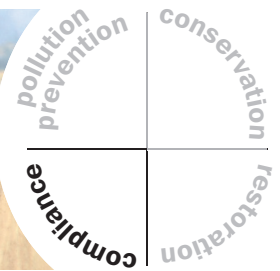


# APPENDIX R

## AMERICAN INDIAN AND ALASKA NATIVES



The Department of Defense (DoD) made progress towards building collaborative relationships with American Indians and Alaska Natives in Fiscal Year (FY) 2004. 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 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.

The DoD 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. DoD is in the process of reviewing this policy to evaluate how effective implementation has been since its inception. In FY2004, DoD and the Institute for Tribal Government sponsored a Tribal Leaders' Forum in the Northwest and Southwest regions to discuss implementation of the policy with tribal leaders. DoD uses these forums to gather input on policy implementation issues at the field level.

### Policy Implementation Demonstration Projects

To address tribal issues within the framework of the DoD American Indian and Alaska Native Policy, DoD provided a portion of the funding from the Native American Land Environmental Mitigation Program (NALEMP) to the DoD Components to develop of policy implementation demonstration projects. DoD's objective is to encourage partnerships between installations and tribes while addressing military environmental impacts on 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 FY2003, DoD funded five projects— one with Army, two with Navy, and two with Air Force. Four of these projects were completed in FY2004.

The Army at Fort Lewis partnered with the Nisqually Indian Tribe to address subsistence threats on Muck Creek that is attributable to past military activities. Past agricultural practices contributed to the removal of riparian vegetation and colonization by harmful non-native grasses, negatively impacting salmon and trout spawning grounds. Fort Lewis and the Nisqually Tribe successfully addressed these impacts and completed the project in FY2004.

The Naval Undersea Warfare Station Keyport, Puget Sound Naval Ship Yard, Naval Station Bremerton, and Fleet Industrial Supply Center Manchester Fuel Department partnered with the Suquamish Indian Tribe, whose reservation is immediately adjacent to or in close proximity to these installations, to address salmon spawning ground impacts on Beaver Creek. Historically, salmon have spawned and reared in local streams, including sections of creeks around the installations. The project, completed in FY2004, helped restore the natural resources that were depleted due to the effects of urbanization and industrialization.

The Navy, through Naval Facilities Engineering Command, Southern Division, conducted two of three DoD Regional Consultations with 25 Federally-recognized tribes in the southeastern United States. DoD uses these consultations to create regional guidelines for consultations and develop DoD/Native American-wide training guidelines for senior-level DoD commanders. The third consultation is scheduled for FY2005.

The 611th Air Support Group partnered with the Loudon Tribal Council in Alaska to address environmental impacts attributable to past Air Force activities. The project directly addressed ongoing environmental restoration at the Galena Airport and facilitated improved consultation and partnering between the Air Force and the Loudon Tribal Council. Both parties developed a consultation plan to better assess the effect of DoD actions on tribal traditional lands and formalized day-to-day working protocols.

Elmendorf Air Force Base partnered with the Tanana Chiefs Conference to provide workshops and training for Air Force personnel and tribal staff to address the increasing level of military activities in Alaska's interior. Through demonstration projects like this, DoD seeks new and innovative ways to improve relationships with tribes and obtain information to help resolve other policy implementation issues.

All five of these projects facilitate implementation of the DoD Native American and Alaska Native Policy by helping the Department meet its trust responsibilities and address tribal concerns. Through these projects, DoD fosters stable and enduring government-to-government relationships and promotes the conservation of protected tribal resources while enhancing tribal capabilities.

## **DoD American Cultural Communication Training Course**

The Department of Defense 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:

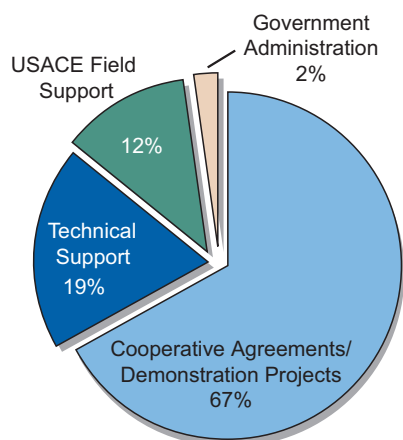
- The history of Indian laws and the legal basis for DoD policy
- Federal laws and policies impacting DoD's relationships with tribes
- Tribal concepts and culture

- Cross-cultural communication
- Strategies for consulting with tribes
- Conflict resolution.

In FY2004, approximately 80 participants from all DoD Components attended this course. Military locations hosted two course sessions, one in Buffalo, New York, and the other in Reno, Nevada. American Indian trainers and DoD legal staff taught the course. Each course also included participation in cultural events with nearby tribes, presentations by tribal speakers, and field trips.

## Mitigating Environmental Impacts on Indian Lands

**Figure R-1**  
**FY2004 NALEMP Funding Allocation**



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. Since the inception of NALEMP, 738 potential impacts affecting more than 165 tribes have been identified.

In FY2004, Congress appropriated \$10 million for NALEMP. DoD used over 67 percent of these funds (Figure R-1) for environmental mitigation activities, including Cooperative Agreements with tribes to address environmental impacts and policy implementation demonstration projects.

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.
- Conducted 20 site assessments to validate reported DoD impacts to Indian lands.

# Native American Environmental Tracking System

The Office of the Deputy Under Secretary of Defense (Installations and Environment) through NALEMP developed the Native American Environmental Tracking System, 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 Indian lands and resources resulting from DoD activities. NAETS allows DoD, tribal representatives, and the public to access and share information on DoD-related issues of concern on tribal lands. It 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 FY2004, DoD made several improvements to NAETS, including establishing a NAETS hotline (1-800-NAETS4U) to provide toll-free access to the NAETS technical team. DoD also created a NAETS message board to provide a forum for discussing NALEMP-related issues.

## Cooperative Agreements

Under NALEMP, the Department of Defense 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 FY2004, DoD entered into five new Cooperative Agreements with tribes to mitigate impacts on Indian lands. In addition, DoD entered into 12 Cooperative Agreements to continue mitigation with previously funded tribes (Figure R-2). Since its inception, DoD has executed over 85 NALEMP new or continuing 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.

**Figure R-2  
Cooperative Agreements and Projects**

