

APPENDIX N: American Indian and Alaska Natives

COMPLIANCE

The Department of Defense (DoD) made progress towards building collaborative relationships with American Indians and Alaska Natives in Fiscal Year (FY) 2005. DoD forged new partnerships with tribes, created initiatives that address tribal and DoD concerns, and sponsored forums to address tribal interests. Cooperating with tribes helps ensure the success of DoD's mission.

At the heart of DoD's relationship with tribes is its commitment to the Department's American Indian and Alaska Native Policy, signed on October 20, 1998. DoD developed the policy in close consultation with tribal governments. The policy acknowledges DoD's trust responsibilities to tribes; directs the Department to build stable and enduring relationships with tribes; establishes consultation as the key component to successful, meaningful government-to-government relations; and requires DoD to recognize and respect the significance tribes attribute to natural and cultural resources.

The Components rely on the American Indian and Alaska Native Policy for guidance on how to address tribal concerns and interests while ensuring the success of the Department's mission. In FY2005, DoD completed its review of the American Indian and Alaska Native Policy and determined that it did not need to be amended; DoD concluded that a renewed focus on the implementation of the policy should be instituted. In FY2006, DoD plans to develop additional guidance on this policy.

Mitigating Environmental Impacts on Indian Lands

DoD's operational and training activities can have environmental impacts on Indian lands and Alaska Native Claims Settlement Act (ANCSA)-conveyed properties. In some cases, the residual effects of operations and training include hazardous materials, ordnance, old equipment, unsafe buildings, and debris. DoD is committed to addressing these environmental concerns and is investigating and remediating environmental impacts.

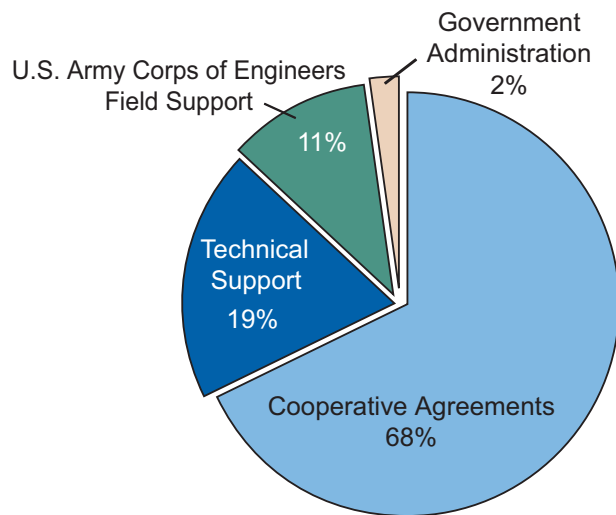
Since 1993, Congress has included a provision in the DoD Appropriations Act requiring the Department to devote funds to mitigate environmental impacts on Indian lands. DoD addresses this requirement through the Native American Lands Environmental Mitigation Program (NALEMP). Since the inception of NALEMP, 877 potential impacts affecting more than 167 tribes have been identified.

In FY2005, Congress appropriated \$10 million for NALEMP. This year, DoD provided the largest share of funding to the tribes for mitigation than in any other year in the history of the program. As seen in Figure N-1, DoD used over 68 percent of these funds for environmental mitigation activities, including Cooperative Agreements with tribes, to address environmental impacts.

The remaining NALEMP funds have helped DoD to:

- Implement its American Indian and Alaska Native Policy
- Sponsor cultural communication courses for DoD personnel to assist them in effectively consulting with tribes
- Design and maintain the Native American Environmental Tracking System (NAETS), which stores and reports information on past and present DoD impacts on Indian lands and ANCSA-conveyed properties
- Conduct educational and outreach activities with tribes to inform them of DoD's American Indian and Alaska Native Policy and provide a forum for tribes to voice their concerns and suggestions for NALEMP improvement
- Conduct 13 site assessments to validate reported DoD impacts to American Indian lands.

**Figure N-1
FY2005 NALEMP Funding Allocation**



Native American Environmental Tracking System

Through NALEMP, the Office of the Deputy Under Secretary of Defense (Installations and Environment) [ODUSD(I&E)] developed the NAETS, an online database used to report, track, and maintain information on potential impacts to Native American lands. NAETS provides information on reported environmental impacts on American Indian lands and resources resulting from DoD activities. NAETS allows DoD, tribal representatives, and the public to access and share information about DoD-related issues of concern on tribal lands. NAETS also provides a historical record of site assessment results, presents a forum to report new suspected impacts, and receives online comments about assessments and project status updates. DoD uses the system to track progress on addressing impacts on tribal lands under NALEMP. Additionally, the system supports program planning and funding decisions related to NALEMP. In FY2005, DoD upgraded the NAETS server to provide faster and more secure access to all users.

Cooperative Agreements

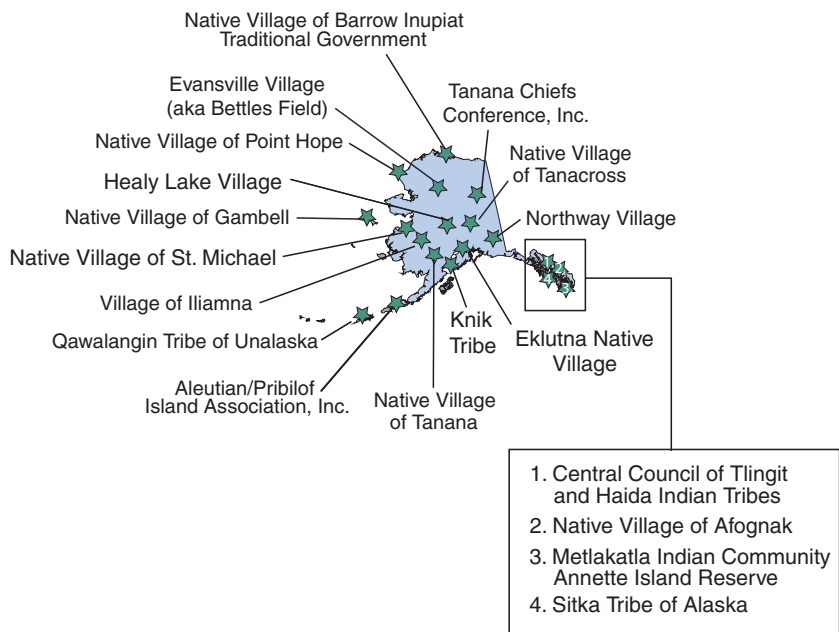
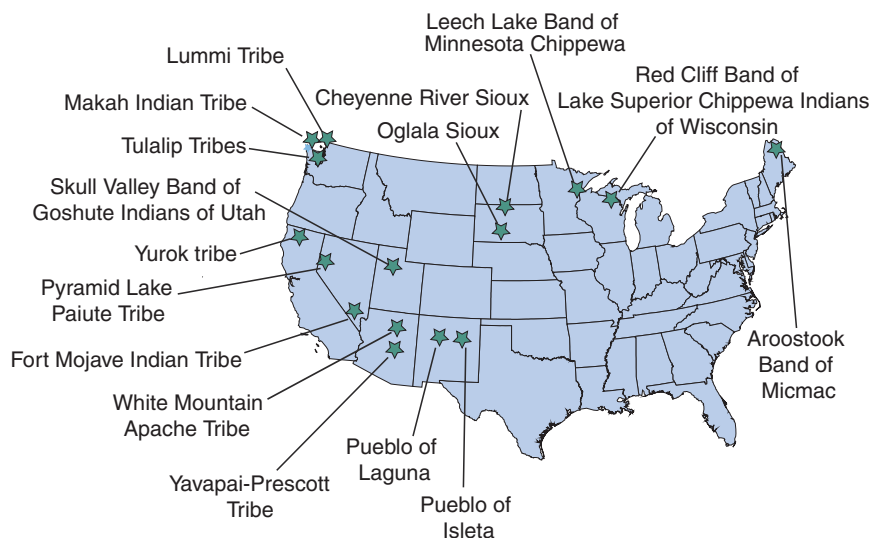
Under NALEMP, the DoD uses Cooperative Agreements to address environmental problems attributable to past DoD activities. Cooperative Agreements incorporate "traditional ecological knowledge" into remedial design, directly involve the tribe in project decision-making, develop tribal capacity regarding environmental services, and allow DoD to assist tribes in acquiring technical remediation skills. In FY2005, DoD entered into two new Cooperative Agreements with tribes to mitigate impacts on American Indian lands. In addition, DoD entered into 12 Cooperative Agreements to continue mitigation with previously funded tribes. Figure N-2 lists both past and present Cooperative Agreements under NALEMP. Since its inception, DoD has executed over 101 new or continuing NALEMP Cooperative Agreements to partner with tribal governments to address environmental concerns. DoD uses Cooperative Agreements with tribal governments as a partnering tool to take advantage of tribal expertise and traditional cultural knowledge for environmental restoration activities. Cooperative Agreements are DoD's and the tribes' preferred method to undertake environmental cleanup. These agreements maximize the use of both federal and tribal resources to mitigate impacts.

DoD American Indian Cultural Communication Training Course

The DoD believes that open and effective communication and consultation is critical to working with American Indians and Alaska Natives. To facilitate greater understanding of tribal culture and federal policies for working with tribes, DoD offers a course that highlights the requirements of DoD's American Indian and Alaska Native Policy and other relevant laws impacting the Department's relationships with tribes. The course provides DoD military and civilian staff with a greater understanding of diverse tribal cultures and the communication requirements that are essential to successful consultations with tribes. The course includes information on:

- The history of Native American laws and legal basis for DoD policy
- Federal laws and policies impacting DoD's relationships with tribes
- Tribal concepts and culture
- Cross-cultural communication
- Strategies for consulting with tribes
- Conflict resolution.

**Figure N-2
Cooperative Agreements**



In FY2005, approximately 120 participants from all DoD Components attended this course. Military locations hosted three course sessions in Sacramento, California; South Bridge, Massachusetts; and at Elmendorf Air Force Base in Anchorage, Alaska. American Indian presenters and DoD legal staff taught the course. Each course included participation in cultural events with nearby tribes, presentations by tribal speakers, and field trips.

Highlights from FY2005

In FY2005, NALEMP closed out two Cooperative Agreements with the Pyramid Lake Paiute and Native Village of Barrow tribes.

The Pyramid Lake Torpedo and Bombing Range is located within the boundaries of the Pyramid Lake Indian reservation in the community of Sutcliffe, Nevada. In 1944, the U.S. Navy leased 76.5 acres from the tribe to establish a torpedo dropping range for the Naval Air Center, Alameda, California. The Navy began towing a submarine-shaped target on Pyramid Lake for torpedo bombing and strafing practice. These activities continued for two years until the leases were terminated on December 31, 1945, and January 15, 1946. A Cooperative Agreement between the tribe and DoD was signed in September 2002 by the Tribal Chairman and the ODUSD(I&E). In order to achieve the goals of the Cooperative Agreement, a group of diverse individuals formed a partnering relationship to investigate and determine all environmental impacts to Pyramid Lake, and to recover the maximum amount of ordnance possible while causing minimum impact to the lake, all within the available funding constraints. The tribe wanted to avoid the use of excavation or dredging due to Pyramid Lake's cultural significance to the Paiute people; the sensitivity of the federally-endangered Cui-ui, a large plankton-feeding fish found only in Pyramid Lake; and the recreational and sport fishing value. These efforts were commended with the FY2005 Secretary of the Army Environmental Award.

In 2001, the Native Village of Barrow (NVB) began working with DoD to remove debris from Elson Lagoon caused by a severe storm in 1963. The presence of debris created serious health and safety concerns as boats transiting the lagoon frequently struck debris, sometimes, with tragic consequences. Under the Cooperative Agreement, NVB has developed a unique process to detect and remove debris which is far more effective and less costly than traditional cleanup methods. Through FY2005, DoD provided over \$1.5 million to NVB for

cleanup methods. Through FY2005, DoD provided over \$1.5 million to NVB for cleanup of Elson Lagoon. This partnership resulted in the removal of over 162 tons of debris. This NALEMP project has been successful in providing safe and navigable routes through Elson Lagoon and has been nominated for the Alaska Forum on the Environment's Outstanding Achievement Award for 2006.

Incorporating the lessons learned in the first decade of NALEMP, DoD will mark the program's 10th anniversary with an increased focus on financial accountability, a streamlined cooperative agreement process, and implementation of the DoD American Indian/Alaska Native Policy at all levels. The \$10 million FY2006 Congressional appropriation will be directed towards tangible environmental mitigation results at the "brick and mortar" level, which also builds increased tribal capacity. Also, partnerships with the tribes and the U.S. Army Corps of Engineers will incorporate compliance with the Native American Graves Protection and Repatriation Act initiatives. The DoD's Senior Tribal Liaison will continue to promote the effective and efficient use of Congressional funds to clean military environmental impacts on native lands.