outlined in NPS *Management Policies* IV-10, with preference given to Native American groups.

Gathering of plants that are controlled substances is permitted when in accord with the exemption noted in 21 CFR

1307.31 regarding peyote for use by the Native American Church.

2. Other Natural Resources

In accord with 36 CFR 2.1(c)(1) the Superintendent may designate certain fruits, berries, nuts or unoccupied seashells that can be gathered by hand for personal use or consumption upon a written determination that the gathering or consumption will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. The collection of minerals and rocks is permitted when authorized by law or treaty rights, or in accord with NPS regulation.

D. Traditional Sacred Resources

1. Identification and Protection

The Service shall establish and maintain consultative relationships with Native American groups who have historical ties to specific park lands, to discuss their concerns about protection for and access to sacred resources, including sites, places, or objects under Service stewardship. To the extent consistent with legislation and Service capabilities, the Service will provide for the protection of sacred resources in a manner consistent with the goals of the associated Native American group.

Under the provisions of the Archaeological Resources Protection Act of 1979, and the 1966 National Historic Preservation Act, as amended, information on the location and character of qualified sites is excepted from public disclosure under the Freedom of Information Act. Undertakings affecting properties that are on or eligible for inclusion on the National Register of Historic Places shall comply with current procedures of the Advisory Council on Historic Preservation.

2. Burial and Cemetery Sites

Historic or prehistoric Native American Burial areas whether or not formally plotted and enclosed as cemeteries shall be located, identified and appropriately protected to the extent practicable. Burial areas generally shall not be disturbed, destroyed, or archeologically investigated unless there are no feasible and prudent alternatives, consistent with the Guidelines for the Disposition of Human Remains, NPS-28, Technical Supplement, Chapter 7.

The Service will consult appropriate Native American individuals and groups concerning the proper treatment and disposition of human remains historically or prehistorically associated

with such individuals or groups, when such remains may be disturbed or encountered as a result of activities carried out on National Park System lands. The Service shall make every reasonable effort to consult individuals presently linked to the disturbed sites by ties of kinship or culture when ethnically identifiable remains are encountered. The objective of consultation will be to acquire data needed for informed decisions concerning the treatment and/or disposition of the remains.

In reaching its decision, the Service will consider the preferences of Native American consultants and any existing formal burial policy established by the tribe to the maximum extent feasible under current law. Park managers shall also acquire the recommendations of Service archeologists as well as applied anthropologists or ethnographers and, if circumstances require it, representatives from the State Historic Preservation Office and the Advisory Council on Historic Preservation.

Management decisions shall give full consideration to the following range of principal decision alternatives:

- Redesign of project to avoid disturbance of interment;
- Removal of remains and reburial without recordation and study;
- Removal of remains and reburial with limited recordation and study;
- Removal of remains and reburial with full recordation and study;
- Removal of remains, full recordation and study, and retention of remains as part of the Service museum collection.

IV. Planning, Resources, Management, and Operation

A. Native American Involvement and Consultation

The Service shall implement a consultation program conforming to NPS-28, "Cultural Resources Management Guidelines" Technical Supplement, Chapter 7, (Ethnographic Program) August 1985. The program shall promote and provide for regular active consultation with Native American groups in planning, management, and operations decisions that affect the subsistence and sacred materials or places, or other ethnographic resources with which the group is historically associated.

Superintendents shall maintain a current roster of potential consultants from the associated groups, and meet with individuals on the list as well as with other members of the tribe or group as the need arises. Consultation shall occur at the earliest practicable time, as soon as a need is defined or an action is

foreseeable, and continue through all phases of decision-making. The Service shall seek the broadest feasible range of views from members of the involved group, while recognizing that it must also respect the views of the group's tribal chair or other formal leaders. The Service shall become informed about the diverse views held by people who differ in age, sex, and technical and religious expertise and consider these in formulating alternative actions or reaching decisions affecting their traditional interests in resources or programs within the park.

While the NPS shall seek the broadest feasible spectrum of views, it will negotiate legal issues with individuals selected or approved by the group or tribe, and empowered to speak or act on its behalf, when matters concern the larger group. Individual concerns will be considered on a case by case basis.

Documentation of the decision-making process and the final decision, whether or not carried out under the National Environmental Policy Act (NEPA), shall be made available to the consulting group by the Superintendent or Regional Director. Although final decisions in all cases shall consider the results of consultations, the authority and the responsibility for the decision rests with the Service.

V. Research and Interpretation

A. Archeological and Ethnographic Studies

In some instances differences may arise between the NPS and Native Americans over the National Park Service's need to know and understand current and past lifeways and the Native Americans' need to protect from desecration and public knowledge their religious or other cultural values and practices. This is further complicated by the fact that some information acquired by the National Park Service is used in public programs that interpret cultural and national resources. Studies in archeology, ethnography, history, or other discipline carried out or sponsored by the National Park Service shall reflect sensitivity to the privacy of community consultants regarding their practices, beliefs, and identities, and follow the relevant procedures noted in NPS-28, *Cultural Resources Management Guideline* August 1985.

B. Museum Collections

In acquiring, maintaining, using and disposing of museum collections associated with a particular Native American tribe or group, the Service will

carry out consultations in accordance with section IV, A, above.

The Service shall acquire only collections having a legal and ethical pedigree in accord with existing laws, *Service Management Policies*, and implementing guidelines and standards. Objects from museum collections may be loaned, exchanged or disposed of in accordance with the Museum Properties Management Act, 43 CFR 7.13, other applicable laws, and the *NPS Museum Handbook*.

The Service shall repatriate artifacts and specimens only when otherwise lawful and it can be shown by a Native American tribe or group that the material is their inalienable communal property. Requests for repatriations must be made by the representatives selected by the tribe or group, and empowered to act on its behalf. Requests and conditions of repatriation

shall be considered by the Service only on a case by case basis.

Interested persons shall be able to inspect or study Service artifacts, specimens and museum records consistent with standards for the use and preservation of collections.

C. Interpretation

The Service shall actively seek Native American consultation in the planning, development, and operation of park interpretive programs that relate to the culture and history of the particular tribe or group, shall develop cooperative programs with tribes and groups to assist the Service in the interpretation of their cultural heritage in parks, and shall provide for presentation of Native American perspectives of their own lifeways and resources, both cultural and natural. Ethnographic or cultural anthropological data and concepts will also be used as appropriate.

To avoid ethnocentrism, the Service will present factual, balanced and, to the extent achievable, value-neutral presentations of both Native American and non-Native American cultures, heritage and history.

The Service shall not display disinterred skeletal or mummified human remains or grave goods and other objects that Native Americans, culturally associated with them, regard as traditionally sacred. Consultation with associated Native Americans will precede the display of any object, the sacred nature of which is suspected, but not confirmed, to determine its religious status before selecting an appropriate course of action.

Denis P. Galvin,

Acting Director.

[FR Doc. 87-21810 Filed 9-21-87; 8:45 am]

BILLING CODE 4310-10-M

SECTION 4. UPDATES

The update section of the Environmental Compliance reference books generally includes proposed changes to the statute or regulation program. In addition, policy statements, interagency agreements, and other supplementary material are provided when pertinent.

There are currently no proposed changes pertaining to AIRFA. Included in this section is a document describing federal agency compliance with AIRFA.

ENVIRONMENTAL SCIENCES DIVISION

THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT:
GUIDANCE FOR COMPLIANCE BY FEDERAL AGENCIES
FIRST REVISION

Frances E. Sharples and Martha S. Salk
Environmental Sciences Division

Publication No. 2101

Date Published - April 1988

OAK RIDGE NATIONAL LABORATORY
Oak Ridge, Tennessee 37831
operated by
MARTIN MARIETTA ENERGY SYSTEMS, INC.
for the
U. S. DEPARTMENT OF ENERGY
Contract No. DE-AC05-84OR21400

TABLE OF CONTENTS

	PAGE
ACKNOWLEDGMENTS	v
ABSTRACT	vii
GLOSSARY OF ACRONYMS	ix
1. INTRODUCTION	1
2. BACKGROUND	3
2.1 DEFINITION OF "NATIVE AMERICAN" FOR AIRFA	4
2.2 THE NATURE OF NATIVE AMERICAN RELIGIONS	5
2.3 RELATIONSHIP BETWEEN NATIVE AMERICANS AND THE FEDERAL GOVERNMENT	8
2.3.1 Indian Sovereignty and the Trust Relationship . .	8
2.3.2 Unacknowledged Native American Groups	10
2.3.3 Native American Self-Determination	11
2.4 RELATIONSHIP OF AIRFA TO THE FIRST AMENDMENT	13
3. FEDERAL ACTIVITIES AND NATIVE AMERICANS	18
3.1 ENERGY AND RESOURCE DEVELOPMENT	18
3.1.1 Energy Resources Held by or Affecting Native Americans	18
3.1.2 Concerns of Native Americans in Regard to Resource Development	20
3.2 RECOMMENDED PROCEDURES FOR DETERMINING AND ADDRESSING NATIVE AMERICAN RELIGIOUS CONCERNS	25
3.2.1 Implementing AIRFA	25
3.2.2 Relation Of AIRFA to NEPA Planning	27
3.2.3 Role of Tribal Governments	33

3.2.4	Native American Interest Organizations	35
3.2.5	Federal Agencies with Responsibility for Native American Interests	38
4.	CONCLUSION	39
5.	LITERATURE CITED	41
APPENDICES		
I	The American Indian Religious Freedom Act	47
II	Text of a letter from Chief Sealth to President Franklin Pierce	48
III	DOE's submission to the Interagency Task Force on Indian Religious Freedom, March 30, 1979	50
IV	Indian entities of the United States, arranged by state.	51
V	Area Offices of the Bureau of Indian Affairs	77

ACKNOWLEDGMENTS

During our preparation of this document, personnel of the Bureau of Indian Affairs, the Administration for Native Americans, the Native American Rights Fund, the Council of Energy Resource Tribes, and the Indian Affairs Unit of the Department of Energy provided helpful information on Native American culture and policy. Larry Voorhees of the ORNL Environmental Sciences Division and Harry Arnold of the ORNL Energy Division provided substantive comment on the drafts. Robert M. Reed served as project manager. Publication No. 2102, Environmental Sciences Division, Oak Ridge National Laboratory, Oak Ridge, TN 37831.

ABSTRACT

The American Indian Religious Freedom Act of 1978 (AIRFA) requires federal agencies to ensure that none of their actions interfere with the inherent right of individual Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians) to believe, express, and exercise their traditional religions. These rights include access to religious sites, use and possession of sacred objects, and the freedom to worship through traditional ceremonies and rites. Since regulations have not been developed to implement the law, many federal agencies have integrated consultation under AIRFA with the existing environmental assessment process required for compliance with the National Environmental Policy Act of 1969 (NEPA).

Background information on Native American religions, the relationship of AIRFA to the First Amendment, and resources belonging to Native Americans is provided in this document to assist project managers in understanding the concerns of Native Americans with regard to federal developments.

Since many native religious leaders are unwilling to discuss their religion with outsiders, consultation through intermediaries, such as tribal political leaders and/or private Indian organizations, may often be needed to ensure that appropriate input is received from the religious leaders. It is this consultation with the traditional religious leaders, either directly or through surrogates, that is the ultimate objective in complying with AIRFA. When a federal agency finds, upon consultation, that its proposed action would deny the free exercise of religion and yet determines that there is a compelling need for the action, the decision to proceed may be made, but appropriate mitigation measures to reduce religious interference to the lowest possible level must be included.

GLOSSARY OF ACRONYMS

AIO - Americans for Indian Opportunity
AIRFA - American Indian Religious Freedom Act of 1978
ANA - Administration for Native Americans
BIA - Bureau of Indian Affairs
CERT - Council of Energy Resource Tribes
DOE - Department of Energy
DOI - Department of the Interior
EA - Environmental Assessment
EIS - Environmental Impact Statement
EPA - U.S. Environmental Protection Agency
FONSI - Finding of No Significant Impact
HHS - Department of Health and Human Services
IR - Office of Intergovernmental Affairs
NARF - Native American Rights Fund
NEPA - National Environmental Policy Act of 1969
PSD - Prevention of Significant Deterioration

INTRODUCTION

The First Amendment to the United States Constitution guarantees the inherent right of all Americans to freedom of religion. However, since the religious practices of Native Americans are significantly different from those of the majority of Americans, their religious freedom has often been restricted. As stated in the preamble to the American Indian Religious Freedom Act of 1978 (AIRFA) (Pub. L. 95-341) (Appendix I), such religious infringements have resulted both from a lack of knowledge of the religions of Native Americans and from insensitive and inflexible enforcement of federal policies and regulations resulting from a variety of laws. These laws, designed for worthwhile purposes such as conservation and preservation of natural species and resources, were passed without any consideration of how they would affect Native American religious practices. The American Indian Religious Freedom Act of 1978 (AIRFA) was, therefore, passed to acknowledge prior infringement on the right of freedom of religion for Native Americans and to state in a clear, comprehensive, and consistent fashion the federal policy that laws passed for other purposes were not meant to restrict the rights of Native Americans. The act establishes a policy of protecting and preserving the inherent right of individual Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians) to believe, express, and exercise their traditional religions. This law does not create additional rights nor change existing authorities. Rather, departments and agencies of the federal government are directed by the Act to evaluate their policies and

procedures and make changes, where necessary, to protect and preserve Native American religions and their practices.

Specific regulations to implement AIRFA have not been developed by any federal agency. The only document that describes methods for fulfilling its stated policy of protecting and preserving Native American religious rights and practices is the report which the President presented to Congress in 1979 (DOI 1979). In addition, a body of case law has clarified the extent to which federal agencies must consider Indian religions in project planning (Badoni v. Higginson 1980, Crow v. Gullet 1982, NW Indian Cemetery Association v. Peterson 1983, Wilson v. Block 1983). Adequate consideration of Native American interests must be incorporated into project planning to avoid infringing on their rights and to prevent potential law suits that might cause significant project delays.

This manual provides guidance for implementing the policy established by the AIRFA including specific information on:

- (1) understanding the rights and concerns of Native Americans, particularly with regard to federal development projects;
- (2) accomplishing successful consultation with Native Americans under AIRFA; and
- (3) integrating AIRFA implementation with the requirements of other environmental laws and regulations, particularly the National Environmental Policy Act of 1969 (NEPA).

The information in this document is based on discussions with personnel from the Office of Intergovernmental Affairs (IR) of the Department of Energy (DOE), the Bureau of Indian Affairs (BIA) of the Department of

Interior (DOI), the Administration for Native Americans (ANA) of the Department of Health and Human Services (HHS), the Council of Energy Resource Tribes (CERT), and the Native American Rights Fund (NARF).

2. BACKGROUND

Although freedom of religion is a right guaranteed to all Americans by the First Amendment to the United States Constitution, the special nature of Indian religions has, in the past, frequently resulted in conflicts between federal law and policy and Indian religious freedom. Some federal laws, such as those protecting wilderness areas or endangered species, have inadvertently given rise to problems such as denial of access to sacred sites or prohibitions on possession of animal-derived sacred objects by Native Americans (DOI 1979). The American Indian Religious Freedom Act was intended to correct such unintentional abridgments of religious freedom, to produce greater awareness of and sensitivity to Native American beliefs, and to ensure greater flexibility in the enforcement of federal laws and regulations. Rights protected under the act include, but are not limited to, access to sacred sites, use and possession of sacred objects, and freedom to worship through traditional ceremonies and rites.

The AIRFA requires consultation between federal agencies and Native Americans to ensure that federally supported projects or projects on federal land do not infringe on the religious practices of Native Americans. Conformance with the act by federal agencies will be

greatly facilitated if project managers acquire a basic understanding of the following factors:

- (1) the definition of "Native Americans" (Sect. 2.1),
- (2) the nature of Native American religions (Sect. 2.2),
- (3) the relationship of the federal government to Native American groups (Sect. 2.3),
- (4) trends in federal policy on Native Americans (Sect. 2.3.3),
- (5) the relationship of AIRFA to the First Amendment (Sect. 2.4), and
- (6) significant concerns of Native Americans as related to the development of resources (Sect. 3.1.2).

2.1 DEFINITION OF "NATIVE AMERICAN" FOR AIRFA

In spite of its title, the American Indian Religious Freedom Act of 1978 (Appendix I) clearly includes the religious interests of all Native Americans and those cultural practices that are so interrelated with religious activities that they cannot be separated from them. It specifically enumerates American Indians, Eskimos, Aleuts, and Native Hawaiians as the beneficiaries of its protective policy. While there are significant legal, treaty, and reservation distinctions among Native American groups in relation to other federal laws and policies, the AIRFA and its associated report (DOI 1979) use the terms "American Indian," "Indian," "Native American," and "Native" interchangeably. This usage reflects the fact that the basic religious and spiritual values of the American Indian, Native Alaskan, and Native Hawaiian cultures are similar (Sect. 2.2).

Thus, definitions of Native American established for other purposes (e.g., political, property, or eligibility for federal services) are superseded for the purposes of establishing the applicability of the AIRFA to a particular Native American group. The relevant considerations for the AIRFA are (1) whether a Native American is sincerely attempting to exercise a First Amendment right (Sect. 2.4), which is a matter of federal law, and (2), where applicable, whether an individual Indian is authorized to perform a particular ceremony or possess a particular sacred object, which is a matter of tribal law or custom (DOI 1979).

An understanding of the political and legal status of any particular Native American group is, nevertheless, important in determining the approach to consultation under AIRFA. The means of identifying the appropriate Native parties with whom to consult may vary substantially, depending on the form and degree of development of a group's political structure (Sect. 2.3).

2.2 THE NATURE OF NATIVE AMERICAN RELIGIONS

An eloquent, but not exclusive, statement of Indian values was written by Chief Sealth of the Duwamish Tribe of Washington state in 1855 (Appendix II). The text of his letter to President Franklin Pierce illustrates the nature of traditional Indian cultural ideals in a clear and memorable manner.

The traditional religious practices of American Indians, Native Alaskans, and Native Hawaiians are an integral part of their cultural tradition and heritage and form the basis of Native American identity

and value systems. In contrast to most of the major world religions, which often trace their origins back to a specific person or event (e.g., Jesus, Mohammed, Buddha, Abraham, etc.), it is not possible to trace the beginning of any Native American religion to a specific founder or founding period (DOI 1979).

Indian religions are less institutional and more personal than most others. They seek to perpetuate religious revelations through rituals and ceremonies that must be conducted according to instructions passed on from individual to individual and that range from very simple to highly organized and complex. Each ceremony is given for a specific purpose and must be performed at the place, in the manner, and, if the original revelation so demands, at the time designated. These rituals and ceremonies do not always depend on participation by the entire community, and in many cases participation is restricted to designated religious figures.

The essence of Native American religions is to remain in a constant and consistent relationship with nature. No matter what their specific practices, this emphasis permeates the Indians' daily life and cannot be easily separated from the social, political, or cultural aspects of Indian life-styles (Old Coyote 1978). Human life is considered to be equal to, not superior to, that of other living things, all of which have a special place in nature. Plants and animals are revered, and sacred objects for ceremonial use are often derived from them (e.g., eagle feathers, bear claws, and herbs). Native American religions also regard the world as being in a continual process of creation (DOI 1979). Man is required to participate in the

world's continual growth and creation because he is a part of it. Freedom of religion in the context of Indian traditions signifies their right to maintain dynamic relationships with the natural world and its inhabitants.

Indian religions tend to root themselves in specific geography (Folk-Williams 1981, Old Coyote 1978). Land in general is an essential part of Native Americans' beliefs and thought. In addition some tribes, particularly those in arid regions, consider water to be highly sacred and a vital part of the exercise of their religion (Sando 1979, Arnold 1980). "Mother Earth" itself was and still is sacred to Indian people, while water exhibits the interrelatedness of all of creation, tying the sky to the earth and the subworld (Wall 1979). Permanent or semipermanent places of worship were usually chosen by the Indians' ancestors for their spiritual qualities, i.e., as places where the life-giving spirits of the earth were strongest. Indians use almost every kind of location for their worship, and not all sites of religious significance occur on reservations (Sando 1981). Access to these places, regardless of present-day ownership, is essential to renew spiritual understanding. Thus, the landscape in which they live is the site of specific spiritual and historical events that make it impossible for many Indians to think of land merely as an economic resource (Appendix II). Because of this view, some tribes are reluctant to develop their land on the justification that the earth's resources should be preserved, not disturbed.

2.3 RELATIONSHIP BETWEEN NATIVE AMERICANS AND THE FEDERAL GOVERNMENT

Native American groups are both cultural and political entities. Most Native American tribes, bands, villages, and pueblos are sovereign independent nations that have entered into intergovernmental trust relationships with the United States. Historically, this relationship has varied from the extreme of paternalism to that of termination, but currently a moderate policy prevails (Sect. 2.3.3).

2.3.1 Indian Sovereignty and the Trust Relationship

Indian sovereignty predates the founding of the United States. The Indian tribes were recognized as separate nations by the earliest European colonials who dealt with them, and this recognition was later maintained by the United States government via the negotiation of some 370 Indian treaties (BIA undated). These treaties acknowledged the Indian tribes as governments capable of maintaining diplomatic relations with the United States (U.S. Commission on Civil Rights 1973). In 1871, however, the Indian Appropriation Act prohibited further acknowledgment of Indian sovereignty by treaty making. Since that time, recognition of tribes as political entities has been accomplished by other means, including Congressional acts, Executive Orders, court decisions, and, recently, by tribal petition (Sect. 2.3.2).

Indian governments are thus the only political entities in the country that do not derive their essential authority from the United States or any of its political subdivisions (Folk-Williams 1981). The powers that tribes currently exercise were not delegated by Congress, but rather are powers originating in historical sovereignty which have

not been expressly limited by Congress (U.S. Commission on Civil Rights 1973). These powers include the authority to (1) adopt and operate under a form of government chosen by the members of the group, (2) define conditions of tribal membership, (3) regulate domestic relations and property within the tribe's jurisdiction, (4) control the conduct of members by tribal legislation, and (5) administer justice and punish offenses committed on reservations by Indians (U.S. Commission on Civil Rights 1973, Gerard 1979). The recognition of the Indian's right to a continuing separate political existence represents a unique voluntary limitation of the sovereignty of the United States (Gerard 1979).

The constitutional powers of Congress to ratify treaties and to regulate commerce with the Indian tribes form the primary legal basis for the trust relationship. As part of that relationship, the federal government guarantees the right of the tribes not only to self-government but also to assistance in ensuring the protection, development, and enhancement of their human and natural resources (AIO 1982). In exchange for the federal government's commitment to the trusteeship responsibility, the Indians have often surrendered their claims to vast tracts of land and resources to bind the contract (Nixon 1970). The federal government is, however, only the trustee of Indian property, not the guardian of individual Indians. Most Indian leaders see the key to Indian political and cultural survival as their ability to maintain their reservations as a land base and homeland (Folk-Williams 1981). The trust relationship protects Indian land from state or private efforts to confiscate it. Only Congress has the power

to do so. A slightly different situation, however, exists in Hawaii where the public lands belonging to the last independent Hawaiian government were ceded to the United States when the Islands were annexed in the late nineteenth century. When Hawaii became a state, most of these lands reverted to the state to be held as a trust with all the income from them to be used to benefit the Native Hawaiians.

2.3.2 Unacknowledged Native American Groups

Native groups that are "acknowledged" are recognized in federal law as distinct political communities with basic domestic and municipal functions and jurisdictions. There are also many Native American groups that are not acknowledged as sovereign nations. Some of these groups are not acknowledged because they never made war on the United States and, therefore, never made peace treaties. Others preferred to remain isolated and avoid contact with the United States. Some groups, though not federally acknowledged, are recognized as Indian tribes by state and local governments (BIA 1979).

Since the definition of "Native American" for the purposes of implementing AIRFA is cultural, not political, the lack of federal acknowledgment of a Native American group in no way implies a lack of cultural identity or political status of that group (DOI 1979). Many of these unacknowledged groups have maintained some form of government through time and have held on to their ancient customs and sometimes even portions of their ancestral lands. Most prefer to be identified as Native Americans because they are proud of their ancestry and heritage. Many of these groups are seeking formal recognition through the Federal Acknowledgment Project of the Bureau of Indian Affairs (BIA

1979). Since 1972, over 75 groups have petitioned the Department of the Interior for acknowledgment.

The Native Hawaiians, on the other hand, have attained political influence by participation in modern political processes. In 1978, a state constitutional convention established Hawaiian as the co-official state language and made the teaching of Native Hawaiian history, language, and culture mandatory in public schools. The Native Hawaiian populace is also represented by a state agency, the Office of Hawaiian Affairs, which coordinates and consults in most state affairs involving Native Hawaiian interests and is governed by officials elected by Native Hawaiians in state elections.

2.3.3 Native American Self-Determination

Historically, federal policy toward Native Americans has typically vacillated between the two extremes of "paternalism" and "termination" neither of which proved satisfactory to either the Indians or the federal government (Nixon 1970). The paternalistic approach was marked by nearly complete control of all programs serving Indians by federal officials responsible, and responsive, to the government in Washington, D.C., rather than to the communities served. Termination phases, on the other hand, represented attempts by the United States government to repudiate the special trust relationship it had established with the Indians and to force them to become assimilated into the dominant culture in the country.

The most recent attempt to terminate the trustee relationship began with the passage of House Concurrent Resolution 108 in August 1953, which declared that termination was the long-range goal of

Congress' Indian policies. This policy of forced termination meant that Indian tribes would eventually lose the special standing that they had had under federal law, that the tax exempt status of their lands would be discontinued, that federal responsibility for their economic and social well-being would be repudiated, that the tribes themselves would be effectively dismantled, and that tribal property would be divided among the individual Indians who would then be assimilated into society at large (Nixon 1970, BIA undated).

In the early 1960s there was a return to a more moderate policy with an emphasis on maximizing Native American self-sufficiency without the threat of eventual termination and on promoting partnership and self-help. Voluntary self-determination for Indians became the new goal enunciated by, among others, Presidents Johnson and Nixon (BIA undated, Nixon 1970). Termination laws of the early 1950s were eventually repealed, and many tribes that had been involuntarily terminated were restored to trust status. The Indian Self-Determination Act of 1975 and President Reagan's Indian Policy Statement (Reagan 1983) firmly established a new federal policy of "self-determination without termination."

This policy of self-determination is designed to put Native Americans, in the exercise of their self-government, into decision-making roles with respect to their own lives (Gerard 1979). The emphasis is no longer on encouraging Native Americans to abandon their tribal identity and to be assimilated individually into American society. Rather, the current trend is to reduce federal intervention while preserving federal protection (Folk-Williams 1981). The goal is

to convert trust administrative agencies (e.g., the BIA and the Indian Health Service) from managerial organizations dominating Indian lives to service and support agencies working in partnership with and at the direction of the Native governments and people (Gerard 1979).

Consistent with the government policy of putting Indian people into decision-making roles, Indians are now managing their own resources, controlling their own assets, and administering their own programs to a greater degree than ever before (Gerald 1979). To promote social and economic progress, federal assistance is made available to tribal and intertribal organizations (e.g., the Council of Energy Resource Tribes) to enable Native Americans to make their own decisions with respect to, among other things, development of energy and natural resources. It is in this context that federal participation in fostering responsible production of Indian resources must be understood (Sect. 3).

2.4 RELATIONSHIP OF AIRFA TO THE FIRST AMENDMENT

The intent of Congress in passing the AIRFA was to ensure for practitioners of traditional native religions the rights of free exercise of their beliefs guaranteed to all Americans under the First Amendment to the United States Constitution which says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..." (referred to, respectively, as the "establishment" and "free exercise" clauses). This amendment embraces two concepts: the freedom to believe and the freedom to act (US v. Ballard 1944). Although the prohibition against infringement of

religious belief is absolute, immunity afforded religious practices is not so rigid. Congress, in passing the AIRFA, did not intend to provide Indian religions with a more favorable status than other religions, only to ensure that the government treated them equally. Therefore, compliance with the AIRFA requires no more than compliance with the dictates of the First Amendment (Crow v. Gullet 1982, Wilson v. Block 1983).

There is no requirement under AIRFA that considerations of native traditional religions must prevail to the exclusion of all else [i.e., it requires federal agencies to consider, but not necessarily to defer to, Indian religious values (Wilson v. Block 1983)]. It does not set protection of Indian religions as an overriding federal policy, grant Indian religious practitioners a veto over agency actions, or supersede the many laws under which federal lands are managed for the public good (Wilson v. Block 1983). Government agencies may still adopt land uses that conflict with traditional Indian religious beliefs or practices and may deny Indians access to publicly owned properties if there is a compelling state interest in doing so (Crow v. Gullet 1982, Wilson v. Block 1983).

The AIRFA requires government officials to learn about and to avoid unnecessary interference with traditional Indian religious practices. To protect Indian religious freedom, they must refrain from prohibiting access to religious sites, possession and use of religious objects, and the performance of religious ceremonies and must consult with Indian organizations in regard to proposed actions (Wilson v. Block 1983). When an agency undertakes a land use project, it will be

in compliance with AIRFA if, (1) in the decision-making process, it obtains and considers the views of Indian leaders by commissioning studies on Indian religious beliefs and practices and by holding hearings at which Indian representatives testify, and if, (2) in project implementation, it avoids unnecessary interference with Indian religious practices (NW Indian Cemetery Association v. Peterson 1983).

Compliance with the AIRFA by federal agencies requires consideration of the First Amendment rights of Native Americans. While the First Amendment protects people against most actions of the government, it does not give any individual the right to insist that others conform their conduct to his religious needs. Also, it does not obligate federal agencies to control the actions of the general public (Crow v. Gullet 1982) or to exclude the public from public areas to insure privacy during the conduct of religious ceremonies (Badoni v. Higginson 1980). Therefore, while the free exercise clause of the First Amendment places a duty upon federal agencies not to prohibit religious acts, it does not require them to provide the means or environment for carrying out such acts (Crow v. Gullet 1982). If they are compelled to undertake any actions to satisfy the free exercise clause, such actions do not violate the establishment clause of the First Amendment, i.e., accommodating the religious practices of Native Americans would not create a government-managed "religious shrine" in violation of the establishment clause if the Indians do not seek to prevent other uses or to regulate the behavior of others (NW Indian Cemetery Association v. Peterson 1983).

The courts have ruled that the free exercise clause forbids government actions that burden religious beliefs or practices unless the challenged action serves a compelling governmental interest that cannot be achieved in a less restrictive manner (Wilson v. Block 1983, People v. Woody 1964, NW Indian Cemetery Association v. Peterson 1983, Badoni v. Higginson 1980). The courts have utilized a two-step procedure to determine whether a person's freedom of religion has been denied by a governmental law, regulation, or proposed action. The first question to be considered is whether the particular government law, regulation, or proposed action imposes a burden upon the free exercise of the person's religion. Only if there is a positive answer to the first question will the courts then determine if there is a compelling state interest which justifies the infringement on religion (People v. Woody 1964, Badoni v. Higginson 1980, Crow v. Gullet 1982, Wilson v. Block 1983, Sequoyah v. TVA 1980).

In considering the first question, the courts must determine whether the practice allegedly infringed upon is based on a system of belief that is religious and sincerely held by the person asserting the infringement (Badoni v. Higginson 1980). Moreover, since the First Amendment does not select any one religion for preferred treatment, unorthodox religious beliefs, as well as those of the majority, are protected by it (NW Indian Cemetery Association v. Peterson 1983, Sequoyah v. TVA 1980). Religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection. Therefore, Native Americans need not prove that their expressed religious beliefs are true in order to establish

their sincerity; the only criterion is whether the expressed statements of faith are held honestly and in good faith (US v. Ballard 1944, People v. Woody 1964). However, the person asserting the infringement must show the coercive effect of the restriction as it operates against the practice of his religion [i.e., must establish either (1) injury or penalty by adherence to tenets of religion or (2) that conduct in the course of exercising beliefs has been or will be unduly restricted (Crow v. Gullet 1982)].

Only if a burden upon religion is proven does it become necessary to consider the second question: whether the government's interest is compelling and whether it has adopted the least burdensome method of achieving its goal (Wilson v. Block 1983). Conduct undertaken by Native Americans because of religious beliefs is not absolutely protected and may be regulated or prohibited by the government if there is an important or compelling state interest since an interest in maintaining public safety and order outweighs any religious interest (Crow v. Gullet 1982, NW Indian Cemetery Association v. Peterson 1983). However, only those interests of the highest order can override legitimate claims to free exercise of religion. Even if a federal agency advances such an interest, it must demonstrate that no other means of serving that interest exists which is less restrictive of First Amendment rights (NW Indian Cemetery Association v. Peterson 1983, Crow v. Gullet 1982).

3. FEDERAL ACTIVITIES AND NATIVE AMERICANS

3.1 ENERGY AND RESOURCE DEVELOPMENT

Indian tribes own substantial amounts of valuable energy and mineral resources as well as significant forests, agricultural lands, and water. Future need for many of these items will cause increased pressure on the tribes to develop their resources, and federal agencies could become involved at many sites either directly or indirectly. Although the majority of Indian resources are currently undeveloped, many reservations have experienced devastating impacts as a result of resource production on or near them (AIO 1982). Therefore, Indians are very concerned with the questions of who pays, who benefits, and where responsibilities begin and end.

3.1.1 Energy Resources Held by or Affecting Native Americans

Coal

Thirty-three percent of western low-sulfur coal is found on Indian lands (AIO 1982). There are 17 tribes with significant known or potential coal resources in the states of New Mexico, Montana, North Dakota, Arizona, Colorado, and Utah. The mining and use of coal have increased in recent years and will likely continue to increase in the near future.

Uranium

Of the nation's uranium reserves, 9% are found on Indian lands (USD OE 1983b). There are 13 tribes with known or potential uranium resources in the states of New Mexico, Arizona, Montana, Colorado, Washington, and South Dakota (AIO 1982).

Synfuels

The area of the western United States where synfuel resources (e.g., oil shale, tar sands, and coal for conversion) are found contains several Indian reservations (AIO 1982). Currently there are no synfuel plants on Indian reservations, and a plan for a multimillion-dollar coal gasification plant on the Navajo reservation was voted down several years ago by the Navajo Tribal Council. There are, however, a few tribes involved in exploratory drilling, and the Crow Tribe of Montana has proposed that a coal gasification project be located on its reservation. Several tribes are also feeling the impacts of off-reservation oil shale and coal gasification plants. Tribes in the states of North Dakota, Wyoming, Colorado, and Utah have the most significant resources for near-term development of synfuels.

Oil and natural gas

Oil and natural gas are found in abundance on several reservations (AIO 1982). Also, the potential exists for large deposits to be found on land belonging to Native Alaskans or for the development of oil and gas on non-Native lands to affect life-styles of the Native Alaskans.

Geothermal

Geothermal resources are widespread, particularly in the western United States. Because Native Americans often attach religious and mystical significance to unusual manifestations of heat from the earth (e.g., hot springs, geysers, fumaroles, and volcanoes) (Arnold 1980), geothermal development projects have already engendered resistance from Native Americans on religious grounds in New Mexico, California, and Hawaii.

Hydroelectric power

Development of dams for generating hydroelectric power has affected Native Americans primarily through its impact on fishing. Fish are important to many tribes for religious, as well as economic, reasons (AIO 1982). Construction of dams that block the migration of fish is, therefore, of concern to many Native Americans. In addition, because many early Indian villages were situated on or near river floodplains, dams have the potential for flooding sites that have cultural or religious significance.

Wind

Successful use of wind power may be possible in many areas of the United States where Indian reservations are located, including the Northwest, Midwest, and Southwest. Some of the Pueblos in New Mexico already use wind power to pump water for domestic use and farming (AIO 1982).

Solar energy

Many Indian reservations are located in areas conducive to extensive use of solar energy (AIO 1982). In fact, for centuries many Indians in the Southwest constructed their homes and villages to take maximum advantage of the sun. Modern solar techniques and materials are being successfully combined with ancient ones on the reservations of the Pueblos, Navajos, Zuni, and Papagos.

3.1.2 Concerns of Native Americans in Regard to Resource Development

Decision makers at all levels of government have a responsibility to their citizens to practice informed and responsible stewardship of their resources. The situation is enhanced for tribal governments

because Indians traditionally consider the resources to be part of their culture. Americans for Indian Opportunity (AIO) recently conducted a series of seminars on the development of resources controlled by Indians (AIO 1982). Six federal agencies [Department of Labor, Department of Energy (DOE), the Environmental Protection Agency (EPA), BIA, the Indian Health Service, and the Administration for Native Americans (ANA)] cooperated with tribal and state officials to identify areas of concern in regard to the environmental and health impacts of resource development on Indian communities. The following discussion summarizes some of the concerns identified as important by tribal decision makers. Many of these concerns are also likely to be significant to federal officials as they are similar to issues typically dealt with in assessments for compliance with the National Environmental Policy Act (NEPA).

Water resources

Water resources are at the very top of the list of tribal concerns, and resource use and development are perceived as having major impacts on both quality and quantity of water (AIO 1982).

Maintenance of water quality is considered vital for the domestic and agricultural well-being of the reservations; for the health of their commercial, subsistence, and recreational fisheries; and for many religious ceremonies. Tribal leaders are aware of and many have had direct experience with potential sources of surface and groundwater contamination including oil spills, improper well-drilling practices, acid drainage from coal mines, discharges from uranium tailings ponds, agricultural and industrial runoff, and improper land management

practices. Resource development is considered to have a great potential to degrade water quality, and new projects will be expected to conform to sound water management practices.

Disputes over water rights are already a major area of conflict among federal, state, and Indian governments, particularly in the West. Indian claims are generally made under the Winters Doctrine of reserved water rights which asserts that each federal reservation of land carries with it an implied reservation of water to fulfill the purpose for which the land was designated (Folk-Williams 1982). For Indian reservations, this purpose is broad and permanent, i.e., providing homelands for Indian people. Conflicts arise because Indian claims are usually for water committed to use by non-Indians with different, but equally valid, claims under state law. The increasing demand for water for resource development, both on and off the reservations, is likely to intensify future political conflicts.

Air quality

Air quality in many tribal areas is pristine, having experienced little degradation. Tribal leaders indicate that maintaining the present high level of air quality is a priority item (AIO 1982). The Northern Cheyenne have, in fact, assumed responsibility for their own reservation's air resource, and their reservation in Montana has been redesignated from a Class II to a Class I Prevention of Significant Deterioration (PSD) area. The EPA's decision to approve the redesignation was upheld by the Ninth Circuit Court of Appeals based on the principle that Indian tribes are granted the same degree of autonomy as the states. The decision was, thus, of significance not

only in environmental terms but also because of its treatment of the rights of Indian tribes in exerting their sovereign powers. In the future other tribes may also make use of the PSD program to protect their air quality.

Land resources

For most Native Americans land is the key to economic and cultural survival. Although some segments of Indian communities are completely committed to non-Indian values and favor economic use of their property to generate wealth, others are fully committed to traditional Indian values, and still others blend and balance both views (Folk-Williams 1981). Regardless of the emphasis, Native Americans are united in their determination to protect the land that is theirs and in some cases to reclaim land that was taken from them. Land resource issues of vital concern include soil erosion, conversion of productive cropland and grazing land to other uses, damage due to lack of mine reclamation and improper logging practices, restricted access to traditional lands such as in some national monuments, and lack of long-range land-use planning in the decision-making process. In the future tribal decision makers may be increasingly expected to require sufficient information to evaluate proposed projects in terms of long-range community goals.

Socioeconomics

The "boomtown" phenomenon is recognized as one of the most pressing types of impact from energy and mineral development (AIO 1982). Tribal leaders are worried about the effects of sudden large increases in population on or near reservations which can greatly

increase demands for housing, schools, medical care, sewage treatment, recreational facilities, roads and road use, and law enforcement. The effects of sudden industrialization can seem particularly threatening when the culture and life-style of the affected group are based on traditional Indian values. The "bust" part of the boom-and-bust cycle is of equal concern. Unlike many non-Indians, most Indian workers do not want to leave their homeland to follow a departing industry. The shutting down of the world's largest open-pit uranium mine, located on the Pueblo of Laguna in New Mexico, left the Indian community facing high unemployment because of their dependence on an income source that was no longer available (AIO 1982).

Religion

The nature of Native American religions often results in direct conflicts between the economic and traditional views of resources. Land, water, and even heat from the earth may be sacred entities to some groups (Arnold 1980) while representing only potential sources of developmental wealth to others. The mere presence of an industrial facility near an area of religious significance may be extremely offensive to some Indians. An attorney who represented the Pueblos in their fight against the Baca Geothermal Demonstration Project in New Mexico stated the following (AIO 1982):

Pueblo shrines have much the same significance as altars in the Catholic church. The shrine at the top of [the] Peak is the altar, and the area surrounding the peak is the church. It is nearly impossible to establish or maintain one's focus of devotion and worship in the natural church-like setting when only a short distance away there is the visible ugliness of plant technology, the audible shock waves of drilling operations, and the occasional smell of

noxious hydrogen sulfide fumes. The situation is comparable to operating a jackhammer in the interior of a Catholic Church.

3.2 RECOMMENDED PROCEDURES FOR DETERMINING AND ADDRESSING NATIVE AMERICAN RELIGIOUS CONCERNS

3.2.1 Implementing AIRFA

Section 2 of the AIRFA delegated to the President the responsibility for directing federal agencies and departments to evaluate their policies and procedures and determine appropriate changes necessary to protect and preserve Native American religious and cultural rights and practices. The President transmitted the results of the evaluation in a report to Congress in 1979, which included changes that were being considered in administrative policies and procedures (DOI 1979).

These proposed changes varied from agency to agency depending upon the areas of the agency's mandate that concerned Indians. Several agencies created a special office to consider Indian affairs [e.g., the Office of Indian Affairs in the Department of Energy (DOE) and the Customs Indian Affairs Committee of the Customs Service]. Other agencies revised their procedures to include more considerations of Indian religions (e.g., the Indian Health Service, the Rehabilitation Services Administration, and the Fish and Wildlife Service). Many agencies incorporated AIRFA implementation into the preparatory stage of program planning when environmental assessments for NEPA compliance are first being prepared (Arnold 1980).

Many federal agencies and departments have little or no involvement with Native Americans. However, others have to give major

consideration to Indian concerns during the carrying out of their legislated mandate. Because of the large amount of energy resources held by or affecting Native Americans (Sect. 3.1.1), DOE was one of the federal agencies which presented a detailed submission to the Interagency Task Force on Indian Religious Freedom (Appendix III). The approach that DOE has adopted to implement AIRFA is described as an example of how a federal agency, whose actions can affect Indian lands or interests, fulfills its obligations under AIRFA.

The Department of Energy (DOE) delineated a five-step procedure for conforming with the federal policy put forth in the AIRFA (Appendix III). The five steps, which reflect the traditional balancing test for determining First Amendment infringement (Sect. 2.4), are briefly summarized as follows:

- Ascertain if a proposed project site is related to religious rites or is a sacred site of any Native American group.
- If the site is a subject of religious practice, consult with native leaders to determine whether the DOE action would infringe on the free exercise of their religion.
- If infringement is possible, prepare alternate plans in consultation with native leaders and evaluate whether the alternatives adequately meet the goals of DOE for the site or project.
- If no feasible alternative is available, DOE must decide whether there is a compelling need for the project. The final decision must be reviewed by the Office of Intergovernmental Affairs (IR) which includes the Indian Affairs Unit.
- Lastly, the final decision, accompanied by justifications and a report by IR, must be reviewed and approved by the Secretary of Energy before any action is taken.

Implementation of this five-step procedure was envisioned as being integrated into the established NEPA review process (Section 3.2.2). The DOE procedure was submitted to the White House and became part of the American Indian Religious Freedom Act Report submitted to Congress in August 1979 (DOI 1979).

A second major component of DOE's implementation of the AIRFA policy statement was the creation of the Indian Affairs Unit (also called the Indian Energy Desk) in the Office of Intergovernmental Affairs (IR). The purpose of the Indian Affairs Unit is to foster the responsible production of the vast energy resources located on Indian reservations (Senate Select Committee 1981). In this capacity, financing is provided to Indian tribes to conduct resource assessments, feasibility studies, and other projects related to energy development. This office can also be of assistance to project managers in determining the effect of DOE activities on Native Americans since it maintains active contact with the major Native American organizations.

3.2.2 Relation of AIRFA to NEPA Planning

At the time of the formulation of the Federal Agencies Task Force Report (DOI 1979), integration of AIRFA consultation with the existing environmental review process for compliance with the National Environmental Policy Act (NEPA) was recognized by many federal agencies as a desirable way to avoid setting up new, and possibly cumbersome, implementation mechanisms. For this reason, and because the concerns of Native Americans in regard to development projects closely parallel those typically addressed under NEPA, AIRFA considerations were to be incorporated into the NEPA process. However, in cases where an action

is excluded from NEPA consideration because it is in a category of actions which has a "categorical exclusion" under a federal agency's implementation of the Council of Environmental Quality's (CEQ) NEPA regulations, AIRFA must still be considered by consulting with any affected Indian tribes.

This consultation process could entail anything from a simple, brief coordination effort to a protracted investigation, depending upon the location of the proposed project and the possibility for religious infringement. A protracted investigation could have an obvious impact on construction schedules and, therefore, on program accomplishment, but failure to consult with the Native Americans might result in law suits which could delay program accomplishment even more. To comply with the AIRFA, federal agencies must consult with the Indians, but need not follow their wishes if the agencies find that there is an overriding national interest in proceeding with the project (Sect. 2.4). Therefore, the best way to avoid potential problems is to accomplish the consultation as expeditiously as possible within the constraints of the law.

Under existing NEPA procedures information on cultural and archeological resources is normally collected for environmental documents [i.e., environmental assessments (EA), environmental impact statements (EIS), findings of no significant impact (FONSI), and notices of intent]. Care must be taken, however, to distinguish between sites which have only archeological significance and sites which have current religious importance and are in active use. Mounds, middens (i.e., refuse heaps), caves, man-made structures, burial sites,

rock art, ceremonial grounds, and medicinal or training sites judged to be without historical significance and, therefore, not receiving protection under the National Historic Preservation Act (US DOE 1983a) or related statutes may still be of vital religious and cultural significance to contemporary Native Americans. It is, therefore, inadvisable to relegate the identification of religious sites to purely archeological investigations.

While it is obvious that the potential for conflict exists when the federal action is to be on Indian land, the potential for conflict is often as great in areas near Indian-held land because much of the surrounding area was probably under Indian control at some time in the past. Therefore, in all cases where a federal project is proposed for a site on or near an Indian reservation, the Native Americans themselves should be consulted as part of the NEPA scoping process. One way to accomplish this would be to send the Native Americans a copy of any scoping information that is issued (e.g., a notice of intent to prepare an EIS). No matter how it is done, the traditional religious leaders should be given ample notice and opportunity to participate. The objective of the consultation is to acquire information upon which to make an informed decision, taking into consideration and balancing the cultural and religious beliefs of the affected Native American tribe or group; scientific data requirements; state, county, and local laws; federal policies and needs; and federal historic preservation law and policy. If the Native American community is deeply fractionalized about the proposed federal project, for secular or religious reasons, it may be necessary to hold separate meetings to hear the views of the

different factions (Arnold 1980). In situations where there are difficult religious questions surrounding the proposed activity, it may also be necessary to have multiple meetings in an attempt to resolve them.

The government must guarantee the Indians' AIRFA and First Amendment rights even if the Indians do not own the property under consideration (Badoni v. Higginson 1980, NW Indian Cemetery Association v. Peterson 1983, Sequoyah v. TVA 1980). However, Native Americans seeking to restrict land use in the name of religious freedom must, at a minimum, demonstrate that the proposed land use would impair a religious practice that they could not perform at any other site (Wilson v. Block 1983). Since Native American religions are primarily site specific (Sect. 2.2), the courts have ruled that development would severely impair the practice of their religions if it destroyed the salient, natural environmental conditions of the area necessary for the performance of ceremonies and the collection of religious objects (Wilson v. Block 1983, NW Indian Cemetery Association v. Peterson 1983).

It should not be assumed that Native Americans will always be responsive to the approaches typically employed by government agencies. Some Native Americans, for example, find exposure of their spiritual beliefs to outsiders in public or private meetings offensive and will avoid this kind of interaction. Therefore, to ensure that the appropriate religious individuals and mechanisms for AIRFA consultation are identified, the methods of impact analysis must be applied flexibly.

In some cases, usually to facilitate privacy, the secrecy of the site may be a part of the religious practice, so that there will often

be a reluctance on the part of the Indians to identify a specific location as being of religious significance. To obtain the cooperation of the potentially affected religious leaders, federal agencies may need to agree to withhold information on beliefs, religious practices, and the location and character of sacred sites from public disclosure. In other cases, however, the religious "sites" may encompass the entire environment. In either situation the usual methods of determining impact must be applied flexibly to ensure compliance with the AIRFA (Arnold 1980).

Key elements to successful religious impact mitigation are the early identification of potential impacts, preferably during the scoping process, and acceptable revision of project plans. Both of these factors can be facilitated by consulting the tribal governments as described in Section 3.2.3. Proposed religious mitigation measures should be included in the FONSI, EA, or EIS which is prepared for a specific project. A number of measures for religious mitigation which could be considered and adopted, if appropriate, are discussed below. These suggestions are included to give an idea of the type of mitigation measures that could be considered. They are not legal requirements which must be included for every project. Also, they are not inclusive since other measures may be appropriate in some cases.

Federal agencies must attempt to accommodate the legitimate religious interests of the Native Americans when doing so threatens no public interest, even when those religious interests involve use of public property, including existing federal installations. This is especially true when an action threatens religious conduct per se

rather than merely inconveniencing it by imposing reasonable restrictions on the time, place, or manner of a religious practice (NW Indian Cemetery Association v. Peterson 1983). If a native sacred site is determined to be located within an area proposed for development, the federal agency should consider two questions with the appropriate religious leaders. First, according to the tribal religious belief system, what are the natural conditions or salient aural, visual, or environmental qualities of the area which make the practice of tribal religion possible there? Secondly, what impact will the project have upon these natural conditions or salient environmental qualities? If the proposed development will destroy or seriously damage those qualities, then mitigation measures should be considered to reduce the damage as much as possible.

Reasonable access to the project site may be guaranteed to Native Americans for the pursuit of their traditional religious activities. Consideration should be given to allowing them to carry out their traditional sacred activities at places situated within the project area that have historically been used for such purposes, providing that such activities will not unduly interfere with other uses of the area, will not have a lasting or significant impact on other resources in the area, will be consistent with federal management objectives, and will be in accordance with existing federal, state, and local laws, pertinent general regulations, and specific government regulations. The taking of fish, wildlife, plants, rocks, and other natural resources by Native Americans for the pursuit of religious activities may be allowed if such activities will not adversely impact on the

natural ecosystem or government management objectives. However, the gathering of plants or taking of animals that are threatened or endangered species cannot be permitted unless in accordance with exemptions in the Endangered Species Act of 1973 or where provided by treaty. Consultation may be guaranteed with the appropriate Native American tribe or group concerning the proper treatment and disposition of human remains which may be disturbed or unknowingly encountered during development of the project. To the extent practicable, Native American burial areas should be located, identified, and protected. While all these measures will not be appropriate for every government project, and additional ones may be included for some, they are an indication of the types of religious mitigation measures that may be used to fulfill the policy stated in AIRFA.

3.2.3 Role of Tribal Governments

Both the trust relationship and Indian self-determination are currently well-established elements of federal policy concerning Native Americans. President Reagan has indicated his support for both maintaining the trust responsibility and encouraging Indian development under Indian leadership (Reagan 1983). The responsibility for the protection of tribal people and their environments in regard to resource development, therefore, belongs first to tribal decision makers and second to their trustee, the federal government. Thus, tribal leaders should be considered legitimate participants in project planning, just as state or municipal leaders would be. In fact, regulations of the Council of Environmental Quality [40 CFR 1501.7(a)(1)] require federal agencies to invite any affected Indian

tribe to participate in the scoping process to help determine the significant issues to be addressed in the NEPA process. It should be emphasized, however, that while Native American consultation is to be sought before there is a commitment to any particular alternative action, the final decision on issues is the sole responsibility of the federal agency.

Another reason for dealing with tribal government officials is that this is often the only way to ensure direct or indirect contact with the appropriate religious leaders. Although it is possible that individual Indians and subgroups of the tribe may assert points of view which are very different from those of the tribal leaders, there is no better way to make the initial contacts. In some tribes political and religious leadership are functions of the same individuals, while in others they are the jurisdiction of different people. Since it is consultation with the religious leaders themselves that is the ultimate objective of AIRFA compliance, federal agencies should coordinate the consultation process through them to the extent possible. However, the religious leaders may often be difficult or impossible to identify since they can be reluctant to make themselves known to outsiders. In those cases tribal leaders may act as surrogates for the religious leaders. But it also must be remembered that at times the political leaders of the tribes may not be the proper surrogates for the religious leaders because of conflicts between the secular interests of the tribal government and the traditional religious interests. In those cases it may be necessary to find other individuals who can fulfill the role of surrogates for the religious leaders if they do not want to identify themselves to government representatives.

A list of tribal government offices of federally recognized and state-recognized tribes arranged by state is provided in Appendix IV. If after consulting the list a project manager is still uncertain of the appropriate tribe to contact for a proposed site, assistance should be obtained from the area office of the Bureau of Indian Affairs (BIA) whose addresses are provided in Appendix V. For projects that may effect Native Hawaiians, the Office of Hawaiian Affairs (Appendix IV) should be contacted. While its ability to represent all Native Hawaiian communities is a matter of some controversy, it is a useful place to initiate contacts with Native Hawaiian religious leaders.

3.2.4 Native American Interest Organizations

Several private organizations that can aid government interactions with Native Americans are described below.

Council of Energy Resource Tribes

The Council of Energy Resource Tribes (CERT) is an organization composed of about 40 tribal governments that own oil, natural gas, uranium, geothermal, coal, oil shale, and other energy resources. Member tribes are indicated in the last column of Appendix IV. The purpose of CERT is to assist these Indian tribes in the protection, preservation, development, and control of their energy resources. The organization provides technical assistance, policy assessment, and economic evaluation services to improve the welfare of American Indians through prudent energy resource management. When a government project deals with a member tribe, CERT can be helpful in defining the issues and articulating Indian interests.

To assist the tribes in protecting their natural, social, and cultural environments from the potential adverse impacts of energy resource development, CERT prepared a document entitled "Tribal Environmental Review Process: Manual and Permits Directory" (CERT 1982). These procedures were developed for a proposed synfuels project to be located on the Crow Tribe Reservation of Montana. The manual serves as a model for coordinating environmental permitting and review between the various federal and state agencies and the tribal governments. The process is specifically tailored to deal with the problems and unique challenges posed by projects on Indian lands. However, it makes no specific mention of AIRFA and complying with its provisions. Further information and copies of the manual can be obtained from CERT at 1140 Connecticut Ave, NW, Suite 310, Washington, D.C. 20036 (phone 202/887-9155). Corporate headquarters of CERT are at 5660 South Syracuse Circle, Suite 206, Englewood, Colorado 80111 (phone 303/779-4760).

Native American Rights Fund

The Native American Rights Fund (NARF) is a national law firm that represents Indians and Indian tribes in legal issues specifically affecting Indian people (e.g., tribal sovereignty, resources, land, jurisdiction, treaty rights, and human rights). The primary concern of NARF is the preservation and protection of Indian rights and resources.

This organization served as the lead organization in performing the parallel review of the federal agencies' policies and procedures required under the AIRFA. The NARF also coordinated the input of the Indians to the AIRFA report (DOI 1979) submitted by the President to

Congress. The organization, thus, has had considerable experience in identifying Native American religious issues and can be a valuable source of assistance in structuring consultation related to such issues. Also, NARF can be helpful in identifying the concerns of Native Americans who are not members of federally acknowledged tribes. The address of their Washington, D.C. office is 1712 N Street, NW 20036 (phone 202/785-4166).

Americans for Indian Opportunity

Americans for Indian Opportunity (AIO) has been extremely active in bringing tribal and federal government decision makers together to exchange views and information on the environmental and health impacts of resource development. The AIO is, thus, an additional source of information on Native American concerns and can be contacted for assistance at 1140 Connecticut Avenue, NW, Suite 301, Washington, D.C. 20036 (phone 202/463-8635).

Alu Like

Alu Like, which means "working together," is a nonprofit group formed in 1975 to help Native Hawaiians. Its main purpose is to educate and train people with any Hawaiian blood for jobs in agriculture, industry, and business. Since it is probably the most broadly based organization helping the Native Hawaiians, it will be useful in identifying areas which may be of religious significance to them. Alu Like can be contacted for assistance at 2828 Paa Street, Suite 3035, Honolulu, Hawaii 96819.

3.2.5 Federal Agencies with Responsibility for Native American Interests

Bureau of Indian Affairs

The Bureau of Indian Affairs (BIA) has historically had the primary responsibility for implementing the trust relationship. The principal objectives of the BIA are to encourage and train Indians and Alaska Natives (it has no jurisdiction in Hawaii) to manage their own affairs under the trust relationship; to facilitate, with maximum involvement of Indians and Alaska Natives, full development of their human and natural resources; and to mobilize public and private aid to advance Indians and Alaska Natives (AIO 1981).

The BIA prepares the list of federally recognized Indian entities published annually in the Federal Register. It also evaluates petitions for recognition under the Federal Acknowledgment Project. Groups of Native Americans not on the BIA list are not eligible for BIA services and are, therefore, outside its jurisdiction.

The BIA may choose to assume lead agency status for government projects that will be located on reservations belonging to the federally recognized tribes. Their role in any specific project on or near Indian land should be established by interagency negotiation as early as possible in project planning to clarify the assignment of responsibilities. Tribal relations specialists in the Division of Tribal Government Services may be particularly helpful in arranging consultation with tribal governments in BIA's jurisdiction. The main office of BIA is at 1951 Constitution Ave., NW, Washington, D.C. 20242 (phone 202/343-4045). Area offices are listed in Appendix V.

Administration for Native Americans

The Administration for Native Americans (ANA) serves as the main agency in the Department of Health and Human Services (HHS) for addressing the concerns of Native Americans. It makes funds available for programs that assist in the fulfillment of self-determination goals. The operating definition of "Native American" used by the ANA is much broader than that of BIA. Its programs are, consequently, more inclusive and cover Native Hawaiians, Indian entities that are not federally recognized, and other groups not eligible for BIA's services. The ANA may, therefore, be able to assist in making contact with some of the Native groups that are politically less well defined. Their office is located at 330 Independence Avenue, SW, Room 5300, Washington, D.C. 20201 (phone 202/245-7714).

4. CONCLUSION

As recently as 1976, D. E. Witheridge was able to say, "Even today there is not complete religious freedom for native Indian religions... From the arrival of the white man on these shores to this year 1976 the Native Americans have never had freedom to worship as they chose, without governmental interference or compulsion." This has changed since the passage in 1978 of the American Indian Religious Freedom Act which requires federal agencies to respect the customs, ceremonies, and traditions of Native American religions and ensures that Native American religious receive the same protections that are guaranteed to all religious under the First Amendment. Many federal agencies, especially those involved with development projects, have chosen to

integrate AIRFA compliance into the existing environmental review process established to comply with the National Environmental Policy Act (NEPA). This incorporation of AIRFA consultation with NEPA compliance has eliminated the need for those federal agencies to create new and possibly cumbersome implementation methods for AIRFA consultation while ensuring that such consultation is not ignored during project planning and development. However, since Native Americans are frequently reluctant to discuss their religions with outsiders, federal agencies must be flexible in their impact analyses to be certain that AIRFA consultation is given adequate consideration. This flexibility and a sensitivity to the religious concerns of Native Americans will ensure that they will be accorded the rights of free exercise of their religious beliefs that are guaranteed to all Americans under the First Amendment to the U.S. Constitution.

5. LITERATURE CITED

- Americans for Indian Opportunity (AIO). 1981. Handbook of Federal Responsibility to Indian Communities in Areas of Environmental Protection and Individual Health and Safety. AIO, Albuquerque, New Mexico.
- _____. 1982. Messing with Mother Nature Can Be Hazardous to Your Health: Final report on the environmental health impacts of development on Indian communities and the roles of government agencies charged with the responsibilities for various aspects of environmental protection and individual worker safety. Modern Press, Albuquerque, New Mexico.
- Arnold, H. 1980. Energy development and the Religious Freedom Act. Oak Ridge National Laboratory Review, Fall; 42-49.
- Badoni v. Higginson, 638 FR 2d 172 (10th Cir., 1980).
- Bureau of Indian Affairs (BIA). Undated pamphlet. Federal Indian Policies from the Colonial Period through the early 1970's. U.S. Government Printing Office, Washington, D.C.
- _____. 1979. Information about Acknowledgment. BIA pamphlet. U.S. Department of the Interior, Washington, D.C.
- Council of Energy Resource Tribes (CERT). 1982. Tribal Environmental Review Process: Manual and Permits Directory. CERT/TR-82-623. Englewood, CO.
- Crow v. Gullet, 541 F. Supp. 785 (DCSD, 1982).
- Department of the Interior (DOI). 1979. American Indian Religious Freedom Act Report. Federal Agencies Task Force. U.S. Government Printing Office, Washington, D.C.
- Folk-Williams, J. A. 1981. The American Indian: An Overview of the Issues. Lilly Endowment, Inc., Indianapolis, Indiana.
- _____. 1982. Negotiation becomes more important in settling Indian water rights disputes in the West. Resolve, the Quarterly Newsletter on Environmental Dispute Resolution. The Conservation Foundation, Washington, D.C.
- Gerard, F. J. 1979. Statement of Forrest J. Gerard, Assistant Secretary for Indian Affairs, Department of the Interior, before the Commission on Security and Cooperation in Europe. Transcript of Hearings, 96th Congress, First Session on Implementation of the Helsinki Accords, Vol. VIII. U.S. Compliance: Human Rights. April 3-4, 1979.

- Nixon, Richard M. 1970. New Policy of Self-Determination Without Termination Set Forth By President. White House Policy Paper, published by U.S. Government Printing Office, Washington, D.C. for the Bureau of Indian Affairs.
- NW Indian Cemetery Association v. Peterson, 565 F. Supp. 586, 594-595 (N.D. Calif., 1983).
- Old Coyote, Barney. 1978. Testimony before the U.S. Senate Select Committee on Indian Affairs. Transcript of Hearings, 95th Congress, Second Session, on Senate Joint Resolution 102, American Indian Religious Freedom. February 24 and 27, 1978. U.S. Government Printing Office, Washington, D.C.
- People v. Woody, 394 P. 2d 813, 820-821 (Calif., 1964).
- Reagan, Ronald. 1983. Indian Policy Statement. White House Policy Office. January 14, 1983.
- Sando, H. 1979. Testimony before the Department of Energy Public Hearing on the Draft Environmental Impact Statement on the Geothermal Demonstration Program on the Baca Ranch in the Jemez Mountains. August 30, 1979. Albuquerque, New Mexico.
- _____. 1981. Environmental issues regarding the Baca geothermal project. Seventh National Conference on Energy and the Environment. Phoenix, AZ, November 30, 1980. CONF-801171, 1-4.
- Senate Select Committee on Indian Affairs. 1981. Analysis of the Budget Pertaining to Indian Affairs, Fiscal Year 1982. U.S. Government Printing Office, Washington, D.C.
- Sequoyah v. Tennessee Valley Authority (TVA), 620 F. 2d 1159 (1980).
- U.S. Commission on Civil Rights. 1973. Staff Memorandum on Constitutional Status of American Indians. Washington, D.C.
- U.S. Department of Energy. 1983a. Guidance Manual for Department of Energy Compliance with the National Historic Preservation Act. DOE/EP-0098. Office of Environmental Compliance. Washington, D.C. 37 pp.
- _____. 1983b. Statistical Data of the Uranium Industry. GJO-100(83). U.S. Department of Energy, Grand Junction Area Office, Colorado.
- U.S. v. Ballard, 322 U.S. 79, 86-88 (1944).
- Wall, S. 1979. Testimony before the Department of Energy Public Hearing on the Draft Environmental Impact Statement on the Geothermal Demonstration Program on the Baca Ranch in the Jemez Mountains. August 30, 1979. Albuquerque, New Mexico.

Wilson v. Block, 708 F. 2d 735, 742 (D.C. Cir., 1983).

Witheridge, D. E. 1976. No freedom of religion for American Indians.
J. of Church and State 18:5-19.

44 / 45

APPENDICES

APPENDIX I

THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT
(Public Law 95-341; August 11, 1978)

whereas the freedom of religion for all people is an inherent right, fundamental to the democratic structure of the United States and is guaranteed by the First Amendment of the United States Constitution;

whereas the United States has traditionally rejected the concept of a government denying individuals the right to practice their religion and, as a result, has benefited from a rich variety of religious heritages in this country;

whereas the religious practices of the American Indian (as well as Native Alaskan and Hawaiian) are an integral part of their culture, tradition and heritage, such practices forming the basis of Indian identity and value systems;

whereas the traditional American Indian religions, as an integral part of Indian life, are indispensable and irreplaceable;

whereas the lack of a clear, comprehensive, and consistent Federal policy has often resulted in the abridgement of religious freedom for traditional American Indians;

whereas such religious infringements result from the lack of knowledge or the insensitive and inflexible enforcement of Federal policies and regulations premised on a variety of laws;

whereas such laws were designed for such worthwhile purposes as conservation and preservation of natural species and resources but were never intended to relate to Indian religious practices and, therefore, were passed without consideration of their effect on traditional American Indian religions;

whereas such laws and policies often deny American Indians access to sacred sites required in their religions, including cemeteries;

whereas such laws at times prohibit the use and possession of sacred objects necessary to the exercise of religious rites and ceremonies;

whereas traditional American Indian ceremonies have been intruded upon, interfered with, and in a few instances banned; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Section 2. The President shall direct the various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after approval of this resolution, the President shall report back to the Congress the results^a of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

^aThe results are found in the American Indian Religious Freedom Act Report (Department of the Interior. 1979. American Indian Religious Freedom Act Report. Federal Agencies Task Force. U.S. Government Printing Office, Washington, D.C.). DOE's submission to that report is presented in Appendix III of this document.

APPENDIX II.

Text of a letter written in 1855 to President Franklin Pierce by Chief Sealath of the Duwamish Tribe of Washington state concerning the proposed purchase of the Tribe's land.

The Great Chief in Washington sends word that he wishes to buy our land. The Great Chief also sends us words of friendship and good will. This is kind of him, since we know he has little need of our friendship in return. But we will consider your offer, for we know if we do not so, the white man may come with guns and take our land. What Chief Sealath says, the Great Chief in Washington can count on as truly as our white brothers can count on the return of the seasons. My words are like the stars--they do not set.

How can you buy or sell the sky--the warmth of the land? The idea is strange to us. Yet we do not own the freshness of the air or the sparkle of the water. How can you buy them from us? We will decide in our time. Every part of this earth is sacred to my people. Every shining pine needle, every sandy shore, every mist in the dark woods, every clearing and humming insect is holy in the memory and experience of my people.

We know that the white man does not understand our ways. One portion of the land is the same to him as the next, for he is a stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother, but his enemy, and when he has conquered it, he moves on. He leaves his fathers' graves, and his children's birthright is forgotten. The sight of your cities pains the eyes of the redman. But perhaps it is because the redman is a savage and does not understand.

There is no quiet place in the white man's cities. No place to hear the leaves of spring or the rustle of insect's wings. But perhaps because I am a savage and do not understand--the clatter only seems to insult the ears. And what is there to life if a man cannot hear the lovely cry of a whippoorwill or the arguments of the frogs around a pond at night? The Indian prefers the soft sound of the wind darting over the face of the pond, and the smell of the wind itself cleansed by a mid-day rain, or scented with a pinon pine. The air is precious to the redman. For all things share the same breath--the beasts, the trees, the man. The white man does not seem to notice the air he breathes. Like a man dying for many days, he is numb to the stench.

If I decide to accept, I will make one condition. The white man must treat the beasts of this land as his brothers. I am a savage and I do not understand any other way. I have seen a thousand rotting buffalos on these plains left by the white man who shot them from a passing train. I am a savage and I do not understand how the smoking iron horse can be more important than the buffalo that we kill only to stay alive. What is man without the beasts? If all the beasts were gone, men would die from great loneliness of spirit, for whatever happens to the beast also happens to man. All things are connected. Whatever befalls the earth befalls the sons of the earth.

Our children have seen their fathers humbled in defeat. Our warriors have felt shame. And after defeat, they turn their days in idleness and contaminate their bodies with sweet food and strong drink. It matters little where we pass the rest of our days--they are not many. A few more hours, a few more winters, and none of the children of the great tribes that once lived on this earth, or that roamed in small bands in the woods, will be left to mourn the graves of a people once as powerful and hopeful as yours.

One thing we know which the white man may one day discover. Our God is the same God. You may think now that you own him as you wish to own our land. But you cannot. He is the Body of man. And his compassion is equal for the redman and the white. This earth is precious to him. And to harm the earth is to heap contempt on its creator. The whites, too, shall pass--perhaps sooner than other tribes. Continue to contaminate your bed, and you will one night suffocate in

your own waste. When the buffalo are all slaughtered, the wild horses all tamed, the secret corners of the forest heavy with the scent of many men, and the view of the ripe hills blotted by talking wires, where is the thicket? Gone. Where is the eagle? Gone. And what is it to say goodbye to the swift and the hunt? The end of living and the beginning of survival.

We might understand if we knew what it was that the white man dreams, what hopes he describes to his children on the long winter nights, what visions he burns into their minds, so they will wish for tomorrow. But we are savages. The white man's dreams are hidden from us. And because they are hidden, we will go our own way. If we agree, it will be to secure your reservation you have promised. There perhaps we may live out our brief days as we wish. When the last redman has vanished from the earth, and the memory is only the shadow of a cloud moving across the prairie, these shores and forest will still hold the spirits of my people, for they love this earth as the newborn loves its mother's heartbeat. If we sell you our land, love it as we've loved it. Care for it as we've cared for it. Hold in your mind the memory of the land, as it is when you take it. And with all your strength, with all your might, and with all your heart--preserve it for your children, and love it as God loves us all. One thing we know--our God is the same. This earth is precious to Him. Even the white man cannot be exempt from the common destiny.

APPENDIX III

DOE's submission to the Inter-Agency Task Force
on Indian Religious Freedom, March 30, 1979

RELIGIOUS FREEDOM FOR AMERICAN INDIANS

For purposes of the Inter-Agency Task Force on Indian Religious Freedom, the Department of Energy has identified the protection of sacred sites as a potential problem area during the evaluation of procedures required in the American Indian Religious Freedom Act, Public Law 95-341, 42 U.S.C. §1996. To avoid in a systematic manner future religious infringements, the Department is considering as a possible approach the following process, either as a regulation or as an internal issuance.

The Department of Energy is interested in seeing that the free exercise of religion is protected efficiently without setting up an unnecessarily cumbersome mechanism. Therefore, it seems likely that the process will be integrated into the environmental review process which is already established, perhaps as part of the Environmental Impact Statement. The process would likely apply to both substantial involvement by DOE or direct authority for DOE's proposed activity which affects any specific site for which an environmental review is required.

Before the Department of Energy would proceed with its proposed activity an investigation would be made to ascertain if the site at issue is related to the religious rites or ceremonies or is a sacred site of any traditional religion which is currently being sincerely practiced by any American Indian, Eskimo, Aleut and Native Hawaiian.

If the investigation finds indications that the site is currently a subject of religious practices, then the native traditional religious leaders shall be consulted in order to determine whether the Department's proposed action would infringe on the free exercise of religion in any way and to gain an understanding of any impact on the Native American traditional religions. We foresee that the most difficult issue for the Department will be whether its proposed alteration of a site would deny access to a sacred site or otherwise infringe on the free exercise of religion.

If consultation indicates that the proposed Department action may infringe on the free exercise of religion, then alternate plans will be prepared with additional consultation with the native traditional religious leaders. Alternate plans which do not infringe on the free exercise of religion will be examined to determine whether they adequately meet the goals of the Department of Energy for the site.

The DOE will make all deliberate effort to adopt a course of action consistent with the policy enunciated in P.L. 95-341. We are very aware of the rulings of the United States Supreme Court that the Federal government may not abridge the free exercise of religion unless there is a compelling governmental interest at stake.

If no alternative is feasible and DOE finds upon consultation that its proposed action would deny the free exercise of religion, then the difficult question must be asked, how crucial is the project. To safeguard against the answer being made by the program people most intimately involved in the project, the finding will be made within the environmental review, as previously noted. Within DOE the Assistant Secretary for Environment is structurally separate from the major program offices.

If the DOE's proposed action is deemed to be compelling and must proceed, then the findings and justification would be reviewed by the IR Secretariat which includes the Indian Affairs Office. Then the findings and justifications, accompanied by the Intergovernmental and Institutional Relations report, will be forwarded to the Secretary for his written approval before a final action is taken.

Upon the Secretary's final approval notice will be given. The findings and justification will be published and communicated to the native traditional religious leaders or other concerned parties.

APPENDIX IV. Indian entities^a of the United States, arranged by state^b

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Alabama ^e (Eastern Area)	Mowa Band of Choctaw Indians		P.O. Box 268 McIntosh, Alabama 36553	SR, P
	Poarch Band of Creek Indians (also known as Creek Nation East of the Mississippi)		Route 3, Box 243-A Atmore, Alabama 36502 205-368-9136	FR
Alaska ^e (Juneau Area)	(Published in the <u>Federal Register</u> July 10, 1986, pages 25118-25119)			
Alaska (Portland Area)	Metlakatla Indian Community	Metlakatla Indian Community Council	P.O. Box 8 Metlakatla, Alaska 99926 907-886-4441	FR
Arizona (Navajo Area)	Navajo Tribe	Navajo Tribal Council	P.O. Box 308 Window Rock, Arizona 86515 602-871-4941	FR, C
	San Juan Southern Paiute		Mrs. Evelyn James P.O. Box 2956 Tuba City, AZ 86045	PR
Arizona ^e (Phoenix Area)	Ak Chin Indian Community of Papago Indians of Maricopa, Ak Chin Reservation	Ak Chin Indian Community	Route 2, Box 27 Maricopa, Arizona 85239 602-568-2227	FR
	Cocopah Tribe	Cocopah Tribal Council	P.O. Box Bin "G" Somerton, Arizona 85350 602-627-2102	FR
	Colorado River Indian Tribes of the Colorado River Indian Reservation	Colorado River Tribal Council	Route 1, Box 23-B Parker, Arizona 85344 602-669-9211	FR
	Fort McDowell Band of Mohave Apache Indians of the Fort McDowell Indian Reservation	Fort McDowell Mohave- Apache Council	P.O. Box 17779 Fountain Hills, AZ 85268 602-990-0995	FR
	Fort Mojave Indian Tribe	Fort Mojave Tribal Council	500 Merriman Avenue Needles, California 92363 619-326-4591	FR
	Gila River Pima-Maricopa Indian Community of the Gila River Indian Reservation	Gila River Indian Community Council	P.O. Box 97 Sacaton, Arizona 85247 602-562-3311	FR
	Havasupai Tribe of the Havasupai Reservation	Havasupai Tribal Council	P.O. Box 10 Supai, Arizona 86435 602-448-2961	FR
	Hopi Tribe	Hopi Tribal Council	P.O. Box 123 Kykotsmovi, AZ 86039 602-734-2445	FR, C
	Hualapai Tribe of the Hualapai Indian Reservation	Hualapai Tribal Council	Box 168 Peach Springs, AZ 86434 602-769-2216	FR, C

^{a-e}All footnotes are at the end of the Table, Page 75.

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Arizona (CONTD) (Phoenix Area)	Kaibab Band of Paiute Indians of the Kaibab Indian Reservation	Kaibab Paiute Tribal Council	Tribal Affairs Building Pipe Springs, Arizona 86022 602-643-7245	FR
	Pascua Yaqui Tribe	Pascua Yaqui Tribal Council	7474 S. Camino De Oeste Tucson, Arizona 85746 602-883-2838	FR
	Salt River Pima-Maricopa Indian Community of the Salt River Reservation	Salt River Pima- Maricopa Indian Community Council	Route 1, Box 216 Scottsdale, Arizona 85256 602-941-7277	FR
	San Carlos Apache Tribe of the San Carlos Reservation	San Carlos Tribal Council	P.O. Box 0 San Carlos, Arizona 85550 602-475-2361	FR
	Tohono O'odham Nation (formerly known as the Papago Tribe of the Sells, Gila Bend, and San Xavier Reservations)	Tohono O'odham Council	Box 837 Sells, Arizona 85634 602-383-2221	FR
	Tonto Apache Tribe	Tonto Apache Tribe Council	Tonto Reservation #30 Payson, Arizona 85541 602-474-5000	FR
	White Mountain Apache Tribe of the Fort Apache Indian Reservation	White Mountain Apache Tribal Council	P.O. Box 700 Whiteriver, Arizona 85941 602-338-4346	FR
	Yavapai-Apache Indian Community of the Camp Verde Reservation	Yavapai-Apache Community Council	P.O. Box 1188 Camp Verde, Arizona 86322 602-567-3649	FR
California (Phoenix Area)	Yavapai-Prescott Tribe of the Yavapai Reservation	Yavapai-Prescott Community Council	P.O. Box 348 Prescott, Arizona 86301 602-445-8790	FR
	Chemehuevi Indian Tribe of the Chemehuevi Reservation	Chemehuevi Tribal Council	P.O. Box 1976 Chemehuevi Valley, CA 92363 619-858-4531	FR, C
	Colorado River Indian Tribes of the Colorado River Indian Reservation	Colorado River Tribal Council	Route 1, Box 23-B Parker, Arizona 85344 602-669-9211	FR
	Quechan Tribe of the Fort Yuma Indian Reservation	Quechan Tribal Council	P.O. Box 1352 Yuma, Arizona 85364 619-572-0213	FR
California ^e (Sacramento Area)	Washoe Tribe (Carson Colony, Dresslerville, and Washoe Ranches)	Washoe Tribal Council	919 Highway 395 South Gardnerville, Nevada 89410 702-883-1446	FR
	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation	Agua Caliente Tribal Council	960 E. Tahquitz Way #106 Palm Springs, CA 92262 619-325-5673	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Alturas Indian Rancheria of Pit River Indians	Alturas General Council	P.O. Box 1035 Alturas, California 96101	FR
	Augustine Band of Cahuilla Mission Indians of the Augustine Reservation		f	FR
	Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation	Barona General Business	1095 Barona Road Lakeside, California 92040 714-443-6613	FR
	Berry Creek Rancheria of Maidu Indians	Berry Creek Tribal Council	1779 Mitchell Avenue Oroville, California 95966 916-534-3859	FR
	Big Bend Rancheria of Pit River Indians	Big Bend General Council	P.O. Box 255 Big Bend, California 96001 916-337-6605	FR
	Big Lagoon Rancheria of Smith River Indians	Big Lagoon Rancheria	P.O. Drawer F Trinidad, California 95570 707-677-3115	FR
	Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation	Big Pine General Council	P.O. Box 384 Big Pine, California 93513 619-938-2121	FR
	Big Sandy Rancheria of Mono Indians	Big Sandy Interim Tribal Council	P.O. Box 337 Auberry, California 93602 209-855-4003	FR
	Big Valley Rancheria of Pomo and Pit River Indians	Big Valley Rancheria	853 16th Street Lakeport, California 95453	FR
	Blue Lake Rancheria	Blue Lake Interim Business Council	P.O. Box 428 Blue Lake, California 95525	FR
	Bridgeport Paiute Indian Colony	Bridgeport General Council	P.O. Box 37 Bridgeport, CA 93517 619-932-7083	FR
	Buena Vista Rancheria of MeWuk Indians	Buena Vista Rancheria	4650 Coalmine Road Ione, California 95640	FR
	Cabazon Band of Cahuilla Indians of the Cabazon Mission Reservation	Cabazon General Council	84-245 Indio Springs Drive Indio, California 92201 619-342-2593	FR
	Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of Colusa Rancheria	Colusa Indian Community Council	P.O. Box 8 Colusa, California 95932 916-458-8231	FR
	Cahto Indian Tribe of the Laytonville Rancheria	Laytonville General Council	P.O. Box 1239 Laytonville, CA 95454 707-984-6197	FR
	Cahuilla Band of Mission Indians of the Cahuilla Reservation	Cahuilla General Council	P.O. Box 860 Anza, California 92302 714-743-5549	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Campo Band of Diegueno Mission Indians of the Campo Indian Reservation	Campo General Council	1779 Campo Truck Trail Campo, California 92206 619-478-5251	FR
	Capitan Grande Band of Diegueno Mission Indians		f	FR
	Cedarville Rancheria of Northern Paiute Indians	Cedarville Community Council	P.O. Box 142 Cedarville, CA 96104	FR
	CherAe Heights Indian Community of the Trinidad Rancheria	Trinidad Community Council	P.O. Box 589 Trinidad, California 95570 707-677-0211	FR
	Chicken Ranch Rancheria of Miwuk Indians	Chicken Ranch Rancheria	P.O. Box 85 Jamestown, CA 95327	FR
	Cloverdale Rancheria of Romo Indians	Cloverdale Rancheria	285 Santana Drive Cloverdale, CA 95425	FR
	Coast Indian Community Yurok Indians of the Resighini Rancheria	Resighini Business Council	P.O. Box 212 Klamath, California 95548 707-482-2431	FR
	Cold Springs Rancheria of Mono Indians	Cold Springs Tribal Council	P.O. Box 209 Tollhouse, California 93667 209-855-2326	FR
	Cortina Indian Rancheria of Wintun Indians	Cortina General Council	P.O. Box 4113 Sacramento, CA 95814 916-725-6104	FR
	Covelo Indian Community of the Round Valley Reservation	Covelo Community Council	Round Valley Reservation P.O. Box 448 Covelo, California 95428 707-983-6126	FR
	Coyote Valley Band of Pomo Indians	Coyote Valley Interim Tribal Council	P.O. Box 39 Redwood Valley, CA 95470-0039 707-485-8723	FR
	Cuyapaibe Community Diegueno Mission Indians of the Cuyapaibe Reservation	Cuyapaibe General Council	c/o So. Indian Health, Inc. P.O. Box 20889 El Cajon, California 92021 619-561-3701	FR
	Death Valley TimbiSha Shoshone Band	Death Valley Indian Community	P.O. Box 206 Death Valley, CA 92328 619-786-2418	FR
	Dry Creek Rancheria of Pomo Indians	Dry Creek Tribal Council	P.O. Box 407 Geyserville, CA 95441 707-857-3331	FR

Elem Indian Colony of Pomo
Indians of the Sulphur
Bank Rancheria

Elem General Council

Sulphur Bank Rancheria
P.O. Box 1344
Clearlake Oaks, CA 95423
707-998-1666

FR

Elk Valley Rancheria of Smith
River Tolowa Indians

Elk Valley Interim
Tribal Council

P.O. Box 164
Fort Dick, California 95538

FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Enterprise Rancheria of Maidu Indians	Enterprise Rancheria	7470 Feather Falls Star Route Oroville, California 95965 916-589-0652	FR
	Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation	Fort Bidwell Community Council	P.O. Box 127 Fort Bidwell, CA 96112 916-279-6310	FR
	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation	Fort Independence General Council	P.O. Box 67 Independence, CA 93526 619-878-2126	FR
	Greenville Rancheria of Maidu Indians	Greenville Rancheria	P.O. Box 237 Greenville, California 95947 916-284-6446	FR
	Grindstone Indian Rancheria of Wintun- Wailaki Indians	Grindstone General Council	P.O. Box 63 Elk Creek, California 95939 916-968-4321	FR
	Hoopa Valley Tribe of the Hoopa Valley Reservation	Hoopa Valley Business Council	P.O. Box 1348 Hoopa, California 95546 916-625-4211	FR
	Hopland Band of Pomo Indians of the Hopland Rancheria	Hopland Interim Business Council	P.O. Box 610 Hopland, California 95449 707-744-1647	FR
	Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation	Inaja and Cosmit General Council	739 A Street, Apt. 12 Ramona, California 92065	FR
	Jackson Rancheria of MeWuk Indians	Jackson Interim Council	16070 Miwuk Drive Jackson, California 95642 209-223-1037	FR
	Jamul Indian Village	Jamul General Council	P.O. Box 612 Jamul, California 92035 619-697-5041	FR
	Karuk Tribe	Karuk Interim Committee	P.O. Box 1098 Happy Camp, CA 96039 916-493-5305	FR
	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	Kashia Community Council	Stewarts Point Rancheria P.O. Box 54 Stewarts Point, CA 95480 707-785-2594	FR
	La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation	La Jolla General Council	Star Route, Box 158 Valley Center, CA 92082 619-742-3771	FR
	La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation	La Posta Council	1079 Barona Road Lakeside, California 92040 619-478-5523	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Lookout Rancheria of Pit River Indians	Lookout Rancheria	P.O. Box 87 Lookout, California 96054	FR
	Los Coyotes Band of Cahuilla Mission Indians of the Los Coyotes Reservation	Los Coyotes General Council	P.O. Box 86 Warner Springs, CA 92086 619-782-3269	FR
	Manchester Band of Pomo Indians of the Manchester-Pt. Arena Rancheria	Manchester Community Council	P.O. Box 623 Point Arena, CA 95468 707-882-2388	FR
	Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation	Manzanita General Council	P.O. Box 1302 Boulevard, California 92005 619-478-5028	FR
	Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation	Mesa Grande General Council	P.O. Box 242 Warner Springs, CA 92086	FR
	Middletown Rancheria of Pomo Indians	Middletown Interim Council	P.O. Box 292 Middletown, CA 95461	FR
	Montgomery Creek Rancheria of Pit River Indians	Montgomery Creek Rancheria	P.O. Box 282 Montgomery Creek, CA 96065	FR
	Mooretown Rancheria of Maidu Indians	Mooretown Rancheria	P.O. Box 417 Feather Falls, CA 95940	FR
	Morongo Band of Cahuilla Mission Indians of the Morongo Reservation	Morongo General Council	11581 Potrero Road Banning, California 92220 714-849-4697	FR
	Northfork Rancheria of Mono Indians	North Fork Rancheria	3027 Clement Street #2 San Francisco, CA 94121	FR
	Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony	Bishop Tribal Council	P.O. Box 548 Bishop, California 93514 619-873-3584	FR
	Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation	Lone Pine Tribal Council	Star Route 1 1101 South Main Street Lone Pine, California 93545 619-876-5414	FR
	Pala Band of Luiseno Mission Indians of the Pala Reservation	Pala General Council	P.O. Box 43 Pala, California 92059 619-742-3784	FR
	Pauma Band of Luiseno Mission Indians of the Pauma and Tuima Reservation	Pauma General Council	P.O. Box 86 Pauma Valley, CA 92061 619-742-1289	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Pinoleville Rancheria of Pomo Indians	Pinoleville Rancheria	108 West Clay Street Ukiah, California 95482	FR
	Pit River Indian Tribe of the X-L Ranch Reservation	Pit River Tribal Council	P.O. Box Drawer 1570 Burney, California 96013 916-335-5421	FR
	Potter Valley Rancheria of Pomo Indians	Potter Valley Rancheria	P.O. Box 94 Potter Valley, CA 95469	FR
	Quartz Valley Rancheria of Karok, Shasta, and Upper Klamath Indians	Quartz Valley Rancheria	P.O. Box 6614 Fort Jones, CA 96032	FR
	Ramona Band of Village of of Cahuilla Mission Indians	Ramona Band of Cahuilla Indians	460 West Valley Boulevard Colton, California 92324	FR
	Redding Rancheria of Pomo Indians	Redding Interim Tribal Council	2214 Rancheria Road Redding, California 96001	FR
	Redwood Valley Rancheria of Pomo Indians	Redwood Valley Rancheria	P.O. Box 499 Redwood Valley, CA 95470 707-485-0361	FR
	Rincon Band of Luiseno Mission Indians of the Rincon Reservation	Rincon Business Committee	P.O. Box 68 Valley Center, CA 92082 619-749-1051	FR
	Roaring Creek Rancheria of Pit River Indians		f	FR
	Robinson Rancheria of Pomo Indians	Robinson Citizens Business Council	P.O. Box 1119 Nice, California 95464 707-998-1117	FR
	Rohnerville Rancheria of Bear River of Mattole Indians	Rohnerville Rancheria	P.O. Box 3443 Eureka, California 95501	FR
	Rumsey Indian Rancheria of Wintun Indians	Rumsey Community Council	P.O. Box 18 Brooks, California 95606 916-796-3189	FR
	San Manuel Band of Serranto Mission Indians of the San Manuel Reservation	San Manuel General Council	5771 North Victoria Avenue Highland, California 92346 714-862-2439	FR
	San Pasqual Band of Diegueno Mission Indians of the San Pasqual Reservation	San Pasqual General Council	P.O. Box 365 Valley Center, CA 92082 619-749-3200	FR
	Santa Rosa Indian Community of the Santa Rosa Rancheria	Santa Rosa General Council	16835 Alkalie Drive Lemoore, California 93245 209-924-1278	FR
	Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation	Santa Rosa General Council	325 North Western Street Hemet, California 92343 714-925-7190	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation	Santa Ynez General Council	P.O. Box 517 Santa Ynez, California 93460 805-688-7997	FR
	Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation	Santa Ysabel General Council	P.O. Box 126 Santa Ysabel, CA 92070 619-765-0845	FR
	Sheep Ranch Rancheria of MeWuk Indians		f	FR
	Sherwood Valley Rancheria of Pomo Indians	Sherwood Valley General Council	2141 South State Street Ukiah, California 95482 707-468-1337	FR
	Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract)	Shingle Springs Tribal Council	P.O. Box 1298 Shingle Springs, CA 95682	FR
	Smith River Rancheria	Smith River Interim Tribal Council	P.O. Box 307 Smith River, CA 95567	FR
	Soboba Band of Luiseno Mission Indians of the Soboba Reservation	Soboba General Council	P.O. Box 562 San Jacinto, CA 92383 714-654-2765	FR
	Susanville Indian Rancheria of Paiute, Maidu, Pit River, and Washoe Indians	Susanville General Council	Drawer U Susanville, CA 96130	FR
	Sycuan Band of Diegueno Mission Indians of the Sycuan Reservation	Sycuan Business Committee	P.O. Box 520 Alpine, California 92001 619-445-2613	FR
	Table Bluff Rancheria of Wiyot Indians	Table Bluff Board of Directors	P.O. Box 519 Loreta, California 95551 707-733-5537	FR
	Table Mountain Rancheria	Table Mountain Interim Tribal Council	P.O. Box 243 Friant, California 93626 209-822-2516	FR
	Torres-Martinez Band of Cahuilla Mission Indians of the Torres-Martinez Reservation	Torres-Martinez Business Committee	1368 E. George Banning, California 92220 714-658-0211	FR
	Tule River Indian Tribe of the Tule River Indian Reservation	Tule River Tribal Council	P.O. Box 589 Porterville, CA 93257 209-781-4265	FR, C

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria

Tuolumne Community Council

P.O. Box 696
Tuolumne, California 95379
209-928-4265

FR

Twenty-Nine Palms Band of Luiseno Mission Indians of the Twenty-Nine Palms Reservation

Twenty Nine Palms General Council

58 S. El Cielo Apt. 2
Palm Springs, CA 92262
619-332-1914

FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
California (CONTD) (Sacramento Area)	Upper Lake Band of Pomo Indians of Upper Lake Rancheria	Upper Lake Interim Committee	Upper Lake Rancheria P.O. Box 20272 Sacramento, California 95820 916-488-6070	FR
	Utu Utu Gwaiti Paiute Tribe of the Benton Paiute Reservation	Utu Utu Gwaitu Paiute Tribal Council	Benton Paiute Reservation Star Route 4, Box 56-A Benton, California 93512 619-933-2321	FR
	Viejas Group of Capitan Grande Band of Mission Indians of the Viejas Reservation	Viejas Tribal Council	P.O. Box 908 Alpine, California 92001 714-445-3810	FR
	Yurok Tribe of the Hoopa Valley Reservation		f	FR
Colorado (Albuquerque Area)	Southern Ute Indian Tribe of the Southern Ute Reservation	Southern Ute Tribal Council	Tribal Affairs Building P.O. Box 737 Ignacio, Colorado 81137 303-563-4425	FR, C
	Ute Mountain Tribe of the Ute Mountain Reservation	Ute Mountain Tribal Council	General Delivery Towaoc, Colorado 81344 303-565-3751	FR, C
Connecticut (Eastern Area)	Eastern Pequot Indians of Connecticut		Lantern Hill Reservation RFD #7, 941 Ledyard, Connecticut 06339 203-464-7428	SR, P
	Golden Hill Paugusett Tribe		427 Shelton Road Trumbull, Connecticut 06611	SR, P
	Mashantucket Pequot Tribe	Mashantucket Pequot Council	Indian Town Road P.O. Box 160 Ledyard, Connecticut 06339 203-536-2681	FR
	Mohegan Indian Group		1841 Norwich New London Turnpike Uncasville, Connecticut 06382 203-527-5216	SR, P
	Schaghticoke Indian Tribe		P.O. Box 67 Kent, Connecticut 06757 203-238-4009	SR, P
Delaware (Eastern Area)	Nanticoke Indian Association		Route 4, Box 107-A Millsboro, Delaware 19966 302-945-3100	SR, P
Florida ^e (Eastern Area)	Miccosukee Tribe of Indians	Miccosukee Business Committee	P.O. Box 440021 Tamiami Station Miami, Florida 33144 305-223-8380	FR
	Seminole Tribe of Florida, Dania, Big Cypress, and Brighton Reservations	Seminole Tribal Council	6073 Stirling Road Hollywood, Florida 33024 305-583-7112	FR, C

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Georgia ^e (Eastern Area)	(There are currently no federally acknowledged or state recognized Indian entities in Georgia.)			
Hawaii ^g	Office of Hawaiian Affairs		567 South King Street Honolulu, Hawaii 96813	Agency of the state of Hawaii for native affairs
	Alu Like, Inc.		2828 Paa Street Suite 3035 Honolulu, Hawaii 96819	State- wide citizens group for native Hawaiians
Idaho ^e (Portland Area)	Coeur D'Alene Tribe of the Coeur D'Alene Reservation	Coeur D'Alene Tribal Council	Plummer, Idaho 83851 208-274-3101	FR, C
	Kootenai Tribe	Kootenai Tribal Council	P.O. Box 1269 Bonners Ferry, Idaho 83805 208-267-3519	FR
	Nez Perce Tribe of Idaho, Nez Perce Reservation	Nez Perce Executive Committee	P.O. Box 305 Lapwai, Idaho 83540 208-843-2253	FR, C
	Shoshone-Bannock Tribes of the Fort Hall Reservation	Fort Hall Business Council	P.O. Box 306 Fort Hall, Idaho 83203 208-238-3700	FR, C
Indiana ^e (Eastern Area)	(There are currently no federally acknowledged or state recognized Indian entities in Indiana.)			
Iowa (Minneapolis Area)	Sac & Fox Tribe of the Mississippi	Sac & Fox Tribal Council	Route 2, Box 56C Tama, Iowa 52339 515-484-4678	FR
Kansas ^e (Anadarko Area)	Iowa Tribe	Iowa of Kansas Executive Committee	Route 1, Box 58A White Cloude, Kansas 66094 913-595-3258	FR
	Kickapoo Tribe of Indians of the Kickapoo Reservation	Kickapoo of Kansas Tribal Council	Route 1, Box 157A Horton, Kansas 66349 913-486-2131	FR
	Prairie Band of Potawatomi Indians	Prairie Band Potawatomi Tribal Council	Potawatomi Adm. Office P.O. Box 97 Mayetta, Kansas 66509 913-966-2255	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Kansase (CONTD) (Anadarko Area)	Sac & Fox Tribe of Missouri	Sac & Fox of Missouri Tribal Council	P.O. Box 38 Reserve, Kansas 66434 913-742-7471	FR
Louisiana (Eastern Area)	Apache-Choctaw Community of Ebarb		Route 1, Box 347 Zwolle, Louisiana 71486 318-645-9236	SR, P
	Chitimacha Tribe	Chitimacha Tribal Council	P.O. Box 661 Charenton, Louisiana 70523 318-923-4973	FR
	Clifton-Choctaw Indians		General Delivery Gardner, Louisiana 71431 318-793-8796	SR, P
	Coushatta Tribe	Coushatta Tribal Council	P.O. Box 818 Elton, Louisiana 70532 381-584-2261	FR
	Jena Band of Choctaws		P.O. Box 14 Jena, Louisiana 71342 318-992-2717	SR, P
	Louisiana Band of Choctaw		P.O. Box 547 Baker, Louisiana 70714	SR
	Tunica-Biloxi Indian Tribe	Tunica-Biloxi Indian Tribe	P.O. Box 2182 Mansura, Louisiana 71350 318-253-9767	FR
	United Houma Nation		Star Route, Box 95-A Golden Meadow, LA 70357 504-475-6640	SR, P
Maine ^e (Eastern Area)	Houlton Band of Maliseet Indians	Houlton Maliseet Band Council	P.O. Box 576 Houlton, Maine 04730 207-523-7339	FR
	Passamaquoddy Tribe	Indian Township Passamaquoddy Reservation	P.O. Box 301 Princeton, Maine 04668 207-796-2301	FR
		Pleasant Point Passamaquoddy Reservation	P.O. Box 343 Perry, Maine 04667 207-853-2551	FR
	Penobscot Tribe	Penobscot Tribe	Six River Road-Indian Island Reservation Old Town, Maine 04468 207-827-7776	FR, C
Maryland ^e (Eastern Area)	(There are currently no federally acknowledged or state recognized Indian entities in Maryland.)			
Massachusetts (Eastern Area)	Mashpee Wampanoag Tribe	Mashpee Wampanoag Tribal Council	Route 130 Mashpee, MA 02649	SR, P
	Nipmuck Tribe of the Massanamisco Reservation		80 Birgham Hill Road Grafton, MA 01519	SR, P

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Massachusetts (CONTD) (Eastern Area)	Wampanoag Tribe of Gay Head	Wampanoag Tribal Council of Gay Head, Inc.	State Road RFD Box 137 Gay Head, MA 02535 617-645-9265	FR
Michigan ^e (Minneapolis Area)	Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation	Bay Mills Executive Council	Route 1 Brimley, Michigan 49715 906-248-3241	FR
	Grand Traverse Band of Ottawa & Chippewa Indians	Grand Traverse Band	Route 1, Box 135 Suttons Bay, Michigan 49682 616-271-3538	FR
	Hannahville Indian Community of Wisconsin Potawatomie Indians	Hannahville Indian Community Council	Route 1, Community Center Wilson, Michigan 49896 906-466-2342	FR
	Keweenaw Bay Indian Community of L'Anse, Lac Vieux Desert, and Ontonagon Bands of Chippewa Indians of the L'Anse Reservation	Keweenaw Bay Tribal Council	Tribal Center Building Route 1, Box 45 Baraga, Michigan 49908 906-353-6623	FR
	Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation	Saginaw Chippewa Tribal Council	7070 East Broadway Road Mt. Pleasant, Michigan 48858 517-772-5700	FR, C
	Sault Ste. Marie Tribe of Chippewa Indians	Sault Ste. Marie Chippewa Tribal Council	206 Greenough Street Sault Ste. Marie, MI 49783 906-635-6050	FR
Minnesota ^e (Minneapolis Area)	Lower Sioux Indian Community of the Minnesota Mdewakanton Sioux Indians of the Lower Sioux Reservation	Lower Sioux Indian Community Council	Rural Route 1, Box 308 Morton, Minnesota 56270 507-697-6185	FR
	Minnesota Chippewa Tribe (has six component reservations)	Minnesota Chippewa Tribal Executive Committee	Box 217 Cass Lake, Minnesota 56633 218-335-2252	FR
	1. Boise Fort Band (Nett Lake)	Boise Fort (Nett Lake) Reservation Business Committee	Nett Lake, Minnesota 55772 218-757-3261	
	2. Fond du Lac Band	Fond du Lac Reservation Business Committee	105 University Road Cloquet, Minnesota 55720 218-879-4593	
	3. Grand Portage Band	Grand Portage Reservation Business Committee	P.O. Box 428 Grand Portage, MN 55605 218-476-2279	
	4. Leech Lake Band	Leech Lake Reservation Business Committee	Route 3, Box 100 Cass Lake, Minnesota 56633 218-335-2207	

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Minnesota (CONTD) (Minneapolis Area)	5. Mille Lac Band	Mille Lac Reservation Business Committee	Star Route Onamia, Minnesota 56359 612-532-4181	
	6. White Earth Band	White Earth Reservation Business Committee	P.O. Box 418 White Earth, MN 56591 218-983-3285	
	Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation	Prairie Island Community Council	5750 Sturgeon Lake Road Welch, Minnesota 55089 612-388-8889	FR
	Red Lake Band of Chippewa Indians of the Red Lake Reservation	Red Lake Tribal Council	P.O. Box 550 Red Lake, Minnesota 56671 218-679-3341	FR
	Shakopee Mdewakanton Sioux Community (Prior Lake)	Shakopee Business Council	2330 Sioux Trail NW Prior Lake, Minnesota 55372 612-445-8900	FR
	Upper Sioux Indian Community of the Upper Sioux Reservation	Upper Sioux Board of Trustees	P.O. Box 147 Granite Falls, MN 56241 612-564-4504	FR
Mississippi (Eastern Area)	Mississippi Band of Choctaw Indians	Choctaw Tribal Council	Route 7, Box 21 Philadelphia, MS 39350 601-656-5251	FR
Missouri ^e (Muskogee Area)	(There are currently no federally acknowledged or state recognized Indian entities in Missouri.)			
Montana ^e (Billings Area)	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation	Fort Peck Executive Board	P.O. Box 1027 Poplar, Montana 59255 406-768-5311	FR, C
	Blackfeet Tribe of the Blackfeet Reservation	Blackfeet Tribal Business Council	P.O. Box 850 Browning, Montana 59417 406-338-7276	FR, C
	Chippewa-Cree Indians of the Rocky Boy's Reservation	Chippewa Cree Business Committee	Box 137 Box Elder, Montana 59521 406-395-4282	FR, C
	Crow Tribe	Crow Tribal Council	P.O. Box 159 Crow Agency, Montana 59022 406-638-2601	FR, C
	Fort Belknap Indian Community of the Fort Belknap Reservation	Fort Belknap Community Council	P.O. Box 249 Harlem, Montana 59526 406-353-2205	FR, C
	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation	Northern Cheyenne Tribal Council	P.O. Box 128 Lame Deer, Montana 59043 406-477-6284	FR, C

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Montana (CONTD) (Portland Area)	Confederated Salish & Kootenai Tribes of the Flathead Reservation	Confederated Salish & Kootenai Tribal Council	Box 278 Pablo, Montana 59855 406-675-2700	FR, C
Nebraska (Aberdeen Area)	Omaha Tribe	Omaha Tribal Council	P.O. Box 368 Macy, Nebraska 68039 402-837-5391	FR
	Santee Sioux Tribe of the Santee Reservation	Santee Sioux Tribal Council	Route 2 Niobrara, Nebraska 68760 402-857-3302	FR
	Winnebago Tribe of the Winnebago Reservation	Winnebago Tribal Council	Winnebago, Nebraska 68071 402-878-2272	FR
Nebraska (Anadarko Area)	Iowa Tribe	Iowa of Kansas Executive Committee	Route 1, Box 58A White Cloude, Kansas 66094 913-595-3258	FR
	Sac & Fox Tribe of Missouri	Sac & Fox of Missouri Tribal Council	P.O. Box 38 Reserve, Kansas 66434 913-742-7471	FR
Nevada (Phoenix Area)	Confederated Tribes of the Goshute Reservation	Goshute Business Council	Ibapah, Utah 87034 801-234-1138	FR
	Duckwater Shoshone Tribe of the Duckwater Reservation	Duckwater Shoshone Tribal Council	P.O. Box 68 Duckwater, Nevada 89314 702-863-0227	FR
	Ely Indian Colony	Ely Colony Council	16 Shoshone Circle Ely, Nevada 89301 702-289-3013	FR
	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation	Fort McDermitt Shoshone - Paiute Tribal Council	P.O. Box 457 McDermitt, Nevada 89421 702-532-8259	FR
	Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony	Las Vegas Colony Council	No. 1 Paiute Drive Las Vegas, Nevada 89106 702-386-3926	FR
	Lovelock Paiute Tribe of the Lovelock Indian Colony	Lovelock Tribal Council	Box 878 Lovelock, Nevada 89419 702-273-2861	FR
	Moapa Band of Paiute Indians of the Moapa River Indian Reservation	Moapa Business Council	P.O. Box 56 Moapa, Nevada 89025 702-865-2787	FR
	Paiute-Shoshone Tribe of the Fallon Reservation and Colony	Fallon Paiute Shoshone Business Council	P.O. Box 1650 Fallon, Nevada, 89406 702-723-6075	FR
	Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation	Pyramid Lake Paiute Tribal Council	P.O. Box 256 Nixon, Nevada 89424 702-574-0140	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Nevada (CONTD) (Phoenix Area)	Reno-Sparks Indian Colony	Reno-Sparks Indian Council	98 Colony Road Reno, Nevada 89502 702-329-2936	FR
	Shoshone-Paiute Tribes of the Duck Valley Reservation	Shoshone Paiute Business Council	P.O. Box 219 Owyhee, Nevada 89832 702-757-3161	FR
	Summit Lake Paiute Tribe of the Summit Lake Reservation	Summit Lake Paiute Council	P.O. Box 64 Denio, Nevada 89404 503-495-2206	FR
	Te-Moak Tribe of Western Shoshone Indians	Te-Moak Business Council	525 Sunset Street Elko, Nevada 89801 702-738-9251	FR
	Walker River Paiute Tribe of the Walker River Reservation	Walker River Paiute Tribal Council	P.O. Box 220 Schurz, Nevada 89427 702-773-2306	FR, C
	Washoe Tribe (Carson Colony, Dresslerville, and Washoe Ranches)	Washoe Tribal Council	919 Highway 395 South Gardnerville, Nevada 89410 702-583-1446	FR
	Winnemucca Indian Colony	Winnemucca Colony Council	P.O. Box 1669 Winnemucca, Nevada 89445 702-623-2980	FR
	Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch	Yerington Paiute Tribal Council	171 Campbell Lane Yerington, Nevada 89447 702-463-3301	FR
New Jersey (Eastern Area)	Yomba Shoshone Tribe of the Yomba Reservation	Yomba Tribal Council	Route 1, Box 24 Austin, Nevada 89310 702-964-2463	FR
	Powhatan Indians of Delaware Valley, Inc.		323-A Route 70, RD 1 Medford, New Jersey 08055	SR
	Ramapough Mountain Indians, Inc.		40 Malcolm Road Mahwah, New Jersey 07430 201-529-1171	SR, P
New Mexico (Navajo Area)	Navajo Tribe	Navajo Tribal Council	P.O. Box 308 Window Rock, Arizona 86515 602-871-4941	FR, C
New Mexico ^e (Albuquerque Area)	Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation	Jicarilla Apache Tribal Council	P.O. Box 147 Dulce, New Mexico 87528 505-759-3242	FR, C
	Mescalero Apache Tribe of the Mescalero Reservation	Mescalero Apache Tribal Council	P.O. Box 176 Mescalero, NM 87340 505-671-4495	FR
	Pueblo of Acoma	Acoma Pueblo	P.O. Box 309 Acoma, New Mexico 87034 505-552-6604	FR, C

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
New Mexico (CONTD) (Albuquerque Area)	Pueblo of Cochiti	Cochiti Pueblo	P.O. Box 70 Cochiti, New Mexico 87041 505-465-2244	
	Pueblo of Isleta	Isleta Pueblo	P.O. Box 317 Isleta, New Mexico 87022 505-869-3111	FR
	Pueblo of Jemez	Jemez Pueblo	P.O. Box 78 Jemez Pueblo, NM 87024 505-834-7359	FR, C
	Pueblo of Laguna	Laguna Pueblo	P.O. Box 194 Laguna, New Mexico 87026 505-552-6654	FR, C
	Pueblo of Nambe	Nambe Pueblo	Route 1, Box 117-BB Santa Fe, New Mexico 87501 505-455-7752	FR
	Pueblo of Picuris	Picuris Pueblo	P.O. Box 127 Penasco, New Mexico 87553 505-587-2519	FR
	Pueblo of Pojoaque	Pojoaque Pueblo	Route 11, Box 71 Santa Fe, New Mexico 87501 505-455-2278	FR
	Pueblo of Sandia	Sandia Pueblo	P.O. Box 6008 Bernalillo, NM 87004 505-867-2876	FR
	Pueblo of San Felipe	San Felipe Pueblo	P.O. Box A San Felipe Pueblo, NM 87001 505-867-3381	FR
	Pueblo of San Ildefonso	San Ildefonso Pueblo	Route 5, Box 315-A Santa Fe, New Mexico 87501 505-455-2273	FR
	Pueblo of San Juan	San Juan Pueblo	P.O. Box 1099 San Juan Pueblo, NM 87556 505-852-4400	FR
	Pueblo of Santa Ana	Santa Ana Pueblo	P.O. Box 37 Bernalillo, New Mexico 87004 505-867-3301	FR, C
	Pueblo of Santa Clara	Santa Clara Pueblo	P.O. Box 580 Española, New Mexico 87532 505-753-7330	FR
	Pueblo of Santo Domingo	Santo Domingo Pueblo	P.O. Box 99 Santo Domingo Pueblo, New Mexico 87052 505-465-2214	FR
	Pueblo of Taos	Taos Pueblo	P.O. Box 1846 Taos Pueblo, NM 87571 505-758-8626	FR

APPENDIX IV. (CONTD)

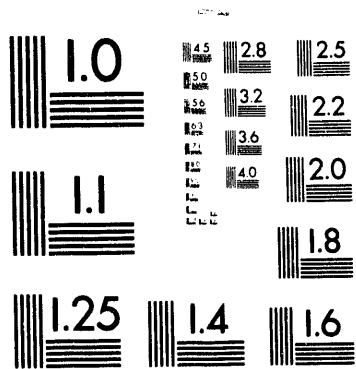
State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
New Mexico (CONTD) (Albuquerque Area)	Pueblo of Tesuque	Tesuque Pueblo	Route 11, Box 1 Santa Fe, New Mexico 87501 505-983-2667	FR
	Pueblo of Zia	Zia Pueblo	General Delivery San Ysidro, NM 87053 505-867-3304	FR, C
	Ute Mountain Tribe of the Ute Mountain Reservation	Ute Mountain Tribal Council	General Delivery Towaoc, Colorado 81344 303-565-3751	FR, C
	Zuni Tribe of the Zuni Reservation	Zuni Pueblo	P.O. Box 339 Zuni, New Mexico 87327 505-782-4481	FR
New York (Eastern Area)	Cayuga Nation	Cayuga Nation	P.O. Box 11 Versailles, New York 14168 716-532-4847	FR
	Oneida Nation	Oneida Nation of New York	Route 2, West Road Oneida, New York 13424	FR
	Onondaga Nation	Onondaga Nation	P.O. Box 278 Nedrow, New York 13120 315-469-8507	FR
	Poospatuck Indian Reservation		P.O. Box 235 Mastic, New York 11950	SR
	St. Regis Band of Mohawk Indians	St. Regis Mohawk Council Chiefs	St. Regis Reservation Hogansburg, New York 13655 518-358-2272	FR
	Seneca Nation	Seneca Nation	1490 Route 438 Irving, New York 14081 716-532-4900	FR
	Shinnecock Tribe		P.O. Box 59 Southampton, NY 11968 516-283-3776	SR, P
	Tonawanda Band of Seneca Indians	Council of Chiefs	7027 Meadville Road Basom, New York 14013 716-542-4244	FR
North Carolina ^e (Eastern Area)	Tuscarora Nation	Tuscarora Nation	5616 Walmore Road Lewiston, New York 14092 716-297-9279	FR
	Coharie Intra-Tribal Council		Route 3, Box 356-B Clinton, NC 28328 919-564-6901	SR, P
	Eastern Band of Cherokee Indians		Cherokee Council House P.O. Box 455 Cherokee, NC 28719 704-497-2771	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
North Carolina (CONTD) (Eastern Area)	Haliwa-Saponi Indian Tribe		Post Office Box 99 Hollister, NC 27844 919-586-4017	SR, P
	Lumbee Regional Development Association		East Main Street P. O. Box 68 Pembroke, NC 28372 919-521-2401	SR, P
	Waccamaw-Siouan Development Association		P. O. Box 221 Bolton, NC 28423	SR, P
North Dakota ^e (Aberdeen Area)	Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation	Devils Lake Sioux Tribal Council	Sioux Community Center Fort Totten, ND 58335 701-766-4221	FR
	Standing Rock Sioux Tribe of the Standing Rock Reservation	Standing Rock Sioux Tribal Council	Fort Yates, ND 58538 701-854-7231	FR, C
	Three Affiliated Tribes of the Fort Berthold Reservation	Fort Berthold Tribal Business Council	P.O. Box 220 New Town, ND 58763 701-627-4781	FR, C
	Turtle Mountain Band of Chippewa Indians, Turtle Mountain Indian Reservation	Turtle Mountain Tribal Council	Belcourt, North Dakota 58316 701-477-6451	FR, C
Ohio ^e (Eastern Area)	(There are currently no federally acknowledged or state recognized Indian entities in Ohio.)			
Oklahoma (Anadarko Area)	Absentee-Shawnee Tribe of Indians	Absentee-Shawnee Executive Committee	P.O. Box 1747 Shawnee, Oklahoma 74801 405-275-4030	FR
	Apache Tribe	Apache Business Committee	Box 1220 Anadarko, Oklahoma 73005 405-247-9493	FR
	Caddo Indian Tribe	Caddo Tribal Council	P.O. Box 487 Binger, Oklahoma 73009 405-656-2344	FR
	Cheyenne-Arapaho Tribes	Cheyenne-Arapaho Business Committee	P.O. Box 38 Concho, Oklahoma 73022 405-262-0345	FR, C
	Citizen Band of Potawatomi Indian Tribe	Citizen Band Potawatomi Business Committee	Route 5, Box 151 Shawnee, Oklahoma 74801 405-275-3125	FR
	Comanche Indian Tribe	Comanche Tribal Business Committee	P.O. Box 908 Lawton, Oklahoma 73022 405-247-3444	FR
	Delaware Tribe	Delaware Executive Committee	P.O. Box 825 Anadarko, Oklahoma 73005 405-247-2448	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Oklahoma (CONTD) (Anadarko Area)	Fort Sill Apache Tribe	Fort Sill Apache Business Committee	Route 2, Box 121 Apache, Oklahoma 73006 405-588-2298	FR
	Iowa Tribe	Iowa of Oklahoma Business Committee	Iowa Veterans Hall P.O. Box 190 Perkins, Oklahoma 74059 405-547-2403	FR
	Kaw Indian Tribe	Kaw Business Committee	Drawer 50 Kaw City, Oklahoma 74641 405-269-2552	FR
	Kickapoo Tribe (includes Texas band of Kickapoo Indians)	Kickapoo of Oklahoma Business Committee	P.O. Box 58 McLoud, Oklahoma 74851 405-964-2075	FR
	Kiowa Indian Tribe	Kiowa Business Committee	P.O. Box 369 Carnegie, Oklahoma 73015 405-654-2300	FR
	Otoe-Missouria Tribe	Otoe-Missouria Tribal Council	P.O. Box 68 Red Rock, Oklahoma 74651 405-723-4334	FR
	Pawnee Indian Tribe	Pawnee Business Council	P.O. Box 470 Pawnee, Oklahoma 74058 918-762-3624	FR, C
	Ponca Tribe of Indians	Ponca Business Committee	P.O. Box 2, White Eagle Ponca City, Oklahoma 74601 405-765-8104	FR, C
	Sac & Fox Tribe of Indians	Sac & Fox of Oklahoma Business Committee	Route 2, Box 246 Stroud, Oklahoma 74079 918-968-3526	FR
	Tonkawa Tribe of Indians	Tonkawa Business Committee	P.O. Box 86 Tonkawa, Oklahoma 74653 405-628-2561	FR
Oklahoma (Muskogee Area)	Wichita Indian Tribe	Wichita Executive Committee	Wichita Tribal Affairs Office P.O. Box 729 Anadarko, Oklahoma 73005 405-247-2425	FR
	Alabama-Quassarte Tribal Town of the Creek Nation of Indians	Alabama-Quassarte Tribal Town	P.O. Box 404 Eufaula, Oklahoma 74432 918-689-3398	FR
	Cherokee Nation	Cherokee Nation of Oklahoma	P.O. Box 948 Tahlequah, Oklahoma 74465 918-456-0671	FR, C
	Chickasaw Nation	Chickasaw Nation of Oklahoma	P.O. Box 1548 Ada, Oklahoma 74820 405-436-2603	FR
	Choctaw Nation	Choctaw Nation of Oklahoma	P.O. Drawer 1210 16th and Locust Street Durant, Oklahoma 74701 405-924-8290	FR



2 of 2

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Oklahoma (CONTD) (Muskogee Area)	Creek Nation	Creek Nation of Oklahoma	P.O. Box 580 Okmulgee, Oklahoma 74447 918-756-8700	FR
	Eastern Shawnee Tribe	Eastern Shawnee Business Committee	P.O. Box 350 Seneca, Missouri 64865 417-776-2435	FR
	Kialegee Tribal Town of the Creek Indian Nation	Kialegee Tribal Town	928 Alex Noon Drive Wetumka, Oklahoma 74883	FR
	Miami Tribe	Miami Business Committee	P.O. Box 636 Miami, Oklahoma 74355 918-540-2890	FP
	Modoc Tribe	Modoc Tribe of Oklahoma	P.O. Box 939 Miami, Oklahoma 74355 918-542-1190	FR
	Osage Tribe	Osage Tribal Council	Tribal Administration Bldg. Pawhuska, Oklahoma 74056 918-287-4622	FR
	Ottawa Tribe	Ottawa Business Committee	P.O. Box 110 Miami, Oklahoma 74355 918-540-1536	FR
	Peoria Tribe	Peoria Business Committee	P.O. Box 1527 Miami, Oklahoma 74355 918-540-2535	FR
	Quapaw Tribe	Quapaw Tribal Business Committee	P.O. Box 765 Quapaw, Oklahoma 74363 918-542-1853	FR
	Seminole Nation	Seminole Nation of Oklahoma	Box 745 Wewoka, Oklahoma 74884 405-257-6287	FR
	Seneca-Cayuga Tribe	Seneca-Cayuga Business Committee	P.O. Box 1283 Miami, Oklahoma 74355 918-542-6609	FR
	Thlopthlocco Tribal Town of the Creek Indian Nation	Thlopthlocco Tribal Town	8433 East 64th Place Tulsa, Oklahoma 74133 918-582-9201	FR
	United Keetoowah Band of Cherokee Indians	United Keetoowah Cherokee Council	P.O. Box 202 Spavinaw, Oklahoma 74366 918-434-5576	FR
	Wyandotte Tribe	Wyandotte Business Committee	P.O. Box 250 Wyandotte, Oklahoma 74370 918-678-2297	FR
Oregon (Portland Area)	Burns Paiute Indian Colony	Burns-Paiute General Council	P.O. Box 71 Burns, Oregon 97720 503-573-2088	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Oregon (CONTD) (Portland Area)	Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians		P.O. Box 660 Coos Bay, Oregon 97420 503-267-5454	FR
	Confederated Tribes of Grande Ronde Community	Confederated Tribes of Grande Ronde Tribal Council	P.O. Box 38 Grande Ronde, Oregon 97347 503-879-5215	FR
	Confederated Tribes of the Siletz Reservation	Siletz Tribal Council	P.O. Box 549 Siletz, Oregon 97380 503-444-2532	FR
	Confederated Tribes of the Umatilla Reservation	Umatilla Board of Trustees	P.O. Box 638 Pendleton, Oregon 97801 503-276-3165	FR, C
	Confederated Tribes of the Warm Springs Reservation	Warm Springs Tribal Council	P.O. Box C Warm Springs, Oregon 97761 503-553-1161	FR
	Cow Creek Band of Umpqua Indians	Cow Creek Band of Umpqua Indians	1376 NE Walnut, Suite 1 Roseburg, OR 97470-2027 503-672-9696	FR
	Klamath Indian Tribe	Klamath General Council	Box 436 Chiloquin, Oregon 97624 503-783-2219	FR
Rhode Island (Eastern Area)	Narragansett Indian Tribe	Narragansett Indian Tribe	P.O. Box 268 Charlestown, RI 02813 401-792-9700	FR
South Carolina ^e (Eastern Area)	Catawaba Indians		Route 3, Box 324 Rock Hill, SC 92730	SR
South Dakota (Aberdeen Area)	Cheyenne River Sioux Tribe of the Cheyenne River Reservation	Cheyenne River Sioux Tribal Council	P.O. Box 590 Eagle Butte, SD 57625 605-964-4155	FR, C
	Crow Creek Sioux Tribe of the Crow Creek Reservation	Crow Creek Sioux Tribal Council	P.O. Box 658 Furt Thompson, SD 57339 605-245-2221	FR
	Flandreau Santee Sioux Tribe	Flandreau Santee Sioux Executive Committee	Flandreau Field Office Box 283 Flandreau, SD 57028 605-997-3891	FR
	Lower Brule Sioux Tribe of the Lower Brule Reservation	Lower Brule Sioux Tribal Council	Lower Brule, SD 57548 605-473-5561	FR
	Oglala Sioux Tribe of the Pine Ridge Reservation	Oglala Sioux Tribal Council	P.O. Box 468 Pine Ridge, SD 57770 605-867-5821	FR, C
	Rosebud Sioux Tribe of the Rosebud Indian Reservation	Rosebud Sioux Tribal Council	P.O. Box 38 Rosebud, South Dakota 57570 605-747-2381	FR, C

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
South Dakota (CONTD) (Aberdeen Area)	Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation	Sisseton-Wahpeton Sioux Tribal Council	Route 2 Agency Village Sisseton, South Dakota 57262 605-698-3911	FR
	Standing Rock Sioux Tribe of the Standing Rock Reservation	Standing Rock Sioux Tribal Council	Fort Yates, ND 58538 701-854-7231	FR
	Yankton Sioux Tribe	Yankton Sioux Tribal Business and Claims Committee	P.O. Box 248 Marty, SD 57361-0248 605-384-3804	FR
Texas (Anadarko Area)	Alabama-Coushatta Tribes		Route 3, Box 640 Livingston, Texas 77351	FR
	Texas Band of Kickapoo Indians	Kickapoo of Oklahoma Business Committee	P.O. Box 58 McLoud, Oklahoma 74851 405-964-2075	FR
	Tigua Indian Reservation		Box 1757 Ninth Tigua Indian Reservation El Paso, Texas 79917	SR
	Ysleta del sur Pueblo			FR
Utah (Albuquerque Area)	Ute Mountain Tribe of the Ute Mountain Reservation	Ute Mountain Tribal Council	General Delivery Towaoc, Colorado 81344 303-565-3751	FR, C
Utah (Navajo Area)	Navajo Tribe	Navajo Tribal Council	P.O. Box 308 Window Rock, Arizona 86515 602-871-4941	FR, C
Utah (Phoenix Area)	Confederated Tribes of the Goshute Reservation	Goshute Business Council	Idapah, Utah 84034 801-234-1138	FR
	Paiute Indian Tribe	Paiute Tribal Council	600 North 100 East Cedar City, Utah 84720 801-586-1111	FR
	Skull Valley Band of Goshute Indians	Skull Valley Executive Committee	c/o Uintah & Ouray Agency Fort Duchesne, Utah 84026 801-722-2406	FR
	Ute Indian Tribe of the Uintah & Ouray Reservation	Uintah & Ouray Tribal Business Council	Fort Duchesne, Utah 84026 801-722-5141	FR, C
Utah (Portland Area)	Northwestern Band of Shoshoni Indians (Washakie)	Northwestern Band of Shoshoni Nation	Volcic MPH #19, Star Route 2W FR Rock Springs, Wyoming 82901 208-238-0916	
Vermont ^e (Eastern Area)	(There are currently no federally acknowledged or state recognized Indian entities in Vermont.)			

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Virginia ^e (Eastern Area)	Mattaponi Indian Tribe		Box 178 West Point, Virginia 23181	SR
	Pamunkey Indian Tribe		Lester Manor King William County, VA 23086	SR
Washington ^e (Portland Area)	Confederated Tribes of the Chehalis Reservation	Chehalis Community Council	P.O. Box 536 Oakville, Washington 98568 206-273-2911	FR
	Confederated Tribes of the Colville Reservation	Colville Business Committee	P.O. Box 150 Nespelem, Washington 99155 509-634-4711	FR
	Confederated Tribes and Bands of the Yakima Indian Nation of the Yakima Reservation	Yakima Tribal Council	P.O. Box 151 Toppenish, Washington 98948 509-865-5121	FR, C
	Hoh Indian Tribe of the Hoh Indian Reservation	Hoh Tribal Business Council	HC 80, Box 91, Forks, Washington 98331 206-374-6582	FR
	Jamestown Klallam Tribe	Jamestown Klallam Tribal Council	150 South 5th Avenue Suite 2 Sequim, Washington 98382 206-683-1109	FR
	Kalispel Indian Community of the Kalispel Reservation	Kalispel Business Committee	Box 39 Usk, Washington 99180 509-445-1147	FR, C
	Lower Elwha Tribal Community of the Lower Elwha Reservation	Lower Elwha Community Council	1666 Lower Elwha Road Port Angeles, WA 98362 206-452-8471	FR
	Lummi Tribe of the Lummi Reservation	Lummi Business Council	2616 Kwina Road Bellingham, WA 98226-9298 206-734-8180	FR
	Makah Indian Tribe of the Makah Indian Reservation	Makah Tribal Council	P.O. Box 115 Neah Bay, Washington 98357 206-645-2201	FR
	Muckleshoot Indian Tribe of the Muckleshoot Reservation	Muckleshoot Tribal Council	39015 172nd Street S.E. Auburn, Washington 98002 206-939-3311	FR, C
	Nisqually Indian Community of the Nisqually Reservation	Nisqually Indian Community Council	4820 She-Nah-Num Drive S.E. Olympia, Washington 98503 206-456-5221	FR
	Nooksack Indian Tribe	Nooksack Tribal Council	P.O. Box 157 Deming, Washington 98244 206-592-5176	FR
	Port Gamble Indian Community of the Port Gamble Reservation	Port Gamble Community Council	P.O. Box 280 Kingston, Washington 98346 206-297-2646	FR
	Puyallup Tribe of the Puyallup Reservation	Puyallup Tribal Council	2002 East 28th Street Tacoma, Washington 98404 206-597-6200	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Washington (CONTD) (Portland Area)	Quileute Tribe of the Quileute Reservation	Quileute Tribal Council	P.O. Box 279 LaPush, Washington 98350 206-374-6163	FR
	Quinault Tribe of the Quinault Reservation	Quinault Business Committee	P.O. Box 189 Taholah, Washington 98587 206-276-8211	FR
	Sauk-Suiattle Indian Tribe	Sauk-Suiattle Tribal Council	5318 Chief Brown Lane Darrington, Washington 98241 206-435-8366	FR
	Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation	Shoalwater Bay Tribal Council	P.O. Box 579 Tokeland, Washington 98590 206-267-6766	FR
	Skokomish Indian Tribe of the Skokomish Reservation	Skokomish Tribal Council	N. 80 Tribal Center Road Shelton, Washington 98584 206-426-4232	FR
	Spokane Tribe of the Spokane Reservation	Spokane Business Council	P.O. Box 100 Wellpinit, WA 99040 509-258-4581	FR, C
	Squaxin Island Tribe of the Squaxin Island Reservation	Squaxin Island Tribal Council	W 81 HY 108 Shelton, Washington 98584 206-426-9781	FR
	Stillaguamish Tribe	Stillaguamish Board of Directors	2439 Stoluckquamish Lane Arlington, Washington 98223 206-652-7362	FR
	Suquamish Indian Tribe of the Port Madison Reservation	Suquamish Tribal Council	P.O. Box 498 Suquamish, Washington 98392 206-598-3311	FR
	Swinomish Indians of the Swinomish Reservation	Swinomish Indian Senate	P.O. Box 817 LaConner, Washington 98257 206-466-3163	FR
Wisconsin ^e (Minneapolis Area)	Tulalip Tribes of the Tulalip Reservation	Tulalip Board of Directors	6700 Totem Beach Road Marysville, WA 98270 206-659-4585	FR
	Upper Skagit Indian Tribe	Upper Skagit Tribal Council	2284 Community Plaza Sedro Woolley, WA 98284 206-856-5501	FR
	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation	Bad River Tribal Council	P.O. Box 39 Odanah, Wisconsin 54861 715-682-4212	FR
	Forest County Potawatomi Community of Wisconsin Potawatomi Indians	Forest County Potawatomi General Council	P.O. Box 346 Crandon, Wisconsin 54520 715-478-2089	FR
	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation	Lac Courte Oreilles Tribal Council	Tribal Office Route 2, Box 2700 Hayward, Wisconsin 54843 715-634-8934	FR

APPENDIX IV. (CONTD)

State (BIA Area) ^c	Name	Office	Address and Phone Number	Status ^d
Wisconsin (CONTD) (Minneapolis Area)	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation	Lac du Flambeau Tribal Council	Tribal Office P.O. Box 67 Lac du Flambeau, WI 54538 715-588-3303	FR
	Menominee Indian Tribe of Wisconsin, Menominee Indian Reservation	Menominee Tribal Legislature	P.O. Box 397 Keshena, Wisconsin 54135 715-799-3341	FR
	Oneida Tribe of Indians of Wisconsin, Oneida Reservation	Oneida Executive Committee	P.O. Box 365 Oneida, Wisconsin 54155-0365 414-869-2214	FR
	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Red Cliff Reservation	Red Cliff Tribal Council	P.O. Box 529 Bayfield, Wisconsin 54814 715-779-5805	FR
	Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians	Sokaogon Chippewa Tribal Council	Route 1, Box 625 Crandon, Wisconsin 54520 715-478-2604	FR
	St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation	St. Croix Council	Tribal Office P.O. Box 287 Hertel, Wisconsin 54845 715-349-2195	FR
	Stockbridge-Munsee Community of Mohican Indians	Stockbridge-Munsee Tribal Council	Route 1 Bowler, Wisconsin 54416 715-793-4111	FR
Wyoming (Billings Area)	Wisconsin Winnebago Indian Tribe	Wisconsin Winnebago Business Council	P.O. Box 311 Tomah, Wisconsin 54660 608-372-4147	FR
	Arapahoe Tribe of the Wind River Reservation	Arapahoe Business Council	P.O. Box 396 Fort Washakie, Wyoming 82514 307-332-5006	FR
	Shoshone Tribe of the Wind River Reservation	Shoshone Business Council	P.O. Box 538 Fort Washakie, Wyoming 82514 307-332-3532	FR
Wyoming (Portland Area)	Northwestern Band of Shoshoni Nation (Washakie)	Northwestern Band of Shoshoni Nation	Volcic MPH #19 Star Route 2W Rock Springs, Wyoming 82901 208-238-0916	FR

^aIncludes within its meaning Indian tribes, bands, villages, groups, pueblos, as well as Eskimos and Aleuts.

^bAdapted from the following publications:

Bureau of Indian Affairs. 1987. Petitioners listed by state. Washington, D.C.

Bureau of Indian Affairs. 1986. Indian tribal entities recognized and eligible to receive services from the United States Bureau of Indian Affairs. 51 Federal Register 25115-25119. July 10, 1986.

Bureau of Indian Affairs. 1987. Tribal leaders list. Branch of Tribal Relations. Washington, D. C.

Peloquin, Nancy. Undated. (Compiled responses to letter dated December 10, 1981, from Deputy Under Secretary James S. Stockdale to the Governors' Offices.) List of state recognized tribes. Department of Health and Human Services. Intra-Departmental Council on Indian Affairs. Washington, D. C.

APPENDIX IV. (CONTD)

^cSee Appendix V for addresses of Bureau of Indian Affairs Area Offices.

^dFR = federally recognized (acknowledged); SR = state recognized; P = groups which have petitioned for federal recognition; PR = groups whose petitions for federal recognition have been proposed to be accepted; C = member of Council of Energy Resource Tribes (CERT).

^eAdditional groups in this state have petitioned for federal recognition. Check with area or national BIA office for current status of the petitions.

^fNo official spokesman. Contact BIA Area Office for additional information.

^gBIA does not have any jurisdiction in Hawaii.

APPENDIX V

AREA OFFICES OF THE BUREAU OF INDIAN AFFAIRS

Area	Address and Phone Number	States Covered
Aberdeen Area Office	Bureau of Indian Affairs 820 South Main St. Aberdeen, SD 57401 605-225-0250 ext. 343 (FTS: 8-782-7343)	Nebraska, North Dakota, South Dakota
Albuquerque Area Office	Bureau of Indian Affairs 5301 Central Ave., NE P.O. Box 8327 Albuquerque, NM 87108 505-766-3170 (FTS: 8-474-3170)	Colorado, New Mexico
Anadarko Area Office	Bureau of Indian Affairs Federal Building P.O. Box 368 Anadarko, OK 73005 405-247-6673 (FTS: 8-743-7011)	Kansas, western Oklahoma
Billings Area Office	Bureau of Indian Affairs 316 North 26th Street Billings, MT 59101 406-657-6315 (FTS: 8-585-6315)	Montana, Wyoming
Eastern Area Office	Bureau of Indian Affairs 1951 Constitution Ave., NW Washington, D.C. 20242 703-235-2571 (FTS: 8-235-2571)	All states east of the Mississippi River except Michigan and Wisconsin
Juneau Area Office	Bureau of Indian Affairs P.O. Box 3-8000 Juneau, AK 99801 907-586-7177 (FTS: 8-586-7177)	Alaska
Minneapolis Area Office	Bureau of Indian Affairs 831 Second Ave., South Minneapolis, MN 55402 612-349-3390 (FTS: 8-787-3390)	Minnesota, Iowa, Michigan, Wisconsin
Muskogee Area Office	Bureau of Indian Affairs Federal Building Muskogee, OK 74401 918-687-2296 (FTS: 8-736-2296)	Eastern Oklahoma
Navajo Area Office	Bureau of Indian Affairs P.O. Box 1060 Window Rock, AZ 86515 602-871-5151 (FTS: 8-479-5011)	Arizona, Utah, New Mexico (Navajo reservation only)

APPENDIX V (Continued)

AREA OFFICES OF THE BUREAU OF INDIAN AFFAIRS

Area	Address and Phone Number	States Covered
Phoenix Area Office	Bureau of Indian Affairs 124 West Thomas Road P.O. Box 7007 Phoenix, AZ 85011 602-241-2305 (FTS: 8-261-2305)	Arizona, California, Nevada, Utah
Portland Area Office	Bureau of Indian Affairs 1425 Irving St., NE P.O. Box 3735 Portland, OR 97208 503-231-6702 (FTS: 8-429-6702)	Oregon, Washington, Idaho
Sacramento Area Office	Bureau of Indian Affairs Federal Office Building 2800 Cottage Way Sacramento, CA 95825 916-484-4237 (FTS: 8-468-4237)	California

INTERNAL DISTRIBUTION

- | | | | |
|---------|------------------|---------|-------------------------------|
| 1. | H. G. Arnold | 20. | R. M. Rush |
| 2. | S. I. Auerbach | 21.-30. | M. S. Salk |
| 3. | T. J. Blasing | 31. | M. Schweitzer |
| 4. | R. B. Bräid | 32.-36. | F. E. Sharples |
| 5. | J. B. Cannon | 37. | L. L. Sigal |
| 6. | S. G. Hildebrand | 38. | L. D. Voorhees |
| 7. | D. B. Hunsaker | 39. | J. W. Webb |
| 8. | F. C. Kornegay | 40. | A. K. Wolfe |
| 9. | R. L. Kroodsma | 41. | ORNL Patent Office |
| 10. | J. F. McBrayer | 42. | Central Research Library |
| 11. | R. B. McLean | 43.-44. | Laboratory Records Department |
| 12.-16. | R. M. Reed | 45. | Laboratory Records (RC) |
| 17. | D. E. Reichle | 46.-70. | ESD Library |
| 18. | L. W. Rickert | 71. | ORNL Y-12 Technical Library |
| 19. | R. D. Roop | | |

EXTERNAL DISTRIBUTION

72. Bureau of Indian Affairs, Office of Trust Responsibility,
Attention: Environmental Affairs Branch, 1951 Constitution
Ave., NW, Washington, DC 20245.
73. J. Thomas Callahan, Associate Director, Ecosystem Studies
Program, Room 336, 1800 G Street, NW, National Science
Foundation, Washington, DC 20550.
74. Council of Energy Resource Tribes, 1580 Logan Street, Suite 400,
Denver, Colorado 80203.
75. Muriel Crespi, National Park Service, Division of Anthropology,
U. S. Department of the Interior, 18th and C Street, NW,
Washington, DC 20245.
76. John Echo Hawk, Executive Director, Native American Rights Fund,
1506 Broadway, Boulder, Colorado 80302-6296.
77. G. J. Foley, Office of Environmental Process and Effects
Research, U. S. Environmental Protection Agency, 401 M Street,
SW, RD-682, Washington, DC 20460.
78. Steve Frank, Office of NEPA Project Assistance, U. S. Department
of Energy, EH-25, Washington, DC 20585.
79. Barry Gale, Office of Civilian Radioactive Waste Management,
U. S. Department of Energy, RW-223, Washington, DC 20585.
80. Roger Gale, Office of Civilian Radioactive Waste Management,
U. S. Department of Energy, RW-40, Washington, DC 20585.
81. Dr. Charles R. Goldman, Professor of Limnology, Director
Environmental Studies, University of California, Davis,
California 94616.

82. J. W. Huckabee, Project Manager, Environmental Assessment Department, Electric Power Research Institute, 3412 Hillview Avenue, P. O. Box 10412, Palo Alto, California 94303.
83. George Y. Jordy, Director, Office of Program Analysis, Office of Energy Research, ER-30, G-226, U. S. Department of Energy, Washington, DC 20545.
84. C. J. Mankin, Director, Oklahoma Geological Survey, The University of Oklahoma, 830 Van Vleet Oval, Room 163, Norman, Oklahoma 73019.
85. Helen McCammon, Director, Ecological Research Division, Office of Health and Environmental Research, Office of Energy Research, MS-E201, ER-75, Room E-233, Department of Energy, Washington, DC 20545.
86. Marie Monsen, Office of Communications, Indian Affairs Unit, CP-23, U. S. Department of Energy, Washington, DC 20585.
- 87.-89. Jerry Nelson, U. S. Department of Energy, 9800 South Cass Avenue, Argonne, Illinois 60439.
90. Thomas P. O'Farrell, EG&G Energy Measurements, Inc., 611 Avenue H, Boulder City, Nevada 89005.
91. Tom Russo, U. S. Federal Energy Regulatory Commission, 825 N.E. Capitol Street, MS-308 R.B., Washington, DC 20426.
92. Pat Simmons, Branch of Tribal Relations, Bureau of Indian Affairs, U. S. Department of the Interior, 18th and C Streets, NW, Washington, DC 20245.
93. Leonard H. Weinstein, Program Director of Environmental Biology, Cornell University, Boyce Thompson Institute for Plant Research, Ithaca, NY 14853.
94. Raymond G. Wilhour, Chief, Air Pollution Effects Branch, Corvallis Environmental Research Laboratory, U. S. Environmental Protection Agency, 200 SW 35th Street, Corvallis, Oregon 97330.
95. Frank J. Wobber, Ecological Research Division, Office of Health and Environmental Research, Office of Energy Research, MS-E201, Department of Energy, Washington, DC 20545.
96. M. Gordon Wolman, The Johns Hopkins University, Department of Geography and Environmental Engineering, Baltimore, Maryland 21218.
97. Office of Assistant Manager for Energy Research and Development, Oak Ridge Operations, P. O. Box E, U. S. Department of Energy, Oak Ridge, Tennessee 37831.
- 98.-107. Technical Information Center, Oak Ridge, Tennessee 37831.

**DATE
FILMED**

10 / 14 / 93

END

