

## INTRODUCTION

The Department of Defense (DoD) made substantial progress in Fiscal Year (FY) 2002 and is proud of the progress it has made towards building collaborative relationships with American Indian and Alaskan Natives. DoD forged new partnerships with tribes, creating new initiatives that meet tribal interests, and sponsored forums to address tribal concerns. 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 government-to-government 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.

## HIGHLIGHTS OF ACTIVITIES IN FISCAL YEAR 2002

Since its inception, the American Indian and Alaska Native Policy has assisted DoD Components in their efforts to meet mission requirements while addressing tribal concerns and interests. DoD has made great strides in implementing this policy. As the following initiatives demonstrate, the Department works with the DoD Components on many levels to consult with tribes and work in partnerships with them to develop new initiatives.

### Native American Integrated Product Team

DoD recently formed a Native American Integrated Product Team (IPT) to enhance coordination and communication among DoD offices and the DoD Components. The primary objective of the group is to promote support and cooperation among DoD personnel to address overlapping Native American policy issues.

The Native American IPT provides an opportunity for DoD to streamline information and ensure compliance with appropriate laws and requirements by developing guidance and tools for implementation. The IPT also facilitates processes that involve tribal issues and consultation.

## Policy Implementation Demonstration Projects

To address tribal issues within the framework of the DoD American Indian and Alaska Native Policy, DoD provided a small portion of the funding from the Native American Land Environmental Mitigation Program (NALEMP) to the Military Departments for development of Policy Implementation Demonstration Projects. The objective of the demonstration projects is to encourage partnerships between installations and tribes while addressing military environmental impacts to Indian lands and resources. The demonstration projects address barriers to implementing the principles outlined in DoD's policy.

By participating in demonstration projects, tribes are able to take part in cooperative efforts with installations to address issues of concern and to work towards mutually acceptable solutions. In Fiscal Year (FY) 2002, the Army, the Navajo Nation, and the Pueblo of Zuni collaborated to identify, study, and manage natural and cultural resources at the Fort Wingate Depot Activity (FWDA) near Gallup, New Mexico.

Both the Navajo and Zuni tribes have long histories of traditional use and settlement within the FWDA boundaries. In 1941, when the FWDA was created, resident Navajo families were moved and traditional Zuni economic and religious use of the area was discontinued. A large number of cultural resources—including ancestral home sites, traditional plant gathering and hunting locations, trails, burial sites, and sites of religious significance—are known to exist at Fort Wingate. Many of these sites are extraordinarily well-preserved because of limited public access and restricted grazing.

The FWDA demonstration project will allow the Army, the Navajo Nation, and the Pueblo of Zuni to develop a long-term plan for the identification, conservation, and management of the natural and cultural resources within the FWDA. An important element of this demonstration project is the improved communication and data sharing between the partnering organizations. The demonstration project provides a framework for management decisions that reflect input by all three partners. Through demonstration projects like this, DoD is seeking new and innovative ways to improve relationships with tribes and obtain information to help resolve other policy implementation issues.

## Protecting Sacred Sites

DoD's American Indian and Alaska Native Policy and other Federal policies have played a key role in activities associated with the identification, protection, and access to sacred sites on military lands. Sacred sites are an important part of Indian culture, and protecting them is of great significance to all Americans.

DoD acknowledges that military operations and training activities can affect the ability of Native Americans to access sacred sites for traditional ceremonies or religious practices. The sacredness of certain sites may be unknown to DoD, which places them at some risk of being harassed. That is why it is so important for DoD to work cooperatively with tribes to address these issues. Through the American Indian and Alaskan Native Policy, many installations have entered into formal agreements with tribes in order to protect and grant access to sacred sites, while still maintaining military readiness.

On June 4, 2002, Mr. Philip W. Grone, Principal Assistant Deputy Under Secretary of Defense (Installations and Environment), spoke before the Senate Committee on Indian Affairs to discuss DoD's policy and procedures for the protection of sacred sites. Mr. Grone expressed to the Committee that "the central mission of the U.S. military forces is the defense of the United States—its people, its land, and its heritage. America's cultural resources, including those that are significant to American Indians, are an integral part of our nation's heritage."

During the conclusion of the Committee hearings, Chairman Daniel K. Inouye (D-HI) commended DoD for the number of initiatives it has implemented to work more effectively with Native Americans.

## Operation Alaskan Road

DoD's Civil–Military Program has a long tradition of improving and rebuilding communities throughout the United States through its Innovative Readiness Training (IRT) Program. The IRT Program addresses community needs while providing military personnel with an opportunity to train in real-life situations. Through the IRT Program, active and reserve personnel provide a variety of support to the community, including engineering for infrastructure projects and medical and dental services.

American Indian communities have benefited from the IRT Program. DoD and American Indian and Alaska Native tribes have worked together through this program to build infrastructure in communities and reservations throughout the United States. One such project currently under way is Operation Alaskan Road, a joint project between the Alaskan Command (ALCOM) and the Metlakatla Indian Community.

Through this effort, DoD is playing a major part in constructing 14.5 miles of coastal and mountainous road between Metlakatla and Annette Bay on Annette Island, Alaska. During Phase 1 of the project, DoD will construct a two-lane gravel road. The Metlakatla Indian Community will complete Phase 2, which includes paving, sign placement, and guardrail construction.

## Alaskan Tribal/Military Leaders Meeting

In October 2001, the Alaskan Command (ALCOM) hosted the first Alaska Tribal/Military Leaders Meeting, following the Alaska Inter-tribal Council Annual Convention. Forty-nine tribal leaders and 11 DoD representatives attended this formal government-to-government meeting to develop partnering relationships among tribal leaders and senior Alaska military commanders. During the meeting, ALCOM representatives outlined DoD's American Indian and Alaska Native Policy and the Alaska Implementation Guidance. ALCOM representatives also summarized upcoming military activities, including cleanup actions.

With the help of DoD Component staff, ALCOM personnel sent letters to all of the attendees addressing topics raised by tribes at the meeting that required further research. Most of the questions concerned five topics—ranking methods for DoD cleanup projects, access to DoD contracts and cooperative agreements, geographic extent of DoD lands and airspace in Alaska, access to military surplus and excess property, and the roles of native liaisons. The Alaska Tribal/Military Leaders Meeting was a productive forum for tribal leaders to voice their concerns regarding military activities in Alaska.

## DoD American Indian Cultural Communication Course

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 staff participates in 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 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—

- Federal laws and policies impacting DoD's relationships with tribes
- Tribal concepts and culture
- Cross-cultural communication
- Strategies for consulting with tribes
- Conflict resolution.

From 1999 to 2002, more than 500 participants from all DoD Components attended this course. The course was hosted by military locations throughout the country. In addition, approximately 200 senior

leaders have participated in an overview of the policy, requirements, and issues involved in communication and consultation with tribes.

American Indian trainers and DoD legal staff teach the course. Each course also includes participation in cultural events with nearby tribes, presentations by tribal speakers, and field trips.

## Mitigating Environmental Impacts on Indian Lands

*The Alaska Native Claims Settlement Act of 1971 (Public Law 92-203) established a system for settling Alaska Native land claims by authorizing the selection and transfer of public land and settlement funds to Alaska Natives. Forty-four million acres of land, of which Native Americans held the aboriginal title, were transferred with a fee title to a system of village and regional corporations created to manage these lands.*

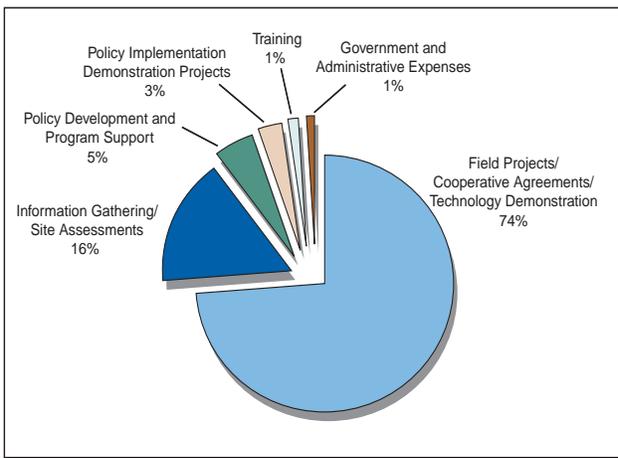
DoD’s operational and training activities have had environmental impacts on Indian lands and Alaska Native Claims Settlement Act (ANCSA)-conveyed properties. In some cases, the residual effects of operations and training include hazardous materials, ordnance, old equipment, unsafe buildings,

and debris. DoD is committed to addressing these environmental concerns and is investigating and remediating environmental impacts.

Historically, DoD did not have a program specifically aimed at mitigating the effects of military operations on Indian lands and the subsequent impact on Native American ways of life, including subsistence and economic, cultural, health, and safety needs. Abandoned buildings, debris, and impacts to Indian culture

and subsistence typically rank lower or are not eligible for assistance under DoD’s current cleanup priority systems. Most environmental programs use site evaluation and assessment processes that are consistent with national environmental regulatory requirements, but do not consider the impacts on traditional cultures.

**Figure 29**  
FY2002 NALEMP Funding Allocation



In recognition of this, Congress has, since 1993, inserted a provision in the DoD Appropriations Act requiring DoD to devote funds to mitigate environmental impacts to Indian lands. DoD addresses this requirement through the Native

American Lands Environmental Mitigation Program (NALMP) (Figure 29).

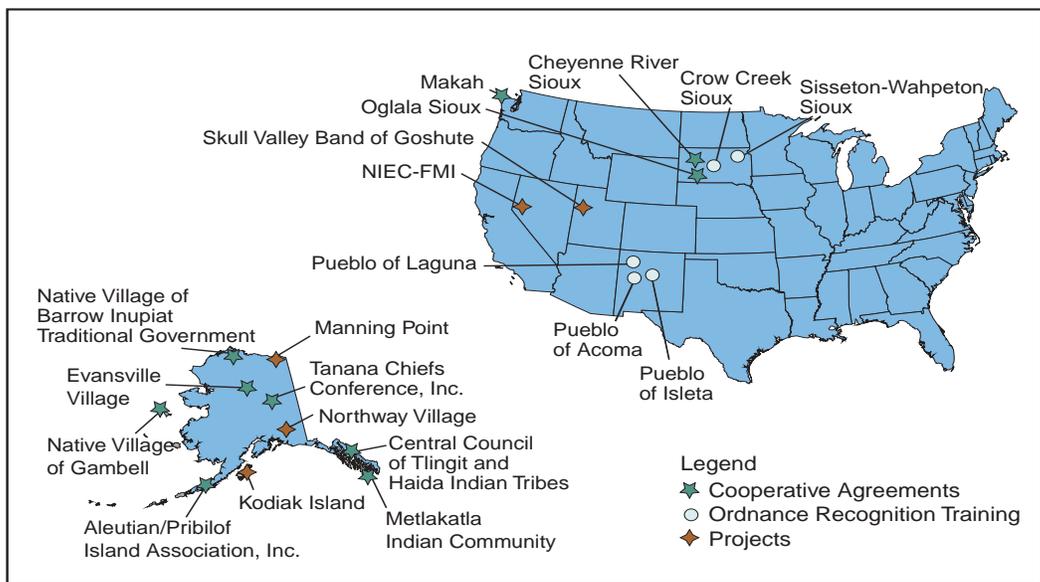
Since the inception of NALEMP, 480 potential impacts affecting more than 140 tribes have been identified. In FY 2002, Congress appropriated \$10 million for NALEMP. DoD used over 90 percent of these funds for environmental mitigation activities, including—

- Cooperative agreements with tribes to address environmental impacts
- Site-specific cleanup projects
- Site assessments to gather information on potential DoD impacts
- Technology demonstrations to assess and validate promising, innovative technologies.

The remaining NALEMP funds have helped DoD—

- Implement its American Indian and Alaska Native Policy
- Fund demonstration projects that address barriers to policy implementation
- Sponsor cultural communication courses for DoD personnel to assist them in effectively consulting with tribes

**Figure 30**  
**Cooperative Agreements and Projects**



- Design and maintain the Native American Environmental Tracking System, 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.

## Cooperative Agreements

Cooperative agreements are a successful way to form and sustain partnerships that lead to efficient cleanups and meet DoD's trust and environmental cleanup responsibilities. DoD has entered into 20 cooperative agreements (Figure 30) with tribes to mitigate impacts on their lands and to ensure that DoD's past activities do not restrict the tribes' use of their lands for subsistence and economic activities. NALEMP uses cooperative agreements with tribal governments as a partnering tool to take advantage of tribal expertise and traditional cultural knowledge concerning environmental restoration activities.

NALEMP uses cooperative agreements with tribal governments as a partnering tool to take advantage of tribal expertise and traditional cultural knowledge concerning environmental restoration activities. Cooperative agreements are DoD's and tribes' preferred method to undertake environmental cleanup. These agreements maximize the use of both Federal and tribal resources to mitigate impacts.

Figure 31 FY 2002 Cooperative Agreement Activities		
Tribe	Location	Activities
Central Council of Tlingit and Haida Indian	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Document subsistence activities based on the report titled “Environmental Assessment of Department of Defense Activities on Native Resources and Lands in Southeast Alaska”</li> <li>■ Incorporate cultural, historical, and environmental information into the geographic information systems (GIS) Southeast regional maps</li> </ul>
Cheyenne River Sioux Tribe	<i>South Dakota</i>	<ul style="list-style-type: none"> <li>■ Continue infrastructure development for Gunnery Range project office</li> <li>■ Plan and review all environmental activities in cooperative efforts with other agencies</li> <li>■ Promote public education and cultural awareness through community relation projects</li> </ul>
Evansville	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Gather data from sampling field survey for the site investigation</li> <li>■ Prepare a remedial investigation report and baseline risk assessment on potential groundwater, surface water, and soil contamination</li> <li>■ Develop site-specific work plans</li> <li>■ Remove drums from Old Bettles site</li> <li>■ Update the Strategic Project Implementation Plan (SPIP)</li> </ul>
Fort Mohave Indian Tribe of Arizona Leech Lake Band of Ojibwe	<i>South Dakota</i> <i>Minnesota</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> <li>■ Develop a SPIP</li> <li>■ Conduct site surveys</li> <li>■ Prepare sampling grid based on preliminary air modeling results</li> <li>■ Develop and prepare a Quality Assurance Project Plan for the site screening analysis</li> <li>■ Gather and review all background information on the 1964 airborne releases of zinc and cadmium sulfide powder at Cass Lake Biological Testing Site Lummi Tribe</li> <li>■ Submit project pre-proposal for removal of the Radio Direction Finding Facility</li> </ul>
Makah Indian Tribe	<i>Washington</i>	<ul style="list-style-type: none"> <li>■ Identify and prioritize potential impacts on the Makah Indian Reservation</li> <li>■ Continue characterization of the waste materials at the Warmhouse Beach Open Dump</li> <li>■ Determine impacts to cultural and subsistence resources and remove sources of contamination caused by the Warmhouse Dump</li> </ul>
Metlakatla Indian Community	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Participate in the site closure Memorandum of Understanding Work Group activities</li> <li>■ Plan for biota sampling and analyses</li> <li>■ Remove building debris and contaminated soil at Engineer Garrison and Point Davison Garrison</li> <li>■ Mitigate environmental impacts at White Alice Station</li> <li>■ Develop a Petroleum-Contaminated Soil Management Plan</li> </ul>
Native Village of Barrow Tribes of Alaska	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Investigate and cleanup debris in Elson Lagoon</li> <li>■ Continue SPIP development</li> </ul>

**Figure 31  
FY 2002 Cooperative Agreement Activities**

Tribe	Location	Activities
Native Village of Gambell	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Identify and update the community priorities for cleanup</li> <li>■ Update the SPIP</li> <li>■ Provide training for local residents</li> <li>■ Remove buried debris at Sites 6 and 7</li> </ul>
Native Village of St. Michael	<i>California</i>	<ul style="list-style-type: none"> <li>■ Identify and prioritize impacts to lands in and around the Native Village of St. Michael</li> <li>■ Conduct appropriate cultural resources consultations</li> <li>■ Evaluate and prepare a feasibility study of remedial alternatives for cleanup</li> <li>■ Develop a work plan to implement future cleanup of high priority items</li> </ul>
Native Village of Tannacross	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> <li>■ Develop a detailed GIS map of all the impacts</li> <li>■ Perform two Phase I Assessments on priority impacts</li> <li>■ Perform several thorough oral history interviews</li> </ul>
Oglala Sioux	<i>South Dakota</i>	<ul style="list-style-type: none"> <li>■ Review, comment, and make recommendations on remediation and environmental restoration documents</li> <li>■ Develop a land management plan</li> <li>■ Identify appropriate cleanup goals</li> <li>■ Develop and coordinate archaeological and paleontology surveys of former Badlands Bombing Range</li> <li>■ Implement a Health and Safety Plan, Cultural Resource Management Plan, Public Involvement Plan, and Oglala Sioux Tribe Ordinance #95-19</li> <li>■ Conduct public education and promote community relations</li> </ul>
Pueblo of Isleta	<i>New Mexico</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> <li>■ Participate in Ordnance Recognition Technology Demonstration</li> </ul>
Pueblo of Laguna	<i>New Mexico</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> <li>■ Participate in Ordnance Recognition Technology Demonstration</li> </ul>
Pyramid Lake Paiute Tribe	<i>South Dakota</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> <li>■ Locate potential ordnance contamination from previous DoD activities</li> </ul>
Qawalangin Tribe of Alaska	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Complete the consultation process required by Section 106 of the National Historic Preservation Act</li> </ul>
Sitka Tribe of Alaska	<i>Washington</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> <li>■ Conduct three additional Phase I Assessments</li> <li>■ Develop a DoD-approved sampling plan for assessing the lead communications cable corridor</li> </ul>
Tanana Chiefs Conference	<i>Alaska</i>	<ul style="list-style-type: none"> <li>■ Conduct Phase II Assessment of the petroleum, oil, and lubricant impacts on the allottee at the Haines/Fairbanks Pipeline and Phase I Assessments on restricted land</li> <li>■ Write a Federal Project Alaskan Guide Book addressing real estate issues for tribes</li> <li>■ Develop and conduct NALEMP Outreach and Introduction to Military Culture Workshops</li> </ul>
Tulalip Tribe	<i>Washington</i>	<ul style="list-style-type: none"> <li>■ Develop a SPIP</li> </ul>