

**NATIVE AMERICAN SACRED SITES
AND THE DEPARTMENT OF DEFENSE**



Edited by

Vine Deloria, Jr.
The University of Colorado

and

Richard W. Stoffle
The University of Arizona®

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Cover Photo: Fajada Butte, Chaco Culture National Historic Park, New Mexico

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FOREWORD

Since 1990 (Fiscal Year 1991), at the direction of Congress, the U.S. Department of Defense (DoD) has been developing the Legacy Resource Management Program to enhance DoD's stewardship of cultural and natural resources for which it has responsibilities. The Legacy Program is designed to go beyond compliance with various host nation, Federal, tribal, state, and local historic preservation, religious freedom, and natural resource protection laws, policies, regulations, and guidance. The original Legacy legislation specifically (Legislative Purpose 5) directed the Program to assess the adequacy of DoD's stewardship of Native American resources, for which it may have conservation or management responsibilities either as a major landholder or as a Federal agency whose activities (e.g., flyovers) affect traditional Native American values and practices.

Relationships between the U.S. military and indigenous Americans (Indians, Native Alaskans, Native Hawaiians) have been confrontational to uneasy for the past two centuries. Despite wide membership of individual Native American men and women within the U.S. military, legal interactions between a Federal agency and a Federally recognized Indian tribe are quite structured. Federally recognized tribes have been legally categorized as "domestic dependent nations," and interactions of these nations with the U.S. civilian and military government are structured as "government to government" relations. Assessments of DoD stewardship of cultural resources significant to Native Americans must be based on an understanding of *traditional* or *sacred* values among various Native American groups, as well as the mission values and program needs among various DoD entities.

Based on over a century of interactions between the Departments of War/Defense and Interior (DOI), the DoD requested that the National Park Service (NPS), a DOI bureau, assist Defense in fulfilling Legislative Purpose 5. In Fiscal Year 1991, the DoD initiated a Legacy Native American and Settler Communities Task Area (NASCTA or Task Area) as well as Legacy Demonstration Projects involving Native Americans. Through the U.S. Army Corps of Engineers Waterways Experiment Station (WES), in 1991 the Task Area began generating a digitized database plotting Indian Claims Commission-determined tribal lands, DoD lands and facilities, and publicly-held locations of Native American artifact collections. The NASCTA also initiated development of a DoD-Native American consultation procedure, and completed a pilot study to assess Native American's access to sacred sites or traditional cultural properties on DoD-managed lands. In Fiscal Year 1993 Legacy supported Demonstration Project No.

982 (*Native American Sacred Site Protective Strategies*) and Project No. 1308 (*Native American Sacred Sites Inventory*). With Fiscal Year 1994 funds, the Air Force Center for Environmental Excellence (AFCEE) with NPS are conducting a Legacy Demonstration Project using the WES-sponsored database to develop a Native American Contact Information System.

The NPS was involved in the NASCTA in Fiscal Years 1992-1993, and has been responsible, with the technical support of its cooperator, the University of Arizona (UofA), for Project No. 982. The University of Colorado (CU) was responsible for Project No. 1308, which originally was independent of Project No. 982. However, from the beginning of these two projects NPS organized several coordination meetings that involved leaders of the Task Area, UofA, and CU projects.

The proposal for Project #982 was designed "to establish regional working groups during FY93 representing Native American groups..., representatives of relevant use of non-DoD lands affected by DoD actions, natural and cultural resource management authorities, and knowledgeable academic specialists" to (1) seek reasonable consultation mechanisms, (2) seek to establish regional guidelines in determining sacred areas and minimizing adverse impacts to those areas, (3) identify some specific sites and protection measures where possible, and (4) formulate a strategy of strategies for proceeding in Fiscal Year 1994 and beyond. This proposal was modified to fit the available Fiscal Year 1993 funds, with the understanding that Fiscal Year 1994 funds would be provided to complete the originally proposed effort. Modifications in the scope of work were provided during DoD-NPS project management meetings in September and November 1993. DoD requested that NPS submit a Fiscal Year 1994 Legacy proposal for completion of Project #982 jointly with CU Project #1308. No DoD Legacy Fiscal Year 1994 funds were provided for either project, either single or jointly.

The CU Grant Agreement for Project No. 1308 specified that project deliverables would include (1) information on sacred or religious areas with military lands, reservations, and installations, a list of currently used sacred sites on DoD lands, identified on a (2) map of military lands and installations; (3) a map of traditional tribal occupancy areas, as well as (4) development of a report format by which a procedure for Native access to military lands could be developed. It was not possible to provide all of these materials within the scope and schedule of the Fiscal Year 1993 grant. In the joint DoD-NPS discussions of the interrelationship of the NASCTA and Projects Nos. 982 and 1308, the CU project was directed to complete its background assessments with Fiscal Year 1993 funds in anticipation of Fiscal Year 1994 funds for more detailed research.

Eventually, to ensure the most effective use of the skills and expertise of the various parties to these Legacy Native American projects, with concurrence of DoD and in the interest of DoD's program needs, NPS supported within Project No. 982 a joint CU/UofA report. This report was developed within the funding constraints to help the DoD understand traditional Native American concepts of *sacredness*, the kinds of sacred or other Native American cultural resources that require DoD management attention, and the past and current DoD experience with

government-to-government consultation about these management issues, and to provide a consultation model.

Thus, this report is of the first phase of a project designed to move from the assessments of current knowledge based on the literature through regional workshops to well founded consultation and management recommendations. Without workshops and other consultations, which might have created new knowledge, the NPS, the UofA and CU avoided any issues of confidentiality or esoteric knowledge by relying on the published literature or the research teams' personal experience.

The American Indian tribal occupancy area map was planned to be completed as part of the WES-AFCEE Project No. 1041, but that was also not fully funded. However, WES did complete a map of tribal lands based on the Indian Claims Commission hearings.

As the Washington DC-based NPS technical and management lead on various NPS-DoD Legacy Native American projects conducted with Fiscal Year 1992-1993 funds, I found the diverse efforts provided significant contributions from the several parties and were amazingly diverse. As a Superintendent of federal lands with traditional Native American sites, landscapes, and cultural properties when this report was completed, I have found this collaborative effort invaluable. There is a continuing need within the DoD for specific field identification of sacred sites or traditional cultural properties and establishing consultation relationships with the appropriate Native American tribes about specific military activities that might affect publicly unidentifiable locations. There is a need for more case studies to exemplify the diverse kinds of successful consultations between a DoD agency or installation and affected Native American tribes. This report provides a valuable tool for use in meeting the long-term goal of DoD stewardship.

Ruthann Knudson
Agate Fossil Beds National Monument
Harrison, NE

CHAPTER ONE INTRODUCTION

Native Americans, including American Indians, Native Alaskans, and Native Hawaiians, maintain strong interests in places where their people have lived. In the United States some of these places are currently held by the Federal military. Native Americans are interested in talking with the military about the identification and protection of these places. The Department of Defense (DoD), like other Federal agencies, is moving into a period of openness and consultation with all citizens. Native Americans, as both citizens and members of dependent nations within the United States and as original occupants of lands that are currently held by the DoD, have a special cultural relationship with these military lands. Traditional, aboriginal, and historical cultural ties to places, objects, and activities are the foundation of this special relationship. Both American Indians and other Native Americans within the United States have this special cultural relationship to DoD lands. This study is about formalizing this relationship. The report has been completed as part of the DoD Legacy Resource Management Program.

Scope of This Report

This report is about Native Americans and their cultural resource relationships with the DoD. The scope of the report, however, was limited by a number of factors. This project was originally designed around two complete years of research, but only one year of funding was available. As a consequence, some topics that logically fall within the scope of this report could not be studied. This resulted in some topics receiving uneven coverage, while other topics were not studied at all. For example, this report contains more analysis of American Indian issues than it does issues of concern to Native Alaskans and Native Hawaiians. American Indians are the focus of this report because considerably more information is available about American Indians, and because there are more documented DoD interactions with American Indians. Case studies of Pacific and Alaskan peoples were to be completed in the second year of this project, which was not funded.

This study does not consider the Native American relationships of all 16 Defense agencies that report to the Department of Defense. Instead, the study was restricted to the Army, Navy, Air Force, and Marine Corps.

Like all studies, this report is based on information that was available during a certain period, and cannot reflect information that became available after that time. Data were collected for this report between September of 1993 and June of 1994. Since that time changes have occurred that are not reflected in this analysis. These include the issuance of a new Executive Order by the President (E. O. 13007; Clinton 1996), an Executive Order on government-to-government relationships between Federal agencies and tribal governments (Clinton 1994a), and a new DoD Instruction (DoDI 4715.3, "Environmental Conservation Program") which includes broad consultation guidelines for working with Native Americans and other new policy statements regarding Native Americans.

This report was essentially produced by an informal committee composed of cultural scholars, military cultural specialists, and Native American people. When the military and Native people wrote about their experiences, their texts were often approved by a base commander or a tribal chair. These texts accurately convey their perceptions of DoD-Native American relationships. The report also reflects the issues being discussed and the data available for analysis. Dr. Deloria has drawn on years of experience as a noted Indian person and author of many books. His essays are designed to provide easy access to difficult cross-cultural understandings about the meaning of sacredness. The chapter summarizing known DoD - Native American relationships contains statistics because these data are best presented in this manner. Although the many writers and various types of data result in an uneven writing style, this approach most accurately reflects the information being conveyed and the many people who contributed their ideas.

There are many meanings and uses associated with the terms *Native American* and *American Indian*. Some of these meanings and uses are defined by law, whereas other meanings and uses derive from the preferences of Native American and American Indian peoples. This report attempts to reflect both of these points of views, and apologizes in advance if one or the other of these terms is used in a way that is insensitive.

A major limitation of this report is a lack of direct input and review by Native Americans who have relationships with the DoD. The second year of this study was designed to have American Indian focus groups take the findings and ideas from this study and give them a distinct Native American point-of-view based on actual experience. Therefore, the findings and issues raised by this report cannot be said to fully reflect a Native American perspective.

When this study began it was perceived as a way of beginning to talk, based on some facts and ideas, about DoD and Native American relationships. The study was to find and record in one place what was known about the best of DoD - Native American relationships.

This study was to be a point of departure for other studies, as well as a data-based mirror for reflecting on existing and future DoD Native American policies.

Overview of Native American Issues

It is necessary to emphasize that the term *Native American* encompasses many people and many cultures. It is estimated that in 1492 North American peoples (above Mesoamerica) spoke more than 300 languages; more than 1,000 independent societies are named in documents (Campbell 1983; Griffen 1983; Hinton 1983). Greater North America was *widowed* by thousands of epidemics beginning in the mid-1500s (Dobyns 1983, 1993) and continuing until the world-wide flu epidemic of 1918 (Crosby 1976). When Old World diseases spread to Native American populations, as much as 90% of the local population died. With disease came intrusion by other peoples -- European, African, Asian and even other Native Americans (Crosby 1972; Jennings 1975). The landscape of North America was drastically changed in ecology (Cronon 1983), and the people were changed in demography (Jacobs 1972), social structure (Morey and Morey 1973), and culture (Linton 1940; Spicer 1961, 1962). Despite these massive changes, Native Americans persisted (Deloria 1978; Deloria and Lytle 1984; Spicer 1971) and today in the United States there are more than 700 Federally recognized tribes including Alaskan Native villages, hundreds more groups formally seeking Federal acknowledgment, and tens of thousands of native people who both lack membership in a tribe and the ability to meet the Federal acknowledgment criteria. Although the following text is careful to point out this diversity, occasionally the image of a single Native American point of view does emerge.

Native Americans are attached to the land in some ways that others can easily understand, but also in other ways that are almost impossible to explain. The Christian-Islamic-Hebrew concept called *holy land* perhaps best describes where the Indian people perceive they were created. Here in their *holy lands* are origin mountains where the supernatural created them and gave them responsibilities for using and protecting the land. Here also are places of great religious significance to all Native ethnic group members; places best described by the Christian-Islamic-Hebrew term *sacred site*. However, Native Americans have places that they consider powerful or religiously significant, such as where a mythic being spent one night or where lightning struck the earth. Such places lack cognates in European and Mid-Eastern religions making it more difficult to explain to non-Native Americans that such places are truly sacred and worthy of protection and reverence by everyone.

The term *cultural resources* generally is used in the United States today to refer to places, and objects and activities associated with those places. Although the term cultural resources is widely used, the term has a number of conflicting and vague meanings. The term has become a substitute for the statutorily defined term *historic properties* and the gloss for all places and objects of cultural significance to Native Americans. The term cultural resources is used in this report because it widely conveys what is being discussed here, but the term is at

best a beginning of an understanding of Native American land concepts and at worst it legally and administratively limits the expression of Native American cultural concerns. Such concerns tend to include plants, animals, minerals, water and other natural elements, as well as artifacts and properties which primarily define the concept of cultural resources. The Legacy Program's working definition of cultural resources (see below) expands the concept but still fails to capture a Native American perspective. This report, like previous efforts to express the depth and variety of Native American cultural concerns, remains inadequate from a Native American perspective. Ultimately the cultural resource concerns of Native Americans are best expressed in face-to-face communication between Indian people and the people who manage traditional lands, including the DoD.

The purpose of this report is to provide information that will assist the DoD in building better partnerships between its installations and contemporary Native American people who have traditional ties to portions of land or cultural resources currently held and managed by the DoD. One means of achieving this goal is to build upon information already collected as part of the Legacy Resource Management Program within the DoD. Another means is to collect and present original information.

This introduction to the report provides: (1) a brief history of the DoD Legacy Resource Management Program; (2) the program's definition of cultural resources; (3) a summary of five major U.S. laws and one military regulation that specify the role of Native Americans in cultural resource management programs; (4) a discussion of how this report is organized; and (5) a summary of key findings.

History and Background of the Legacy Resources Management Program

The Legacy Resource Management Program was established within the Department of Defense (DoD) by the Congress of the United States in 1991 (P.L. 101-511) to enhance the management of natural and cultural resources on an estimated 26 million acres of land under DoD jurisdiction. The program was designed as a proactive approach to identifying, protecting, and maintaining natural and cultural resources on all lands under DoD jurisdiction or influence. The Legacy legislation set forth nine specific purposes. The fifth purpose of that legislation is:

to establish programs to protect, inventory and conserve the artifacts of Native American civilizations, settler communities and others deemed to have historical, cultural or spiritual significance.

A definition of cultural resources was developed for the Legacy Program through consultation with representatives of the DoD, including the military services, the Advisory Council on Historic Preservation, the National Park Service, the National Conference of State Historic Preservation Officers, and other individuals (ACHP 1994). Cultural resources are any real or personal property, record, or lifeway that can be defined to include:

(1) **historic real property** including any archaeological or architectural district, site, building, structure, or object, including monuments, landscapes, or works of engineering that meet criteria for inclusion in the National Register or any other property that meets the criteria for inclusion in an equivalent register maintained by a Tribal, State, or local government;

(2) **historic personal and related property** including any prehistoric or historic artifact, relic, piece of equipment, weapon, article of clothing, flag, work of art, movable object, or other item of personal property to which historical or cultural significance may be ascribed through professional evaluation of historical associations to persons, events, places, eras, or with military organizations. Personal property includes the archaeological materials associated with prehistoric artifacts, such as associated records and earth and biological samples;

(3) **historic records** including any historical, oral-historical, ethnographic, architectural, or other document that may provide a record of the past, whether associated with real property or not, as determined through professional evaluation of the information content and significance of the information;

(4) **community resources and lifeways** including any resource to which a community, such as a neighborhood or Indian tribe, or a community of interest, such as a preservation organization or veterans' group, may ascribe cultural value. Such resources may include historic real and personal property, such as natural landscapes and cemeteries, or have references to real property, such as vistas or view sheds which may help define a historic real property, or may have no real property reference, such as aspects of folklife, cultural or religious practices, language, or traditions.

Cultural resources are defined by communities, such as Native American tribes and organizations, and can only be identified and fully understood by individuals who are knowledgeable about the culture and traditions of those groups.

Personnel at DoD installations can begin to build relationships with Native American tribes and organizations through consultation. According to the Advisory Council Report:

Each installation should have a public consultation plan as a standard operating procedure in its historic preservation plan, cultural resource management plan, or installation master plan. Training should be available to responsible installation personnel on public consultation and dispute resolution techniques (ACHP 1994: xv).

Despite the need for consultation between DoD and Native Americans regarding cultural resources, it is necessary to proceed after a consultation plan has been developed (see Chapter

Five) and with an understanding of how past DoD and Native American consultations have proceeded.

Four research studies were conducted between 1991 and 1993 with Legacy Program funds to gather data about cultural resource management activities at DoD installations. Those research studies were reviewed extensively as part of this project and are discussed in Chapter Six. The results of three of those studies have been or are being published in reports (see Table 1.1). In addition, the Cultural Resources Program Development Task Area of the Legacy Resource Management Program completed a draft report, *Actions for Cultural Resource Stewardship*, that outlines ten cultural resource management objectives for the DoD and provides an action plan for implementing them.

All four Legacy reports raised concerns about cultural resource management at DoD installations during the study period. The findings of one report, *Defense Department Compliance with the National Historic Preservation Act: Section 202(a)(6) Evaluation Report* (ACHP 1994), conclude that (1) cultural resource legal compliance and program administration within the DoD are inconsistent; (2) there is generally inadequate institutionalization or support for cultural resource management at the installation level or higher; (3) there is wide variation in the understanding of historic preservation laws and policies and the sensitivity and interest of installation personnel who might affect cultural resources in significant ways; (4) there is inadequate education and training to allow personnel to understand cultural resource management; and (5) there is inadequate attention to the active management requirements and stewardship of cultural resources. Many actions have been taken by the DoD since these studies were conducted to mitigate these concerns.

These concerns about cultural resource management on DoD installations focused on the protection of the artifacts and historic places themselves, rather than on the Native Americans whose ancestors aboriginally owned the land and produced the artifacts. Only one study primarily addressed relationships with Native Americans -- the 1993 report *Native American Access to Religious and Sacred Sites on Department of Defense Installations*. That report noted that despite a general lack of relationships with Native Americans, a number of major installations within the DoD are involving Native Americans in cultural resource management. That report concluded that these military installations can serve as positive examples for others to follow.

Cultural resource management on U.S. Federal lands or lands affected by Federal activities is conducted within a specific regulatory framework. Therefore, it is important to discuss the legal requirements that govern Native Americans cultural resources studies in the United States. The next section discusses five of the more important cultural resource laws that specify how Native Americans should be involved in cultural resource management on Federal lands. Native American relationships, however, are more than simply compliance, because they should reflect the spirit and the intent of the U.S. Congress when it passed laws such as

the American Indian Religious Freedom Act and the Native American Graves Protection and Repatriation Act.

Table 1.1. Selected Legacy Program Cultural Resources Studies				
Year	Sponsoring Agency	Research Title	Report Title	Pub. Date
1991	Advisory Council for Historic Preservation	Cultural Resource Management Survey	<i>Defense Department Compliance with the National Historic Preservation Act: Section 202(a)(6) Evaluation Report</i>	1994
1992	United States Air Force	Natural and Cultural Resources Management Survey	<i>U.S. Air Force Natural and Cultural Resources Program: Natural and Cultural Resources Management Survey</i>	1992
1992	Department of Defense	Legacy Program Survey of Cultural and Natural Resource Programs	none	none
1992-1993	U.S. Army Corps of Engineers, Waterways Experiment Station	Legacy Study of Native American Access to DoD Installations	<i>Native American Access to Religious and Sacred Sites on Department of Defense Installations and American Indian Access to Department of Defense Facilities: Source Documents and Bibliography</i>	1993

Legal Basis for Interactions Regarding Cultural Resources

Interactions between the DoD and Native Americans in 1995 were governed by a number of Federal laws, an Executive Order, and a DoD Directive (see Table 1.2). Each of the major laws and consequences of failure to comply with them are summarized in the following sections. The specific requirements regarding consultation with Native Americans have been italicized throughout the section.

National Environmental Policy Act

The *National Environmental Policy Act* (NEPA) was signed into law in January 1970. NEPA is triggered by any Federal action that might affect the environment. The conceptual boundaries of the term environment are not specifically defined in the law or resulting regulations, but over time has come to include cultural resources and socioeconomic elements. The Act requires completion of an Environmental Impact Statement (EIS) when such an action is judged to have potentially significant environmental impacts. Relevant to the purposes of this study, NEPA encourages the preservation of historic resources and requires consideration of social impacts. A report from the Council of Environmental Quality specifically directs (but without the force of law) *the solicitation of input from affected Indian tribes at the earliest possible time* in the NEPA process (40 CFR 1501.2). The lead agency in the process is also directed to *invite the participation in the scoping process of any affected Indian tribes* as well as Federal, state, and local agencies or other interested persons (40 CFR 1501.7). The agency preparing a draft EIS must request comments of Indians tribes whose reservations may be effected (40 CFR 1503.1). Where project impacts are entirely social or economic, no EIS is required despite the severity of impacts. NEPA is effective for incorporating Native American interests into DoD planning, but requires a process of impact documentation. It thus provides no specific form of protection for any resource concerns.

National Historic Preservation Act

Concern for historic and cultural resources has been expressed in legislation throughout the twentieth century. In 1906, the Antiquities Act authorized the President of the United States to declare landmarks, structures, and objects of historic or scientific interest to be national monuments, and to reserve land got their protection. It established obtaining permits for archaeological excavation on public lands. The Historic Sites Act of 1935, provided for the preservation of historic American sites, buildings, objects and antiquities of national significance; this was greatly expanded with the National Historic Preservation Act (NHPA).

This Act (1955) expanded the properties to be preserved to include those significant in American history, architecture, archeology and culture (Section 101-2). Implementation of NHPA is triggered by a Federal or Federally assisted projects, activities, or programs (36 C.F.R. § 800.2(o)). The Act provides assistance to states, establishing an Advisory Council on Historic Preservation (ACHP) to advise the President and Congress on historic preservation, encourage public interest in historic preservation, and to help other governments draft legislation historic preservation laws. ACHP regulations assign most responsibility for Section 106 process to State Historic Preservation Officers (SHPOs), (Suagee and Funk 1993). Section 502 of the 1980 amendments to the NHPA directed the Secretary of the Interior to study the means of "preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways..." and to recommend ways to "preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage"

Table 1.2. Legislation and Executive Orders Regarding Native American Cultural Resources	
Title	Codified
American Indian Religious Freedom Act	PL 95-341; 42 U.S.C. § 1996, § 1996 note
Antiquities Act	PL 209; 16 U.S.C. §§ 431-433
Archaeological Resources Protection Act	PL 96-95; 16. U.S.C. §§ 470aa-470mm
Historic Sites Act	16 U.S.C. §§ 461-467
National Historic Preservation Act	PL 89-665, 16 U.S.C. §§ 470-470w-6 and amendments; PL 96 515, U.S.C. 470a
National Environmental Policy Act	PL 91-190; 42 U.S.C. §§ 4321-4370c
Native American Graves Protection and Repatriation Act	PL 101-601; 25 U.S.C. §§ 3001-3013
Executive Order 11593, Protection and Enhancement of the Cultural Environment	36 Fed. Reg. 8921 (1971), reprinted in 16 U.S.C. § 470 note
DoD Directive 4710.1, Archeological and Historic Resources Management	
White House Memorandum for the Heads of Executive Departments and Agencies	29 April 1994
Executive Order 13007. Indian Sacred Sites	24 May 1996
DoD Directive 4715.3, Environmental Conservation Program	

(PL 96-515, December 12, 1980). This amendment eventually led to a new type of cultural resource property term being specified in law and regulation. This new term, called *traditional cultural properties* (or TCPs). TCPs had been protected as cultural resources before the new legislation but because of their unique characteristics they were often overlooked, so the new legislation served to focus attention on this particular kind of cultural resources. The term

TCPs refers to properties that are associated with the customary practices or traditional beliefs of a community and are significant in the continuing identity of a community (Parker and King 1990). TCPs are known from the culture of the people who value them. A good example of a TCP is a mountain top that is the locus of Native American religious practice. National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1990) is an important source of information about the definition of TCPs and provides guidance for documenting and evaluating their eligibility for listing on the National Register of Historic Places.

The 1980 NHPA amendments also authorized the Secretary of the Interior to make grants to Indian tribes and minority groups for the "preservation of their cultural heritage." Funds were first appropriated by Congress and dispersed to tribes and minority groups by the National Park Service in 1990 (Suagee and Funk 1993).

The 1980 NHPA amendments are explicit in the requirements for the protection of the confidentiality of the location of sensitive historic resources. They direct the head of any Federal agency to "withhold from disclosure to the public, information relating to the location or character of historic resources whenever...the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located" (Section 304). National Register Bulletin 29, *Guidelines for Restricting Information on the Location of National Register Properties*, provides full detail for agency directors. This document should be consulted because the willingness of Native Americans to share information partially depends on how well the agency can protect information from public disclosure.

The 1980 NHPA amendments also demonstrate the shift in U. S. policy toward the recognition of Native Americans, including for the first time in historic preservation legislation explicit mention of the Federal government's partnership with Indian tribes in the protection and preservation of prehistoric and historic resources (section 2).

On October 30, 1992, the National Historic Preservation Act was again amended (PL 102-575), providing considerably greater authority and assistance to Native Americans. The 1992 amendments specifically mention the *need for Federal agencies to contact and consult with Indian tribes* and provide for the involvement of the SHPO in the Section 106 consultation process. Section 110 of the amended NHPA directs all Federal agencies to establish preservation programs to help avoid crises that may arise due to the discovery of archaeological sites and human remains after a project has begun. This section also requires that all Federal agency preservation-related activities be carried out *in consultation with Indian tribes or Native Hawaiian organizations*. Properties of traditional religious and cultural importance to an Indian tribe may be determined to be eligible for inclusion on the National Register, and a Federal agency *must consult* with any tribe that attaches religious or cultural significance to such properties (Section 106 d, 6). In addition, Indian tribes are to receive assistance preserving their particular historic properties (Section 101 d, 1). Coordination

among tribes, State Historic Preservation Offices (SHPOs), and Federal agencies is to be encouraged in historic preservation planning, and in the identification, evaluation, protection, and interpretation of historic properties. When historic properties are found on Federal land and a proposed undertaking would cause adverse effects to them, the Federal agency official must "*in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate,*" (Section 110 a, 2, E, ii) provide a process for the development and implementation of agreements (e.g. a Memorandum of Agreement (MOA)) regarding the means by which adverse effects on such properties will be considered. Additional language is included in the amendments which strengthen the government's responsibility to maintain confidentiality. Amendments to Section 110 of the NHPA now refer to compliance with the Native American Graves Protection and Repatriation Act.

In response to the 1992 NHPA amendments, a new policy statement, "Consultation with Native Americans Concerning Properties of Traditional Religious and Cultural Importance," was adopted by the Advisory Council on Historic Preservation (ACHP) on June 11, 1993. That policy provides explicit principles for application of the amendments, including particularly that Native American groups who ascribe cultural values to a property or area be "identified by culturally appropriate methods" and that participants in the Section 106 process should learn how to approach Native Americans in "culturally informed ways" (ACHP 1993:3-4). *Consultation with Native Americans must be conducted with sensitivity to cultural values, socioeconomic factors and the administrative structure of the native group.* Specific steps should be taken to address language differences and issues such as seasonal availability of Native American participants as well. According to this policy, Native American groups not identified during the initial phases of the Section 106 process may legitimately request to be included later in the process. The Advisory Council's policy statement also reaffirms the U.S. government's commitment to maintaining confidentiality regarding cultural resources and states that participants in the Section 106 process "should seek only the information necessary for planning" (ACHP 1993:3).

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) was signed into law on October 31, 1979 and extended protection of archaeological resources on Federal and Indian land. Archaeological resources are defined as material remains of past human life or activities that are of archaeological interest, having retrievable scientific information, and over 100 years old. ARPA is triggered by the presence of archaeological resources on Federal or Indian lands. Under ARPA, such excavated archaeological resources remain the property of the U.S. government, subject to inventory and repatriation in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA, see below). Archaeological materials removed from American Indian lands in violation of ARPA remain the property of the "Indian or Indian tribe having rights of ownership over such resources" (36 CFR; 229.13 (b)). ARPA provides the first significant criminal and civil penalties for the vandalism, alteration, or

destruction of historic and prehistoric sites or for any transaction conducted with an archaeological resource that was excavated or removed from public or Indian lands or in violation of State or local law (section 6).

ARPA directs Federal land managers to *notify any Indian tribe considering a site as having religious or cultural significance prior to issuing a permit for excavation or removal of archaeological resources from the site* (section 4(c)). ARPA rules require Federal land managers to identify and make contact with "all Indian tribes having aboriginal or historic ties to lands under the Federal land manager's jurisdiction" to obtain information about tribal cultural and religious concerns for land management (43 CFR 7.7(b)(1)) (Suagee and Funk 1993). Section 9 restricts the release of information concerning the nature and location of any archaeological resource requiring a permit for excavation or removal. The January 25, 1988 amendments of the Act (PL 100-555 and PL 100-588) strengthened ARPA with requirements that Federal agencies develop plans for surveying lands not scheduled for projects and requires agencies to develop archaeology public awareness programs.

American Indian Religious Freedom Act

Additional legislation which affects Native Americans and Federal cultural resource management includes the *American Indian Religious Freedom Act* (AIRFA) of August 11, 1978. AIRFA reaffirms the U. S. Constitution's First Amendment rights of citizens' free exercise of religion; in this case, the right of American Indian, Native Alaskan, and Native Hawaiian peoples to have access to lands and natural resources essential in the conduct of their traditional religion. The Act states that it is U.S. policy to protect and preserve for American Indian, Native Alaskan, and Native Hawaiian peoples their inherent right of freedom to believe, express and exercise their traditional religions, and requires Federal agencies, including the DoD, to evaluate policies and procedures with the aim of protecting the religious freedoms of Native Americans including "access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites." In practical terms, the Act requires concern for Native American religious sites and objects, regardless of their eligibility for the National Register.

During the sixteen years since AIRFA was passed, most Federal agencies have developed means of interacting with American Indian tribes having cultural resources potentially impacted by Federal agency actions. Within the DoD, however, only the U.S. Air Force has established a policy specific to Native American cultural resources (as of 1994). The May 1991 "Guidelines for Consultation with Native Americans In the Context of Program Planning and Impact Assessment" was written to provide policy and guidance concerning AIRFA and ARPA. The policy includes guidance for (1) archaeological resources protection, (2) the disposition of archaeological and historical human remains, and (3) a policy statement to be included in historic preservation agreements concerning Native American interests. These guidelines were incorporated into official policy as Air Force 32-7965 on June 13, 1994

(USAF 1994). Other service branches have, or are in the process of, formulating similar policies.

Native American Graves Protection and Repatriation Act

The *Native American Graves Protection and Repatriation Act* (NAGPRA) became law on November 16, 1990. NAGPRA makes provisions for the return of human remains and cultural items (including funerary objects, sacred items, and objects of cultural patrimony) held in Federally-funded repositories to lineal descendants and affiliated American Indian tribes, Alaska native villages and corporations, and Native Hawaiian organizations. NAGPRA has been the subject of many books (for example, see Price 1991) and articles (Deloria 1989, 1992; Stoffle and Evans 1994), and technical reports (Evans, Dobyns, Stoffle, Austin, Krause 1994). Each of these documents offers a somewhat different opinion regarding what NAGPRA means to both the Federal land managers and Native Americans. The following discussion of NAGPRA closely follows the most recently proposed Federal regulations (DOI 1993).

NAGPRA is triggered by the possession of human remains or cultural items by a Federally funded repository or by the discovery of human remains or cultural items on Federal or tribal lands. Under NAGPRA, human remains and cultural items in the possession or control of a Federally funded repository are to be repatriated, upon request, to lineal descendants or culturally affiliated Indian tribes, Alaska native villages and corporations, or Native Hawaiian organizations. The custody of human remains or cultural items excavated or discovered on Federal or tribal lands after November 16, 1990 is in priority order, with:

- (1) a lineal descendant;
- (2) the Indian tribe that owns the land upon which the human remains or cultural items were found;
- (3) the culturally affiliated Indian tribe, Alaska native village or corporation, or Native Hawaiian organization;
- (4) the Indian tribe from whose aboriginal territory the human remains or cultural items were found; and
- (5) the Indian tribe, Alaska native village or corporation, or Native Hawaiian organization with a demonstrated cultural relationship to the human remains or cultural items.

Human remains or cultural items in the possession or control of a Federally-funded repository or Federal agency before November 16, 1990 must be reported to lineal descendants and culturally affiliated Indian tribes, Alaska native villages and corporations and Native Hawaiian organizations. The NAGPRA Review Committee is charged with making recommendations to the Secretary of the Interior regarding the disposition of cultural and human remains.

The Act requires *formal consultation* with lineal descendants and Indian tribes, Alaskan native villages and corporations, and Native Hawaiian organization officials in deciding the

disposition of these human remains or cultural items. *Consultation is required* in the preparation of inventories of human remains and cultural items in Federally funded and Federal agency repositories and in the event of the excavation or discovery of human remains or cultural items on Federal lands or Tribal lands.

Executive Actions After NAGPRA

The *White House Memorandum for the Heads of Executive Departments and Agencies* (Clinton 1994a) requires the heads of executive departments and agencies operate on a government-to-government basis with Federally recognized Tribal governments. This Executive Memorandum directs all parts of the Executive Branch to operate with Federally recognized tribes, Alaska Natives, and Native Hawaiians on a government-to-government basis. This action greatly underscores the concept of tribes as sovereign nations that is recognized by the Constitution, affirmed by Congress by treaty and statute, and through the courts by precedents.

Federal agencies of the Executive Branch are directed to consult with tribes or other native groups about actions that may affect them (proposed projects; activities which impact cultural resources on public lands or lands held in trust). In addition, each agency is directed to remove all impediments to working with native groups on a government-to-government basis, and to develop policies which comply with this fundamental principle of the functioning of government. Key elements in this new, uniform policy which enhances and underscores the fundamental right of Native sovereignty are: direct contact between the Federal agency and tribal leaders; designing protocols developed in consultation with tribal/native governments to guide government-to-government relations; subsequent cooperation and collaboration between tribal and Federal officials; administration of parks and public lands incorporating knowledge of the cultural resources of affiliated native groups.

This policy creates a uniform requirement that native peoples be listened to and cooperated with in the administration and management of public lands. It creates a new theoretical base for public land management: **all public lands have associated native groups who live(d) on and/or used the land, and therefore all public lands have traditional cultural resources of some affiliated native group(s).**

In 1996, another policy, Executive Order 13007, was drafted that will also have significant impact on public lands. This Executive Order in effect guarantees access to sites on public lands which have sites that are/have traditional cultural resources (**sacred sites**). The Presidential Executive Order *Indian Sacred Sites* (Executive Order 13007; 24 May 1996; Clinton 1996) requires managers of Federal agencies of public lands to: allow, to the extent practicable and not inconsistent with essential agency functions, to accommodate access to and ceremonial use by Indians of sacred sites; protect such sacred areas from adverse affects; hold the location of sacred sites in confidence; and notify any culturally affiliated native group(s) of actions or proposals that might affect sacred sites. The first study to implement this executive

order was a Rapid Cultural Assessment for Nellis Air Force Base in Nevada (Arnold *et al.* 1997), funded by Nellis Air Force Base.

Both the Memorandum on government-to-government relations for joint responsibility of traditional cultural resources on public lands and the Executive Order for Native American access to sacred sites have a huge potential impact on Federal-Tribal relations, public land management, and the area of applied anthropology.

DoD Instruction 4715.3, Environmental Conservation Program (May 3, 1996) directs managers of lands under military control to be aware of and responsive to Native American concerns about cultural resources and sacred sites on public lands in their care. Such Native American concerns must be incorporated into land management policy as part of an integrated natural resource management plan (INRMP), or an integrated cultural resource management plan (ICRMP). Military land managers must consult with Native Americans through the appropriate governments about cultural resources, TCPs, and sacred sites. DoD personnel are to be educated about Native American cultural and religious concerns, as well as about policies and laws relevant to those concerns. The Instruction requires: that the "sovereign status of each Native American tribal government" be respected; that Native Americans' "strong connections to traditional tribal lands and their resources" be respected; that certain knowledge about Native American religious and cultural practices be kept confidential; and that DoD personnel dealing with Native American affairs have active training in these matters.

Service and Installation Specific Regulations

In addition to the laws and regulations regarding cultural resources that cover all DoD installations and operations, a number of regulations and policies have been developed within each of the four branches of the armed services. Those policies concern cultural resources management in general and have been reviewed elsewhere, so they will not be discussed in detail here (see ACHP 1994). As of 1994, only the Air Force had specific policy regarding Native Americans (USAF 1994; Nickens, Stoffle, Austin and Fulfrost 1993); other branches of service have begun formulating similar policies. Air Force Regulation 126-7 recognizes the rights of Native Americans to have access to sacred sites on military land under Air Force control. It directs the bases to identify Native American groups having historical ties to the military land and to consult with them to determine the location and nature of sites of religious or cultural significance, as well as ways to avoid, mitigate, or minimize adverse effects on such sites. The Air Force regulation was issued as a guideline, so application across Air Force units may be uneven.

Tribal Recognition Status

DoD cultural resource managers require some understanding of the U.S. Federal recognition of Native Americans. DoD-Native American consultation regarding cultural resources can include both recognized and unacknowledged groups. The laws described above

require consultation with Federally recognized Native American groups. Some laws, such as NAGPRA, limit the participation of non-Federally recognized tribes and groups in specific ways; human remains and cultural objects can only be repatriated to Federally recognized tribes. As a result, some installations have created special consultation programs to deal with NAGPRA issues apart from their general consultation program. Similarly, DoD installations, as agents of the U.S. government, can only enter into government-to-government relationships and binding agreements with Federally recognized groups. The U.S. government publishes a list entitled "Indian Entities Recognized and Eligible to Receive Services From the U.S. Bureau of Indian Affairs (Federal Register Vol. 58, No. 202, Pp. 54364-54369).

In contrast to these more restrictive laws, the use of a DoD installation for plant gathering or conducting religious ceremonies can be extended to *all Native Americans* under the American Indian Religious Freedom Act (AIRFA). Native American individuals and groups can also provide valuable information for cultural resources management, regardless of their Federal recognition status. For example, at Edwards AFB the descendants of the Native Americans who occupied the western Mojave Desert were interviewed to gain information about the use of plant and animal resources of the desert, and their recommendations about preservation of those resources were incorporated into the installation's cultural resources report (Bean and Vane 1981). Similarly, six groups of Native Americans, none of which were Federally recognized tribes at the time, were consulted in the cultural resources inventory that was conducted as part of the base closure activities at Fort Ord, California (Whalley 1994). Additional information about those DoD installations is provided in Chapter Eight of this report. This section will briefly describe the notion of U.S. Federal recognition and its potential relevance to DoD cultural resource managers.

Federal recognition is a political decision that is broadly derived from treaty obligations of the U.S. toward tribes and provides the legal basis for the provision of health, educational, and other BIA services (Weatherhead 1980). Native American groups that "were at some time in the past simply forgotten or overlooked in the haste of opening up the frontier, or who managed to elude removal, have later found it quite difficult to persuade the government to officially recognize their existence" (Greenbaum 1985: 362). According to Greenbaum (1985), unrecognized tribes are found most often along the eastern seaboard, in the south, and along the west coast. Among those groups, identity has often been maintained within families, and their communities have frequently faced institutional segregation. Beginning in 1978, unrecognized Native American groups became eligible to petition the U.S. government, through the BIA, for "acknowledgment" as tribes (25 CFR 83). As a result, the recognition status of some Native American groups is still in question.

If the Federal recognition status of a Native American group changes in the course of consultation regarding NAGPRA, decisions that are made as a result of that consultation may change. The Federal acknowledgment process involves: (1) submission of a letter of intent from the Native American group to the BIA; (2) collection of documentation and evidence by the Native American group and preparation of a petition; (3) submission of a petition for

acknowledgment from the Native American group to the BIA; (4) preliminary review by the BIA and identification of deficiencies, if any; (5) remediation of deficiencies, if any, by the Native American group; and (6) final consideration and determination of eligibility by the BIA. The process may take many years to complete, depending on the circumstances of the Native American group. Consideration of the petition by the BIA (step 6) takes approximately two years. The status of petitions is public information, so individuals can call the Federal Acknowledgment Office to find out where in the process any group is.

Legal Summary

Four prior studies funded through the DoD Legacy Program found concerns about cultural resources management at many DoD installations, and identified the need for improvement. The DoD consultation programs with Native Americans were also found to be inadequate. Consultation with Native Americans regarding cultural resources on DoD lands is a statutory requirement set forth in five major Federal laws and one military regulation. Translating laws and regulations into action at the installation level, however, can be difficult. Therefore, this report provides information for understanding the laws and how they can be better implemented within the DoD.

Organization of Report

This report has been produced to better understand and help establish relationships between DoD installations and Native American having traditional ties to installation lands and lands affected by DoD activities. The following chapters: (1) discuss cultural resources from a Native American perspective; (2) outline a model for consultation with Native Americans regarding cultural resources; (3) examine existing relationships between DoD installations and Native Americans to establish a national picture; and (4) demonstrate where DoD installations have consultation relationships with Native Americans.

Summary of Major Findings

It is useful to select from among the many important findings of this report to present a few that require most attention. Naturally each military installation will have special information needs that may be served by other findings. The following is a list of key findings at the time of this study (1994).

- * Native American people have a tremendous variety of cultural resources located on lands where they once lived, some of which can accurately be referred to as *sacred sites*.
- * Military lands, maneuver areas, and operating areas often are places of cultural significance to Native Americans.

- * The legal and moral rights of Native Americans to have access to and request protection of cultural resources has been recognized by the U.S. Congress. Also the DoD, as part of the U.S. Government, is a trustee of American Indian interests and well-being.
- * *Consultation* is a process of establishing relationships that can lead to the identification and protection of Native American cultural resources.
- * Twenty-three percent of the military installations addressed in this essay were known to interact with Native Americans in managing DoD cultural resources.
- * Thirty-six percent of the U.S. Army's installations were known to interact with Native American in managing DoD cultural resources, the highest of the four services.
- * Larger DoD installations were more likely to interact with Native Americans as part of these installations' cultural resource management programs than smaller ones.
- * DoD installations consulted with Native Americans about the treatment of archaeology and historic sites (83% of time), burials (52% of time), sacred sites (22% of time), plants (19% of time), and animals (17% of time), among those installations that are known to interact with Native Americans about installation management.
- * The U.S. Air Force was the only service with a formal policy regarding DoD-Native American consultation.
- * Among those installations that interact with Native Americans, 14% of the DoD installations are known to have allowed Native Americans access to sacred sites and 33% of the installations have allowed Native Americans access to other cultural resources.

CHAPTER TWO SACREDNESS AMONG NATIVE AMERICANS

Vine Deloria, Jr.

Religious sentiment and experience are foremost among the characteristics which distinguish our species from the rest of the organic beings in the world. Over the course of humanity's historical journey, religious experiences have formed the basis of social, political and economic institutions of both a formal and informal nature. American Indians, and many other tribal peoples, represent a long historical tradition in which religious experiences and knowledge, and the requirement of ceremonial participation, are spread more or less evenly throughout a small reasonably homogenous society. Although American Indians participate in a large variety of religious traditions our concern here will be with that portion of the Indian nation that continues to follow traditional religious practices.

The United States Constitution guarantees, in the Bill of Rights, that the Federal government will not intervene in human social processes to establish a state religion nor will it place burdens upon the free exercise of religious duties and matters of conscience. As the population of a nation increases and its governing institutions are asked to perform more complex functions, innocuous religious behavior once specific to small groups of people becomes disruptive when practiced by increasingly larger groups. In making the proper accommodations to satisfy the followers of particular traditions, the exceptions in the rules which govern mass behavior begin to take on increasingly larger responsibilities. Accordingly, the contemporary social and political scene in the United States has created a great tension between practitioners of traditional American Indian tribal religions and some of the other institutional practices of mainstream society. Complex situations in which decisions regarding land use policies, construction of private and public facilities, and preservation of wildlife species and habitat are new areas of conflict which now affect traditional religious practices. We deal not so much with competition between religious traditions as with the areas in which some religious traditions and the secular arms of government meet, a situation not contemplated by the framers of the Constitution.

Two Supreme Court cases, *Lyng v. Northwest Indian Cemetery Protective Association* (485 U.S. 439 1988) and *Unemployment Division, Department of Human Resources of Oregon v. Smith* (1105 S. Ct. 1595 1990) and the recent amendment to the American Indian Religious

Freedom Act (PL 103-344, 42 U.S.C. 1996a) have created a situation in which significant adjustments of Federal and constitutional law have been or will be produced. New understandings of traditional American Indian religions and an expanded philosophy of the Federal responsibility for protecting aspects of Native American traditions, already partially articulated in statutes such as the Native American Graves Protection and Repatriation Act, will require more sophisticated understandings, attitudes and activities from all state and Federal agencies in the very near future.

In order to understand the complexity of this change, it is necessary to distinguish some of the characteristics of the tribal religious traditions from concepts and behavior that are familiar to non-indigenous Americans. Attitudes originate in the expectations which our knowledge of a subject encourages us to anticipate and in the case of Native American religious traditions very little accurate information is known. Many stereotypes exist which place these few bits of knowledge in an unfavorable or exotic/esoteric light. A review of some of the more commonly identified characteristics of Native religions will enable us to understand the context within which religious experiences are occurring and producing behavior and activities that vary considerably from the expectations of the various groups of people whose religious traditions incorporate different perspectives.

Religious Contexts

The Mysterious Presence

Native and tribal peoples experience and intuit beneath the plenitude of physical entities in the natural world, the presence of a mysterious, personal energy. One tribe may call this energy *Orenda*, another tribe may describe it as *Puha*, a third may refer to it as *Manitou*, and yet a fourth may refer to this presence as *Skán*, implying energy with but a hint of personality. In general these words indicate an apprehension of the basic life-force of the universe which flows through or is found in everything. Inherent in this concept is the idea of a guided mission or plan which directs the universe to proceed along certain lines. The task of our species is to become positively aligned with that direction and maintain a balance between the seen and unseen forces that constitute our world. Aside from the words describing the existence of this energetic presence, unlike western and world religions, there is little effort made by traditional practitioners to achieve a clear definition of the substance, the role, or the meaning of this presence. There is, in fact, extreme reluctance to pronounce the sacred name of this mysterious presence and consequently the language of allusion and indirect discourse are used when referring to this mystery. Many tribes have the same prohibition on speaking the sacred name that we see in the Old Testament tradition regarding the Hebrew God. Sacredness, in its first and deepest encounter, requires that a boundary of respect be drawn around our experience and/or knowledge of this personal energetic presence. At the very deepest levels of religious knowledge, Native people do not, and as a rule will not, speculate on the basic functions of ultimate reality. They simply accept it as a given.

Manifestations of the Mysterious Presence

In spite of the speculations of non-Indian scholars, and the sometimes compliant agreement of some Native spokespeople, Native peoples do have a keen sense of the historical process and of the passage of time. Consequently the cumulative historical experiences of each tribe have been distilled over millennia into a complex network of interrelated stories and scenarios in which the interactive experiences of these people with this mysterious power have taken concrete historical-event form. Most tribal traditions begin with the process of creation, continue with migration traditions in which the people move through a variety of worlds, through changing conditions within a particular world, or in pilgrimages across now-familiar landscapes to arrive at designated locations where they are instructed to live. A significant proportion of ceremonial activity enacts the primordial experience of creation or migration and is understood as the primary balancing of cosmic forces to ensure continued existence of the world as we know it.

During the course of the historical journey made by each American Indian tribe, events of major significance take place and various personalities emerge which represent the dominant expressions of this mysterious universal power for the life of any particular tribal people. These personalities are not "gods" in the sense that peoples from the western tradition describe their historical religious personalities but they are endowed with a sacredness which stands in direct contrast to secular activities and beliefs. These personalities are more generally described as "spirits" which is to say that while they have specific roles to play in the creation and continuation of the physical universe, and in the definition of meaning for human societies, they are also known by specific personality traits which in turn define their relationships with human beings and with each other.

Each and every entity that helps to constitute the natural world is believed to partake of the mysterious personal energy and to have parity with every other entity in the sense that all together share responsibility for the physical world and for the creation of meaning within its moving processes as seen in the passage of time. No entity in and of itself has value exceeding that of any other but the roles which various entities are asked to play may vary considerably in significance when understood from the human perspective. Given this cosmic parity, there is very little emphasis on "worshiping" these other entities. Rather the concentration is that of petitioning the spirit to assist the human in certain kinds of tasks and in certain kinds of situations. Ceremonial focus could be said to consist of petitions and thanksgivings for past assistance.

Understanding the Nature of Symbolism

In the western European religious tradition, in its American stepchild (American Christianity), and in some of the non-western world religions such as Buddhism and Hinduism we find a great complex of symbols which remind us of the basic features of religious story lines. Symbols "stand for" realities that we acknowledge as being important to our religious

expression. While the symbol may invoke great emotional response in those who see it, there is a sense in which the symbol serves primarily as a communications device and does not, in and of itself, participate in the religious experience. In the western context, when we say that a symbol "represents" a certain religious reality, we intend to communicate the importance of remembering how that particular thing fits into the total scope of our religious understanding. But we intend to convey the meaning that the symbol "stands for" another, higher reality, and that the symbol is not, in and of itself, sacred. Hence we are generally speaking of a device for recalling important teachings.

The Native American and other tribal traditions do not use symbols in this sense. When a religious practitioner in an American Indian ritual or ceremony states that a rock represents the earth or a familiar mountain, the designation means that the earth or the mountain is *actually* present in the ceremony, present in the same way as if the entity had personally sent a representative to the ceremony with full instructions to participate in the proceedings. Insisting that the entity is *actually* present means that the ceremonial event is a real and integral part of the ongoing cosmic process. The event then has a historical content and is not simply an occasion when clarity of purpose or communication has been established. In a real sense it is a special kind of intervention in the cosmic process to give meaningful focus to future activities. When the Sioux could no longer use the buffalo in one of their ceremonies there was great debate over which of the new domestic animals brought by the white man could be safely used as a substitute for the bison. Similarities in morphology, function, personal characteristics, and ways of relating to human beings were discussed before it was agreed that the sheep could be used as a substitute for certain kinds of rituals. But some ceremonies have simply been abandoned because they were so animal or bird-specific that substitution could not be made. As an example, occasionally participants in an Eagle Dance will relate how they found themselves suddenly high in the sky circling the dance pavilion, actually experiencing what it means to be an eagle. Other times in Visions, the Eagle appears at first as a human being and then becomes transformed into an eagle. In these two instances we see the sacred dimension of being able to experience what other entities feel and understand about the world. People can *feel* what it is like to be a plant or animal and, we assume, these other creatures can know what it is like to be human.

Ritual Activity

The purpose of the physical universe, in its most pristine sense, is the coordinated participation of every entity in the activity of full realization of potential. In its purest form the Native American view of the universe is a ritual expression of possibilities and potential performed by various entities coordinated in fulfilling relationships. This expression depends on the awareness of every entity of its responsibility and the relationship of that role to the functions performed by others. The ceremony is a coming-together of the various entities and the merging of the various experiences of individual time to produce a ceremonial moment in which something new in the cosmos takes place.

Obviously, within the physical universe, it is extremely difficult to correlate the "times" of each entity to produce this moment of complete coordination. The world as we experience it, therefore, is a product of the activities of all entities as they attempt to correlate their personal times with the larger cosmic process. "Religion" as practiced and experienced within American Indian tribal communities is a series of rituals with various origin points in the past practiced in an effort to bring harmony and coordination to the present physical universe.

Unlike the Mass or the Passover which both commemorate past historical religious events and which believers understand as also occurring in a timeless setting beyond the reach of the corruption of temporal processes, Native American religious practitioners are seeking to introduce a sense of order into the chaotic physical present as a prelude to experiencing the universal moment of complete fulfillment. Consequently Native American rituals are designed to deal with immediate adjustments of the situation confronting human beings. What may appear to be the most insignificant ritual may actually have great significance in formulating the completeness of the whole. A healing ceremony, for instance, would adjust the health condition of the person receiving the healing, the spirits participating would be able to bring their healing powers into the physical universe, and the other entities, birds, plants, and animals, would experience joy and fulfillment in assisting in the corrective measures being taken.

Participation in ritual activity places on the practitioner a moral/ethical burden in which responsibility for the well-being of the other entities which assisted in the ceremony are assumed. Even when the ceremony requires the killing of a bird or animal or the complete destruction of the plant, it becomes the task of humans to ensure that the other entities have not made sacrifices of their lives in vain. In a real sense, for most Native American traditions, the human being acts as facilitator for a variety of other entities in creating the ceremonial or ritual moment and setting to generate the experience of cosmic completeness of all participating entities. Rituals which ensure the continuation or renewal of the world, or which express thanksgiving for the physical world as we know it can be said to be performed for the benefit of other creatures and only minimally for our species.

Kinds of Ritual Activities

The mysterious, personal energy which exists in all things gives each entity a basis for experiencing completeness through participatory rituals when individual identities are seen as physical expressions of the commonality of energetic life. That is to say, the other creatures of creation also find fulfillment in the rituals and their own species' historical experiences are enhanced by their participation. Eagles become more powerful as their participation in rituals increases, and their relationships with other birds and animals becomes more significant. Rituals, therefore, are not restricted to human activity alone and some tribes describe the behavior of plants and animals as ritual practices in which completeness is found without human assistance. Divining the meaning of plant and animal rituals may sometimes produce

imitative human behavior. The Plains Indians must certainly have copied the dance of the prairie chicken in some of their rituals although the event during which this incorporation was made is now unknown. Dances honoring the deer, bear, buffalo or other game animals may also have been transferred from wholly animal behavior to human ceremonial importance. Dances for animals in one sense are also suggestions for footwork and expression made by humans to their animal relatives.

Healing

The rituals and ceremonies in which we have an interest for the purposes of this report are those in which human beings, on behalf of other entities, ranging from the Sun, the planet Mother Earth, mountains and rivers, different species of plants and animals, and finally specific groups of people and particular individuals become the focal point and prime participants. The dominant purpose of these rituals and ceremonies are to bring order out of a chaotic situation. Therefore, in modern terms we see *healing* as the primary goal. Healing can be understood as the means by which adjustments are made in the physical universe so that all entities can function in a manner much closer to their innate Potential. Renewal ceremonies, such as the one described in Chapter Seven, conducted at Fort Hood, are healing activities on behalf of the human beings who participate and the medicine wheel which was originally constructed to serve that purpose.

Thanksgiving

Closely related to the healing activity is that of *thanksgiving*, which could be described almost as preventive healing in the sense that properly maintained sets of relationships do not create tensions and conflict. Thus ceremonies and dances are performed primarily to honor birds, fish, animals, and particular locations of Native American concern. These ceremonies are the means by which humans give thanks for their good fortune in having relationships with the rest of creation, the thanks being given to particular creatures or locations. The First Salmon ceremony of the Indian nations of the Pacific Northwest and some of the Southwestern United States eagle ceremonies are good examples of this kind of activity.

Vision Quests

Some people see a hierarchy of rituals present in some of the tribal traditions. Viewed cross-culturally, the Vision Quest is the most common way of producing the religious leaders of each successive generation. In a Vision Quest, a young person secludes himself or herself in order to receive a foreknowledge of their life's religious vocation. This particular ritual is a sophisticated effort to discern the specific goals of the temporal processes which seem to direct Native American lives and to place the coming generation in synchronous relationship with them. This ritual is now being revived in a large number of tribes in an effort to reduce the juvenile delinquency problems. In general it consists of a four day fast, under the supervision of an elder, performed by an Indian boy or girl at the onset of puberty. In more precise

terminology the Vision Quest is also done by traditional practitioners to maintain their relationship with higher spiritual powers and to ask for additional specific powers or to gain information on particular subjects.

The original goal of this research project was to locate sacred sites connected primarily with the Vision Quest ceremonies because these rituals, being primarily initiatory, were essential to the continuing process of providing medicine people and spiritual leaders for Native American communities. It was anticipated that conflicts between traditional spiritual practitioners and military installations might revolve about the question of access to sacred sites on military lands for Vision Quest purposes. As the number of probable sacred sites increased it began to appear that the Vision Quest problem might not be as severe as anticipated. The mass of materials began to dictate a much different arrangement of data and the inclusion of other kinds of sites which have the potential for becoming publicly acknowledged by religious leaders of Native American communities. The changing nature of Native American religious concerns now appears to be more aggressive in identifying and protecting locations that would not have been made public in the past. As more sacred sites become a part of Native American and non-Indian awareness, there is no question that Vision Quest activities will be seen as part of more sacred locations. However the sense of urgency with respect to the Vision Quest locations, inspired perhaps by the Northwest Indian Cemetery Protection Association problems with the government, is considerably less than anticipated. In actual practice, DoD base commanders can expect that requests for memorial and condolence ceremonies related to existing sites already known or burials uncovered during construction or use of installation lands will be the most numerous. It is highly unlikely that new use requests would be made by present-day practitioners. The resolution of the problem of the medicine wheel and cemetery at Fort Hood would be the exception not the rule in these cases.

Condolence

The last kind of Native American ritual activity which may be encountered that might depend on access to a particular location deal with *condolence, mourning, or memorial activities*. In some of the tribal traditions these ceremonies greatly resemble similar kinds of services performed by the Christian priests and ministers and Jewish rabbis. Basically they help people deal with the loss of loved ones, commemorate members of the community who have been helpful or respected, and sometimes provide a direct linkage between generations of people separated by time and the passage of years. Some years ago a mixture of traditional Sioux spiritual leaders and Sioux priests and ministers cooperated to perform a memorial and reburial ceremony/service for the people's remains found in the excavation of a village near the Big Bend of the Missouri. In practice we can anticipate that DoD base commanders will have more contact with these ceremonies than with the Vision Quest, World Renewal, or other ceremonies.

Rituals and Sacred Places

Of particular importance for this study, for DoD, and for the state and Federal agencies who will be dealing with the religious/cultural concerns and practices of Native Americans is the relationship of particular locations to the practice of traditional Native American religions. Tribal religions view the landscape as an integral part of religious experience because it is not only the locus for human experience but the earth itself is a living entity and manifests its relationship to all forms of life by sustaining them. Landscapes have interlocking sets of locations which are holy in and of themselves because they are the most specific means whereby the earth can relate to lesser entities.

Over the course of thousands of years, Native Americans have discerned the various sacred sites which have power; that is to say, manifest the energy and concern of the earth. Sometimes several tribes will have discovered the sacredness of a site and become aware of the proper ceremonies that must be performed there. Bear Butte and the Sangre de Cristo mountains of New Mexico are good examples of multi-tribal sacred sites. A number of mountains in southeastern Utah have the same status. Within traditional occupancy areas and along ancient migration routes are more locations that have a religious significance to particular Indian tribes. The knowledge of these locations has been passed down within certain families who performed ceremonies for many generations.

In contrast, western and some other world religions also have sacred places and shrines but these sites generally mark the location where historical religious events took place: Mt. Sinai, Mecca, Jerusalem, and other locations. Through ceremonial activities these religions set aside or consecrate locations that then take on significance for the followers and becomes the focus of ceremonial activities. These religions also have the practice of consecrating a location and establishing a shrine where practitioners can worship. The consecration then removes the location from the secular world and places it within the scope of continuing religious activities.

When dealing with public lands or lands controlled by Federal agencies, it is possible to provide non-Native American religious bodies with tracts of land which they can consecrate and use for religious purposes. The location can be almost anywhere of convenience. Native American religious traditions, however, can only use a specific location which is already known to be sacred. In use of geographic locations, therefore, the non-Native American religious bodies can accommodate almost any assignment and make use of it; Native American religious bodies must use particular locations or they cannot continue their ceremonial life.

Sacred Objects

Perceiving a living universe, manifested by the presence of the mysterious life energy in everything, tribal religious traditions understood objects used for religious purposes as possessing the mysterious power which made the universe function. Rituals almost always

require the participation of the other creatures of the creation and consequently ritual practices require the collection of plants and animals, minerals and clays, stone, and some ceremonial form of setting these objects aside once they have been used ritually.

Objects used in rituals may have sacred significance for only a duration of time, while some ritual objects are thought to have existed since creation. As an example of time-limited objects, the Zuni make war gods of wood which have status and an active function within the Zuni ceremonial life but which, after a designated period of time, are then placed in special locations where they are returned to the natural world through the processes of decay and erosion.

The classification of objects as having ceremonial potency depends upon the designated practitioners of the respective tribal religious traditions and not upon use or misuse or possession by secular individuals. In terms of designation or classification of objects which might be found on United States military lands, the best course of action for DoD resource managers concerned about the treatment of those objects is to contact practitioners of the most probable Native religious tradition and seek their advice on how to handle the situation.

Sacredness within the traditional Indian religions does not depend upon a hierarchical arrangement of ceremonies or objects, but upon existing and possible future sets of relationships between living entities. Attempting to evaluate the relative importance of certain kinds of practices or materials from outside the religious context is difficult if not impossible. Forcing religious experiences into foreign interpretive frameworks does violence to the understanding of the factors that are actually involved. Misunderstandings and transfers of emphasis can lead to embarrassment and conflict that is unnecessary.

A great deal of Native American religious knowledge has been lost over the last century. Consequently many locations which would have invoked a sense of reverence long ago may not have the same status among practitioners of the religion today. The purpose of existing and contemplated Federal and state laws which seek to grant access to sacred sites or set aside locations of the gathering of ritual objects is in accord with the resurgence of many tribal traditions which have been illegally and immorally suppressed during the immediate past. These efforts are good faith attempts to reconcile the practices of traditional Native religions with the requirements of mass society and its institutions today.

In terms of the expectations which DoD base commanders can anticipate that relate to sacred objects, apart from personal goods which might be found in burials, the objects most important will be those natural substances that were or are used in ceremonies. Already several U.S. military installations have worked out arrangements with a tribal government allowing gathering of plants. While sacred objects are represented by a much wider variety of religious paraphernalia, such as prayer feathers and wands, strips of cloth, and designed figures made during ceremonies, concern in general should focus on the plants and minerals which are necessary for ritual use.

Summary

The context within which Native American religious expression is found and understood is that of a living universe which has, as its basic ground, a mysterious personal energy that pervades and energizes everything. Although this great energy is to be found in every entity which humans encounter, it is the specific manifestations of this energy in historical events that particularizes the sacred into sets of powers and personalities with whom the tribal community has a relationship.

Traditionally many societies have reached the conclusion that a "High God" or solitary deity exists by reference to the orderliness of the natural world or through the demonstration by logical reasoning. This deity is intellectually and conceptually pleasing but we do not find it present in very many Native American religious traditions. Instead we find vaguely defined beliefs inside vast and very complex ceremonial practices. Since the mysterious power can manifest itself in the historical moment without projecting a sense of absolute revelation, in the western European and American sense, there is no conflict among or between tribes as to the form and substance of ultimate reality.

The basic requirement of Native American ritual activities is that all creatures of creation be granted access to the ceremonies. The transformation of natural objects without specific instructions from the spirits was regarded as a violation of the integrity of the other entities. Therefore, use of natural objects usually conforms closely to their original state. A good example of this practice is in the treatment of peyote for religious purposes. The Native American Church does not alter the peyote button in any way, since that would be a violation of the spirit of the plant. Indian people regard the processing of the plants to find a chemical derivative as a dreadful act. With the exception of placing sacred objects at certain locations, traditional Native American people do not, as a rule, attempt to construct buildings such as churches and chapels at sacred sites. Everything in the physical world is believed to have its own integrity. The task of religious practitioners, therefore, is to create the minimum disruption of the site and cause the minimum disruption of the lives of other creatures while performing ceremonial functions on behalf of these entities.

CHAPTER THREE KINDS OF SACRED SITES

Vine Deloria, Jr.

Selection of Sacred Sites

Many state and Federal agencies are bound by government-to-government agreements with Indian tribes to respect the confidentiality of sacred site information about public lands in their care. The spiritual hunger of the "New Age" religious groups and the natural curiosity of informed people may at some point in the future require that lists of sacred sites be surrendered under the Freedom of Information Act. Sacred site information should be restricted to Native people, and to guard Native American sacred sites against curious outsiders, tribes and state/Federal governments should develop Memoranda of Agreement or Memoranda of Understanding which specify the restriction of such information.

In doing this survey the obvious sacred sites which have come under popular scrutiny or which are so well-known that information is easily obtained are not listed. Also deleted are locations which are not well known, whose chief characteristic is that they do not now and cannot in the foreseeable future become involved in a conflict between traditional practitioners and military installations because there is no adjacent military activity that might conflict with the practice of traditional ceremonies. The sole exception to this rule is the listing of sacred mountains which would fall within the path of military fly-overs by the Air Force and Navy training programs.

Burials and Ruins

State archaeological agencies and historic preservation efforts have produced massive inventories of locations which primarily involve burials and sites of former human habitation. Since state agencies are already working with Indian tribes to compile inventories and since much of this information is already under a seal of confidentiality, military installation commanders can call upon state agencies for extensive background information on sites and be directed to the proper tribal authorities. In the very near future almost all known locations in the western United States will be listed in one of these state inventories. However, most lands in the west, including most of the lands held by the military, have not be surveyed at all and few surveys have involved Native peoples (see Chapter Six). Future discoveries of human

burials, sites of former human habitation, and other sacred sites will certainly call forth the cooperative efforts of Indian tribes, state agencies, and military authorities. Later chapters in this report suggest ways of formulating working agreements with tribal governments and traditional religious leaders when these events occur.

Mourning and Condolence Ceremonies

Mourning and condolence rituals are typically a continuing part of traditional religions and today with the admixture of tribal and Christian practices. These activities vary radically across Indian cultures. Mourning and condolence activities may well take place at both isolated locations and military post cemeteries. Since the ritual has a memorial aspect as well as being a means of keeping the deceased within the extended family circle, the occasions when these rituals are held will generally coincide with national days of memorial held by the non-Indian population. An exception to this rule might be conducting ceremonies at the site of battlefields of the last century. Again, these rituals would probably be part of the ongoing military activities of the base or installation. The working relationship at Fort Hood, Texas, described elsewhere in this report, is an example of the positive development of Indian-military cooperative efforts in this respect.

Linkage

No sacred site stands alone. It is always within a set of religious relationships best described as "linkage" in which traditions about a particular location do not make sense unless information about the other locations and their part in a larger religious or historical sequence is known. A good example of linkage is the existence of "boundary" mountains which mark out sacred areas of tribes. Within the area described vaguely by a number of mountains and rivers, the lands may be described as "sacred" in the sense that ceremonies are held there. The mountains themselves may not be used for ritual or ceremonial purposes. Part of the ceremony, however, would be simply to have the mountains in view, their permanence in effect guaranteeing the integrity of the ceremony.

Linkage can also be seen in tracing the paths of activity of culture heroes, ancient migrations, or the progress of the Creator as the world in which we live was made. Pilgrimages are sometimes required of the people in which they re-enact the events of ancient times. A pilgrimage may move from one sacred location to another, the path which is used then becoming part of the sacredness of the two locations for the duration of the pilgrimage. For DoD purposes of understanding, two or more sacred sites may exist outside of a military installation and only the path of pilgrimage may cross military lands or activity areas. Yet the path becomes, for the purpose of fulfilling the ceremony, a part of the sacred nature of both the sacred site and the sacred activities which celebrate it. At the present this possibility exists primarily in two sites: Arizona and California. Consultation with the Pueblos of the Rio Grande may result in identifying more of these linkage situations.

The occupation of the North American continent for tens, and perhaps hundreds of thousands of years, has created a unique and complex religious landscape. Sacred sites are not unusual in the world religious traditions. Even before Mount Sinai's revelations Abraham coming into the Holy Land discovers that Jerusalem had been a sacred location since before the memory of the most ancient of peoples. The difference between the western hemisphere and the rest of the world is that for the most part sacred sites on other continents have been set aside by organized societies and covered with temples and shrines, opening them to a larger audience of devotees but also closing them off as locations for future religious experiences of a revelatory nature. Written scriptures and religious canons seem able to preserve sacred sites but at the cost of reducing them to sites of historical religious significance.

Unless we deal with a modern consensus of Indian opinion in regard to certain locations, such as Bear Butte and the Powell, Wyoming medicine wheel, which many tribes agree is sacred our information about sacred sites must remain as a list of locations important to specific tribes and dependent upon their apprehension of the sacred nature of the location. For much of the continental United States, particularly the lands east of the Mississippi, much knowledge about sacred locations has been irretrievably lost except for such groups as Iroquois, Muskogee and Eastern Cherokee. History plays a part here since the tribes who inhabited this region experienced several centuries of contact with Europeans prior to their decline. Some tribal groups simply vanished or were absorbed into larger Indian nations within historic times, some as late as the 1790s. Most of the larger Indian nations were removed, either as a whole or as smaller groups in a series of forced negotiations, from the eastern United States to Nebraska, Kansas and Missouri with a good many eventually being removed to Oklahoma. These centuries of contact substantially eroded traditional use of the land as the Indian nations were forced into a highly competitive fur trade and became entangled in colonial wars as allies of the respective European governments.

With the introduction of European manufactured goods and the inter-marriage with fur traders and early settlers, and most particularly with the overtures of missionaries, Native American tribes were often split between those people who adhered to traditional ways and those who adopted the new economics, social organization, and religious views of the Europeans. This kind of change must be emphasized as an important factor because it stands in direct contrast with the experiences of Indians who have always lived west of the Mississippi. An Indian born west of the Mississippi at the beginning of the 1800s might not have even seen a European or Euroamerican until his or her adulthood and might still have lived to see automobiles. Thus the experiences of western tribes were those of complete loss of a way of life coupled with the necessity of adjusting to an industrial society which they had few ways of understanding.

In conducting a national survey of sacred sites, we encounter a tremendous bifurcation of data. Some locations in the east can be identified only by a lucky encounter in a pioneer journal, whereas some locations in the west have been known intimately by several generations of Indians, all of whom were and are capable of recounting different versions of the story

identifying the location. Due to the immense turmoil and disorientation experienced by many Native Americans tribes as waves of Euroamerican settlements engulfed them, some sacred sites became shared by more than one group of Native Americans. Creation and migration traditions that once appeared to be isolated are now recognized as having overlapping boundaries. This is so because Native American tribes were forced to identify sites across large expanses of land and now seek to protect them from intrusion and confiscation.

The western United States, consequently, is a very complex landscape that must be approached with care. Several types of sacred sites can be established and these types can be supplemented with different kinds of subgroupings with the hope that many of the suggested activities of traditional Native American practitioners will be encompassed within a framework of understanding. Of importance in understanding the distinctiveness of the western Indian tribes is the rather loose confederations which seem to have constituted the respective Indian nations of that region.

The eastern Indian nations had created reasonably formal, permanent, institutionalized regional alliances for matters of war and foreign policy. Most prominent among these are the Muskogee Confederacy, the three divisions of the Cherokees, the Six Nations Confederacy (Iroquois), the Powhatan Confederacy, and the Three Fires of the Ottawa, Potawatomi and Chippewa.

In contrast to the eastern Indian nations, the development of a complex political organization of the western Indian nations was not yet fully developed when they came into contact with Europeans. We know that the Comanches had occasional gatherings of their bands to deal with Spanish and later Mexican diplomatic overtures. The Sioux began to gather together in the 1840's north of Bear Butte to appoint four "Shirt Wearers" who would be primary leaders of the western Teton branch of the tribe. There is no evidence of similar national kinds of gatherings for the Shoshones, Apaches, and Paiutes. The Pueblo Revolt showed that these Indian settlements could act in concert but no profound sense of a national government emerged from this experience.

Scholars arrange maps of the western United States according to language groups or subsistence patterns, according to whether Native Americans were farmers, buffalo hunters, or fishermen. The Indian Claims Commission has drawn its map of this region according to territories claimed or allegedly claimed by attorneys for the respective Native American tribes during the life of that tribunal. The requirement under the law authorizing the Indian Claims Commission implied that tribes would not be granted a basis for recovery unless their attorneys alleged that they had complete control and exclusive use of the area. Depending on the sophistication of the attorneys and scholars who handled the case, and their aggressiveness in pursuing their clients' interests, occupancy areas in the Indians Claims Commission can vary considerably from the actual facts of the situation.

The actual realities of the nineteenth century in the trans-Mississippi west suggest that while certain Indian nations controlled large areas of land, each individual hunting band was relatively autonomous politically. While sharing certain overall religious traditions, the specific ceremonial life of the respective bands or subdivisions of the larger tribes varied considerably in the manner in which each practiced rituals or understood sacred places. The Apaches, for example, roamed freely in western Texas, New Mexico, Arizona and southern Colorado. A location sacred to the Lipans of Texas would not necessarily be known or revered by the Apache groups living in Arizona on the Gila River. Many of the specific rituals varied also; the famous Crown Dancers of the White Mountain Apaches were not found in some of the other Apache groups or traditions. The Shoshones ranged from eastern Oregon and desert California to areas east of the Wind River mountains in Wyoming and into southern Montana, encompassing an incredible area of land in which sacred sites most probably were band-specific. Shoshone sacred places in Oregon could not have been known by Wyoming people and rituals they relied upon were unknown in Eastern Oregon. In California and the Pacific Northwest sacred sites were often specific to one valley or coastal plain and one or two related villages in that particular area.

Professor Deward Walker (1991) has, among others, drawn up a useful list of major characteristics of Native American sacred sites that enables one to grasp the cultural and historical context in which Indian people themselves view these locations. The following hold true for many Native American traditions:

1. a body of mythic accounts explain cultural origins; these are often linked to particular places and features in natural landscapes;
2. calendrical rituals give social form and express religious beliefs that permit members to experience the events of their mythology in various ritual and geographic settings;
3. a reliance of dreams and visions as access to spiritual power and as the primary source of sacred knowledge, with dreaming often tied to particular sites;
4. belief that while all aspects of nature and culture are potentially sacred, there are specific times and places that possess special sacredness; such "portals" may include rock markings.

These characteristics hold for the vast majority of Native American tribes with whom the DoD would have a relationship. A major theme of traditional people is that nothing stands alone and this idea can be used to make the characteristics outlined more applicable to the immediate situation. American Indians are much more interested in the total geographical context of the lands on which they live than upon identifying a "center" for religious purposes. The Sioux, for example, designate Pike's Peak as the center of the world, Harney Peak at the center of

their country (at least in recent times when the Teton has become the most numerous branch), but they hold their ceremonies today at Bear Butte and other locations in the Black Hills and Nebraska Sand Hills. In former years the ceremonial centers were farther east in the Dakotas and long ago lakes in the Minnesota and Wisconsin region were the major ceremonial locations. It is said that as the people change, so does their sacred geography. Even the sacred sites need respite from human intrusions and often the site will avoid human contact until it is necessary that it become active again.

The following kinds of sacred sites are suggested by the research materials. The following categories have been devised to present the material in an orderly manner and the probable parameters of each kind of site is discussed below. The final body of specific information which is necessary to provide confirmation of the religious status of or not of significance of the location should be reserved for actual field investigation or the initiation of a working relationship with a DoD military installation. The following kinds of sacred sites are:

- A Creation Story Locations and Boundaries
- B Sacred Portals Recounting Star Migrations
- C Universal Center Locations
- D Historical Migration Destiny Locations
- E Places of Prehistoric Revelations
- F Traditional Vision Quest Sites
- G Plant-Animal Relationship Locations
- H Mourning and Condolence Sites
- I Historical Past Occupancy Sites
- J Spirit Sites
- K Recent Historical Event Locations
- L Plant, Animal and Mineral Gathering Sites
- M Sanctified Ground

Each of these kinds of sacred sites is a distinct category and is discussed below to provide an understanding of the complexity of the American Indian religious experiences and traditions even though some of these kinds of locations are no longer important for many tribes and the intensity of the religious experience may vary substantially at different locations.

The various kinds of sacred sites may appear to suggest an intense ceremonial life and in pre-contact North America there was undoubtedly considerably more attention paid to the maintenance of relationships with spirits through ceremonial activity. Today we can anticipate the variety of religious activities but we need not worry about the frequency of any particular activity except the Vision Quest and the Gathering sites. Even considering the small number of traditional people today in each tribe, the expanding interest in restoring rituals may necessitate the use of sites on military lands. The listing of kinds of sacred sites is, therefore, essential knowledge since it illustrates eloquently the fact that no *central* ceremony has

precedence over the other forms of religious activity. Within the spectrum of religious rituals, every possible expression of devotion should be included.

We will review the variety of sacred sites that can be seen as representing specific kinds of religious belief and activity in the western states, omitting some locations that have never to the best of our knowledge been associated with military lands.

TYPE A: Creation Story Locations and Boundaries

Some tribes have a memory of the creation itself (Clark 1966).¹ These traditions suggest a time when people and animals could communicate complex thoughts clearly between themselves, adopt the body form of the other, hence encouraging blood ties through marriage, and speak a common language. Tribes often identify a specific location where the people became conscious of having been created and this site is related to a number of other landmarks in the region which mark the locations where creative acts which form our world today were performed. For many tribes the proper explanation should be that of a sacred complex of interlocking sites rather than a simple location.

Usually a particular area of land is given to a tribe by a higher spiritual power. This gift brings with it a set of specific responsibilities and ceremonies which enable these duties to be performed. Beyond the boundaries of the creation locale the land is generally regarded as having secular significance. For example, the Navajos have four sacred mountains which mark their boundaries. Beyond the area enclosed within these four mountains there may be an occasional sacred site or shrine of historical significance. The Tohono O'odham of Arizona have sacred sites distributed between desert and mountains because they had two villages - summer and winter - to accommodate themselves to the climate.² The mountainous area just north of Albuquerque represents another aspect of this problem. Here we have overlapping creation areas which represent the various Pueblos. Overlapping significance means sometimes directly conflicting traditions and only consultation with the Pueblos involved can possibly make sense of the situation. Overflights by the Air Force and Air Force National Guard cannot help but intrude when an area is so large.

¹Clark provides several examples of Indian traditions regarding a creation.

²The Tohono O'odham presently have a number of ceremonies that involve Baboquivari Peak which they claim go back to the days when monsters roamed the earth. Robert K. Thomas (Cherokee) was the last non-Tohono O'odham with whom the spiritual leaders would discuss these ceremonies and beliefs.

TYPE B: Sacred Portals Recounting Star Migrations

Several tribes have traditions which recount their passage from another star system to this one and their emergence on our planet at a particular location. These sites may be understood as "Portals"³ where it is possible to pass from one universe to another. With the advent of chaos theory and the elaboration of knowledge of the potential of black holes in the space-time fabric of the universe, these traditions now take on added significance. The Sioux suggest that there are several portals in the Black Hills area and some of the emergence traditions of the Navajo and Mandan suggest that we may be dealing with similar experiences. In general these locations are held in utmost secrecy and outsiders will only find out about the location if there is the threat of physical destruction of the site. Ceremonies are performed at these locations on rare occasions and then under the most secure conditions. Obviously we have not become privy to information regarding the locations of these sites but have received more general information to the effect that they are a distinguishable type of sacred site.

TYPE C: Universal Center Locations

For purposes of orientation, among Native American tribal people there is a tendency to identify one location as the center of the world with related identifications of other sites as the center of a specific tribal world. The world center site is revered because it provides a constant against which people can measure their relationship with the landscape. The location is most generally not a place where ceremonies must be conducted, although that possibility cannot be ruled out. More often the identity of the site is used as a teaching device. Pike's Peak, for example, is regarded by the Sioux as the center of the world while Harney Peak in the Black Hills also is seen as the center of the Sioux world.⁴ The tribes who do not presently live in and on lands they occupied when first encountered by the Europeans, have universal centers also. It should be obvious that in a limited curved universe, any location can be the center. New locations can have equal standing to former locations. Frequently the fulfilling of ancient prophecies means that centers must be transferred as events have unfolded. Changing of centers is, therefore, comparable to migration locations where the passage of time moves the understanding of the people to a new level and more or less negates the central emotional

³The admission that space-time "portals" exist and that spiritual people can use them to move from one physical universe to another has been a very recent development, preceding this study by only a few years. Conversations with people from the Sioux, Gros Ventre, Cheyenne and Cherokee within the past several years, now held in strict confidence as to particularities, seem to suggest that these sites will be very important in the future.

⁴In *Black Elk Speaks*, by John Neihardt, there is an indication that Black Elk had shared this knowledge with Neihardt but that Neihardt had not properly understood it. Conversations with spiritual leaders at Pine Ridge suggest that, while this knowledge is held by only a few people, it is permissible to mention it in print.

importance of particular locations. Some scholars have been upset that traditional people of the Five Civilized Tribes have "moved" their sacred centers to locations in Oklahoma after having been removed there. If we understand this transfer as indicating that a portion of the prophecy has been fulfilled and the center must be relocated, the identification of hills and mountains in eastern Oklahoma makes sense.

TYPE D: Historical Migration Destiny Locations

The religious duty placed on some Native American groups as their means of accommodating themselves to this continent often involved spirit-guided migrations around the continent, usually as a test of faith and commitment. Faithful completion of the migration meant the eventual location of the tribe in a specific area. Sources as diverse as the *Book of the Hopi* (Waters 1963), Whitely (1988), and James (1974) describe the Hopi migrations and identify a number of sites as evidence of the migrations. Mesa Verde and the Great Serpent Mound in Ohio are the locations most familiar to non-Indians. Recent revival of traditional ways has brought out very ancient information on these prehistorical destiny migrations. Thus the Cheyenne speak more freely about their life in the far north around Hudson's Bay, the Sioux and Arapaho talk about when they were one people and were living in the Gulf of Mexico (Stands in Timber and Liberty 1967, Neihardt 1991).⁵ There is also discussion of the Sioux living on the shores of the "western sea" although it is not clear whether this location is the Pacific Ocean or the Pleistocene lakes of the Great Basin.

The only land and resource management problems which might be anticipated with respect to these very old sacred sites would be if it were revealed in a ceremony that a certain location was the precise site where a tribe received a particularly sacred object, such as the Cheyenne Sacred Arrows or the Sioux Sacred Pipe. Some tribes have medicine bundles which are associated with the creation story. We cannot anticipate some of these events. The recent birth of a white buffalo calf in Wisconsin is an example of the unanticipated event in tribal religious traditions. Thousands of Indians have now visited this white buffalo but now most people are returning to their reservations and seeking guidance in ceremonies, defusing the situation. These matters must be handled with respect considering all of the circumstances.

Some prominent locations appear to mark out the historical journey as well as providing a checkpoint where Native people can return to renew the original revelation and sacred instructions. Today these locations would be rarely used for ceremonial purposes but would probably be familiar locations to a significant number of people in the tribe. Mount Graham in southern Arizona has an aspect of this characteristic. It has ancient stories attached to it and it is also a location where some particular ceremonies can be held. Desecration of the

⁵In general, the Cheyenne materials are contained in *Cheyenne Memories*, by John Stands in Timber and Margot Liberty. The Sioux materials are rewritten by John Neihardt and printed as story sketches in *When the Tree Flowered*.

mountain by construction erodes the orientation of the traditional Apaches in the same manner that the disappearance of a major city would disorient the people who live in its suburbs. These locations must be distinguished from more recent sites where historical migrations took place.

TYPE E: Places of Prehistoric Revelations

The majority of Native American tribes have traditions which suggest that a basic outline of their nation's destiny was foretold in very ancient times. As centuries passed a number of the prophecies were fulfilled and there are remaining incidents or events in the story line which must be treated with reverence. These story lines link together locations which are geographically distant from each other but indispensably connected. Bear Butte in the Black Hills is such a place to the Cheyennes and the Medicine Wheel in the Big Horn Mountains of Wyoming may well be another such location for several tribes. Some central peaks in Nevada and several of the volcanos in the Cascade Mountains may also have this characteristic. Mount Shasta in California certainly has this feature for some of the northern California tribes. The Six Nations people in New York State have kept the knowledge of these sites reasonably well intact although they do not talk with outsiders about them.

TYPE F: Traditional Vision Quest Sites

Intimately tied with the idea of Native American personal identity is the ritual popularly described as the "Vision Quest" in which a young person would fast and pray at a remote location to obtain a vision that would forecast in many respects the future course of their life. In the Pacific Northwest this ritual was often associated with canoe ownership and longhouse leadership. Expertise in fishing and hunting was often bestowed in visions. In the Great Plains the Vision Quest candidate would receive special powers and gain friendly birds and animals that would help him or her later in life. In the Great Lakes area, Vision Quests would prepare young people to enter adult tribal life by providing information on their real names and future careers. These Vision Quest sites are generally kept quite secret because of their continuing use. Unless and until a young person receives a Vision, they cannot have an adult career of any significance. Many Vision Quest sites are deliberately misidentified in order to keep people away from the actual sites. Whatever powers are bestowed on the successful seeker are generally exercised away from the sacred site. Identification of these locations to prevent conflicts on military lands will have to be done through mutual agreements with the traditional people of the tribe since, as a rule, these sites are not made known to outsiders.

Vision quest sites are generally family-specific. That is to say, a young person will try to perform this ritual at the location where some member of their family once fasted. At other times, the spiritual leaders of the tribe will designate a general region within which the young people, and indeed they themselves on occasion, will do their Vision Quest. Isolation is the primary requirement for this ceremony and yet it often takes a group of supportive people

nearby to perform the ceremony adequately. Where military installations have extremely rugged landscapes and a large Indian reservation is in the vicinity, agreements should be worked out to ensure the success of this traditional ritual. The most likely problem areas in this respect would be in eastern Washington and Oregon and in the Las Vegas, Nevada area.

TYPE G: Plant-Animal Relationship Locations

Religious traditions of many Indian tribes identify locations which are reserved for birds, animals, and plants. Humans can use these locations only at designated times. These traditions are to ensure that other species have the right to enjoy a full life cycle prior to being used by humans for particular purposes. Consequently, while a sacred site may not be sacred to a tribe for its own purposes, for the purpose of relating to the rest of the universe, humans become caretakers of particular locations. Spirit Mound near Vermillion, South Dakota was once set aside for birds, and the Black Hills at different times during the year must remain inviolate so the animals can hold their meetings.⁶ Some desert locations are forbidden to humans by the Tohono O'odham until a particular time so that plants can mature and animals can feed off them.

Demonstrating respect for the other forms of life has great meaning and complexity for many traditional Native American people. Members of societies, for example, are required to use the skins of animals after whom the society is named (i.e. Fox Society), but they are not

⁶Densmore (1918) contains the following information on these locations:

The crow is always the first to arrive at the gathering of animals in the Black Hills. The reason why the Black Hills were so long unknown to the white man was that Wakantanka created them as a meeting place for the animals. The Indians had always known this and regarded the law of Wakantanka concerning it. By this law they were forbidden to kill any of the animals during their great gatherings.

Densmore also quotes from *The Journals of the Lewis and Clark Expedition*, volume 1, pp. 121-123 (Lewis et al. 1983):

Capt Lewis and Myself concluded to go and See the Mound ... which the Indians Call Mountain of little people or Spirits.. The Surrounding Plains is open Void of Timber and leave to a great extent, hence the wind from whatever quarter it may blow, drives them with unusual force over the naked Plains and against this hill; the insects of various kinds are thus involuntarily driven to the Mound by the force of wind, of fly to its Leeward Side for Shelter the Small Birds whose food they are, Consequently resort in great numbers to this place in Search of them; (p. 319).

allowed to kill the animal since it is a brother or sister. Therefore other members of the tribe, not themselves members of the society, must obtain the skins or feathers as needed and trade or sell them to society members. Military base commanders may face the situation where traditional people have declared a bird or animal to be sacred and also have tribal members hunting the bird or animal. A good practice would be to have the traditional spiritual leaders explain some of the permissions and prohibitions which apply to tribal members with respect to birds and animals and get a clear definition of the scope of activities which can be expected from tribal members.

TYPE H: Mourning and Condolence Sites

These locations can be divided into two basic categories: pre-European contact and recent historical sites. Within the occupancy area of each Native American tribal group are specific locations where people would go to mourn the loss of a loved one. While the person might have died in another location, the mourning location has sufficient spiritual power to comfort the bereaved and, consequently, ceremonies would be performed at the traditional location. Use of the site is heavily dependent upon the degree of pain suffered in the loss of the deceased and consequently use of an area would reflect the immediate concerns of the tribe or band.

Recent historical sites include a direct relationship between contemporary Native people and the deceased of previous generations. Battlefields or sites of massacres (Sand Creek, Wounded Knee, Palo Duro Canyon, Bear River, Massacre Cave) constitute the primary locations where ceremonies would be performed. The timing of ceremonies would reflect the immediate needs of the tribal community. In those areas where, in this century, military lands have been extended to include lands on which Indians had formerly lived would be prime candidates for investigation and/or possible use by tribal communities. Fort Lewis in Washington State (formerly the Nisqually Reservation) and Fort Sill, Oklahoma would be examples of these kinds of sacred site locations.

Very recently there has been interest shown in graves of Indians buried at military posts and former military posts that became Indian schools. This interest is not yet a national concern and only those tribes who have moved ahead with cultural projects have been discussing this topic. Burials of interest would include Indian scouts, Indians employed as laborers, interpreters, teamsters, and other supportive occupations that were necessary around a frontier military post. The emphasis that can be expected would not stress traditional religion as much as it would focus on the ancestry of present day people. The memorial ceremonies at these grave sites would generally be some form of Christian expression rather than a traditional ritual. Should this interest increase it could be handled in conjunction with a military installation's ordinary Memorial Day activities.

TYPE I: Historical Past Occupancy Sites

Memories of pre-reservation days have been largely carried on by Native American people over the generations since the tribes were free to travel over the lands they once occupied. In a radius sometimes as much as 500 miles in every direction, the old locations for hunting, fishing, gathering of wood and minerals, healing springs, summer encampments and celebrations of the Sun Dance or Bear Dance, are still known. Some ceremonies may be required at these old locations in order to receive sacred instructions on how to continue the rituals which used to be performed at these sites. Some Sun Dance and Bear Dance locations are still capable of being identified a century and a half after they were used by the sparseness of vegetation or traces of use. Traditional Sioux people in Canada have recently revealed photos of Sitting Bull's old Sun Dance site which show very clearly the various parts of the ceremonial circle.

Contemporary traditional people may need to have access to these locations as part of ceremonies now being conducted at other locations not geographically close to a historic site. Use would depend on instructions received from spirits in a modern ceremony and would reflect a spiritual need to gain religious balance once again. The Medicine Wheel site at Fort Hood seems to be an ideal example of a past historical location having present day relevance. Locations which have religious significance because of past occupancy may still need to be used for ceremonial activities. Most traditional people feel that performance of ceremonies at these locations would enhance the ability of military personnel to perform their duties.

TYPE J: Spirit Sites

The spiritual landscape of the western United States is covered with locations at which spirits were once and perhaps still are apprehended. In the vocabulary most familiar to non-Indian peoples, these locations might be described as "haunted" and left to the fringe groups in science and religion to describe or visit. Within the Indian context, spirit locations can be powerful indicators of future events or warnings of future events through a variety of ceremonies which are performed to communicate with the resident spirit. Interpretation of the religious significance of the location to the Native Americans is hazardous because the messages which may come in spirit sites may be directed toward only one individual or family.

In general the Apaches are not enthusiastic about dealing with the deceased and hold locations where a significant number of people died or were killed in some reverence. Consequently locations at which battles were fought, typically *Apache Leap* in Pinal County and *Massacre Canyon* in Graham County are sites which would be fiercely protected by traditional Apache people from excavation or exploitation although it is uncertain whether these locations would be used extensively for ceremonies.

A number of Native American tribes have a tradition of the "picture rocks" in which the spirits use certain locations for inscribing drawings of future events on the face of rocks (for an ethnographic approach to this, see Zedeño and Stoffle 1997; Stoffle, Loendorf, Austin, Halmo, Bullets, and Fulfrost 1995). Spiritual leaders refuse to give a precise description of these kinds of rocks for fear that the spirit will abandon them. Apparently the rocks have some marks on them. When a message is sent additional markings appear which use the permanent markings as a framework for different kinds of symbolism. The ordinary lay person would not know the proper time of day to look at these marks nor would they know how to read them. Most traditional people prefer not to provide any more information. These markings exist for a short period of time and they can be read by spiritual leaders possessing the proper spiritual experience. Among the many petroglyph and pictograph sites in the western United States are locations of extreme religious importance. This phenomenon is well documented. It is said that Crazy Horse saw the entire fight at the Little Big Horn a few weeks prior to the actual conflict in the picture of rocks on the Rosebud river in Montana. "Spirit sites" is the best generic description of these locations without getting too specific. Some of these locations are the subject of intense interest today as traditional spiritual leaders attempt to discern the future.

Since there is such particularity to be found at these sites, the number of these locations on military lands today is probably minimal. There would have needed to have been a continuing use of these locations by people since the establishment of the reservations for them to retain their sacred character today. The possibility remains that a contemporary revelation of the location has or can occur today because of the urgency of the spirit to establish communications with someone who is alive today. We cannot overlook the fact that some traditional people *may have been using* certain locations without being detected. Since experiences at these locations are extremely rare, and very personal, we only mention this possibility in order to be inclusive.

TYPE K: Recent Historical Event Locations

Native Americans receive continuing messages from the spirits and often from the recently departed. These messages can come in ceremonies, in dreams, in unexpected conversations with people that coincide with perceived disorientation or uneasiness. Often the message concerns the unfulfilled responsibilities which people have for the departed. The wars of the last century have not been put to rest for many families, condolence ceremonies have not been held or departed spirits are uneasy about the treatment of their remains. This general uneasiness was the motivation for the NAGPRA legislation. It can best be understood by reference to *The Return of Chief Blackfoot* (Mauricio 1981) where an incident on the Crow Reservation in the 1980s occurred. A Crow chief from the previous century returned to a psychic and insisted that she assist in the recovery of his burial site and his reburial at the Crow Agency.

Some of the tribes repatriating skeletal remains from museums have reported that as they began their journey home the spirits of the people represented by the skeletal remains

visited them and were concerned about the manner in which they had died and had subsequently been treated. Special ceremonies had to be conducted en route to the new interment site and the re-burial ceremonies had to be undertaken with special emphasis on healing the injuries suffered while in the museums.

This kind of religious experience is wholly unpredictable but is nevertheless of impressing importance when it occurs. It combines recent historical experience with the continuing ceremonial life of the people. Military base commanders should be aware that incidents such as the ones described can occur, although they are a rarity. The uniqueness of the situation and the specific nature of the religious requirements are such that these things will be easily identifiable.

TYPE L: Plant, Animal and Mineral Gathering Sites

While traditional locations for plant, animal and mineral life have already been discussed, the history of most Native American tribal religions suggests that the use of the plants and animals is continuously revealed in ceremonies. Birds, plants and animals form a complex web of life by themselves. Consequently there must be both physical and spiritual compatibility among the species that inhabit an area. While non-Indians understand that birds and animals can move into new territories they do not yet accept that plants can also make a deliberate decision to move themselves. American Indian experience knows that the migration of plants is a common thing and that areas of plant gathering must shift accordingly. An ongoing agreement between a military installation and traditional people must take into account the migration of species and as changes occur, access to places where medicinal or religious plants are to be found must also change.

Traditional people usually have strict requirements as to the taking of birds for ceremonial purposes. Birds sometimes shift their nesting sites and Indians must accommodate themselves to this change. The eagle, for example, is a primary sacred bird for the Apache people and consequently there are ceremonies to protect the bird, to gain access to the bird's knowledge and wisdom, and for catching the eagles. Many other tribes have a similar relationship with this bird, with hawks, and flickers, and sometimes with smaller birds such as the blue jay. Some bands have a prohibition on taking birds restricted to certain ordained traditional spiritual leaders; other bands say that no bird can be taken until it has lived a full life cycle of youth, parenting and adulthood. Depending on the ceremonial life of the traditional group, military installations could be faced with requests by traditional leaders for access to remote mountain areas where the birds are or which have ceremonial significance involving this bird.

In 1994 the White House issued a directive on Eagle feathers as a means of assisting in expanding American Indian religious freedom in lieu of a legislative solution. The law protecting bald and golden eagles (16 U.S.C. 668-668c; revised Nov. 8, 1978) was originally passed in 1940. A Presidential memorandum to Federal agencies (Clinton 1994b) provided for

the distribution of eagle feathers to Native Americans for religious purposes (for background on this important aspect of cultural resource management, see Williams [1986] and Brooke [1996]). Procedures for obtaining feathers were made more efficient and the U.S. Fish and Wildlife Service was directed to assist tribes in establishing orderly procedures for obtaining and distributing feathers. Should the Eagle feather problem arise on a military installation, procedures can be developed in cooperation with the local tribes affected.

Plants and animals are integral parts of rituals and ceremonies and must be physically present in them. Quite often the plants that are used in ceremonies grow a considerable distance from the site at which the ceremony takes place. Military lands which are very extensive in acreage will almost certainly have specific locations where these plants grow. Access to military lands are needed by traditional people to harvest some plants for ceremonial purposes. Again, this area can be easily handled by consultation and agreement with the elders of the tribes concerned. Locations can sometime provide plants for more than one tribal community. The same plant can be harvested at two different times by two different tribal groups for two unrelated purposes.

The complexities in this area occur because of the different uses that people make of plants depending on their religious knowledge. The ceremony determines the time of harvesting and manner of use (see Stoffle et al., 1990, 1994). Plant knowledge is held very closely by specific individuals within a tribal community and most tribes would consider it sacrilege to publish lists of plants or locations unless the information was cleared by all the elders who possessed the knowledge. Presently published lists do not exhaust the traditional knowledge but merely release the information that can be known by outsiders. As traditional people feel more comfortable discussing their knowledge of plants, additional information will become available and relationships with land managers will change.

TYPE M: Sanctified Ground

Sacred sites in the Hawaiian Islands present a unique situation in the idea of the holy. Traditional Hawaiians believe that after the person has died the body must be buried so that spiritual and physical growth can occur for those still living. The Hawaiian word for burial and planting is the same, *kanu*. The *mana* from the ancestors then permeates the land and plants and animals flourish. Some mainland Indian tribes have similar beliefs. The Cheyenne and Sioux tell about the Great Race around the Black Hills at the beginning of this world to determine whether the four-leggeds would feed on the two leggeds or vice versa. The two leggeds, having won the race, agreed that they would let their bodies decay and become soil on which plants and animals could thrive.

This concept is best described as "sanctified ground" and might be compared to Abraham Lincoln's perception of the battlefield at Gettysburg, where human actions have taken formerly secularized land and made it a sacred location. The Hawaiian belief is somewhat broader since there is no need for a noble purpose in the death of those who are

interred. Rather the integrity of personal energy of the deceased ensures that the ground becomes more powerful, almost humanized.

Summary

The foreseeable kinds of sacred sites or locations that are likely to become the subject of controversy, negotiation and agreement between military installations and the practitioners of traditional American Indian tribal religions have been described. In most instances the chances of conflict are small because of the relatively small number of people seriously practicing these traditions and because of the precise nature of Indian ceremonial life. In a sense, the military will have a much easier time dealing with traditional Indian religious practitioners than with practitioners of traditionally established religions of western culture because there is no need, in most instances, to establish a permanent shrine, building, or improved location that will be constantly visited by a large number of Native people. Instead the Indian use of lands and sites will generally be secret or at least obscure, limited to a few occasions during the year, and can be managed through clear communications between the appropriate military authorities and Native American spiritual leaders and representatives.

In the next chapter a survey the western states will discuss some of the more prominent and commonly known sacred sites which may have some impact on military installations. Many sites will require only identification as probable locations until permission is sought to use them for religious purposes. More important is the illustration of the complexity of the American Indian traditional religious practices and understanding the requirements that must be handled from time to time in a ceremonial manner.

CHAPTER FOUR SACRED SITES AND MILITARY LANDS/ACTIVITIES

Vine Deloria, Jr.⁷

Reporting the presence of sacred Native American sites on, near, or possibly influenced by U.S. military lands is circumscribed by several important considerations. These considerations will be discussed as they relate to the identification of sacred sites. Sites will then be identified and the appropriate cultural and historical background and tribal affiliation with the site will be provided. In order to avoid the specter of appearing to be the definitive authority on these locations, the phrase "appears to be" will be used in identifying and discussing the locations. In that way, should conflict arise in the future over the nature of the location, its importance, or the ceremonies which might need to be conducted there, sufficient flexibility is provided for the introduction of clarifying information.

To avoid any suggestion or inference that locations or background materials regarding any particular sacred site is being revealed without authorization from the proper traditional Native American spiritual authorities, citations and bibliographic entries are limited to secular sources which could be located by any scholar or interested person from published materials available in a major library or archives. Specific information on the nature of the ritual activity, or importance to the tribe, must be obtained from traditional spiritual leaders of the tribe or tribes concerned.

Sacred Site Locations By State

The following is a discussion of sacred sites that are well known for various Native American groups. Well known sites have been chosen so that the goal of illustrating the geographic range and variety of sacred site types can be met without further revealing information about sacred sites. The following sacred sites are discussed by state and by generic tribal affiliation, Sioux, Paiute, Apache, Pueblo instead of the specific band or community

⁷ This chapter is based on Dr. Deloria's wide experience supplemented by a review of the ethnographic literature to exhibit major patterns of Native American sacred geography. The organization by state follows Swanton (1969).

where applicable. For those sites specific to a particular currently recognized Indian tribe, reservation or community which involve continuing ceremonial activity, the identification is site-specific if the information is part of the larger historical/religious heritage of the group and the data is already public information.

Maps of states are in Appendix R; they are cited as figures in this chapter (example: Figure 4.5 is located in Appendix R, page 342). These maps indicate major features of each state, Tribal lands, approximate location of sacred sites mentioned in the text, and location of military installations as of 1995.

Arizona

The information on Native American sacred sites in Arizona (Figure 4.1) are listed alphabetically by tribe. Good general references on native peoples of Arizona include Weaver (1974), Ortiz (1983), and Sheridan and Parezo (1996).

Apache

The Apaches are a loosely confederated people who lived in small hunting bands, practicing some agriculture. Their territory, however, covered an extensive area, including most of eastern Arizona and southern New Mexico (Basso 1970; Goodwin 1969). The White Mountain Apaches are generally located on a reservation of the same name and have extensive traditional practices today. They appear to have concentrated their ceremonial life at locations on the reservation but many ceremonies will have as geographical reference points sites, primarily mountains, off the reservation to the south and east. Apache groups along the Gila River and its tributaries shared a common language and the same economic activities but were primarily mountain people. The San Carlos Apache reservation was a location where remnants of various Apache bands were located during the wars against these people in the 1870s and 1880s. An estimated 20 or more separately identifiable bands of Apaches, primarily consisting of groups formerly designated as "Gilas," live on this reservation.

Religious traditions are not frequently shared among these groups. Consequently when the Mount Graham telescope controversy arose two entirely valid descriptions of the mountain emerged from different groups of Apaches. The controversy involved the building of telescopes on the mountain and was essentially a conflict between Indians and environmentalists and the University of Arizona. The mountain was not known to be sacred by some Apache groups and it was a central sacred site for another group. This example illustrates that a site sacred to one group of Apaches may not necessarily be known to its neighboring group even though intermarriage and other forms of band alliance were practiced. A site may be sacred to several groups of Apaches but for entirely different reasons depending on the historical experiences of a given group.

Closely related to these two major groups in culture and loose political alliances are the groups known as Tonto Apaches, Yavapai (Apaches), and Mohave (Apaches). All of these groups have smaller reservations. Their sacred sites are generally locations adjacent to their present lands, including mountains and springs some distance from their present reservations. These sites were once used and are a part of their creation and migration traditions. Finally, not presently living in Arizona to any great extent, are the Chiricahua Apaches who controlled much of southern Arizona from very early times until they were forced from the state during the wars of the 1880's. Cochise's Stronghold and the lands near Fort Huachuca are representative areas of sacredness for this group which is now scattered in family groups at Fort Sill, Oklahoma and on the Mescalero Apache reservation in New Mexico.

Mountains forming a rough circle determine the heartland of some of these Apache groups and involve traditional creation and migration accounts. Additionally some mountains have a band of colored rock distinctive in itself as lighter than the strata above and below it which these people say gives evidence of the massive flood which once ravaged the earth. Ceremonial traditions about the flood and the continuing presence of spirits from that time are held quite secretly by traditional people.

There is some sharing of locations by Apache peoples and Navajos, Tohono O'odham and the Pima-Maricopa peoples. The central part of Arizona, where the mountains and desert join, was a multiple use area, desert peoples using the region for hunting to supplement farming production and mountain peoples, the Navajos and Apaches, using the canyons and flood plains for small agricultural areas. Specific religious sites were probably used by different groups without conflict because of the difference in ceremonial calendars. But sites specific to family-sized groups exist. Probable religious use and identification of these sites would be extremely rare considering the passage of time since the reservations were established.

In Maricopa County are the *Painted Rock Mountains* which consist of an acre of rocks, forty to fifty feet high, which are covered with both painted and carved pictures of men, insects, snakes, birds, and various other figures. Interpretations of this location are highly speculative and may involve simply graffiti from ancient times or sacred tales which give directions of other locations some distance away that are used for ceremonies. Because these rocks could be the key to Apache practices at locations within the Air Force bases in Arizona, to which people might want access, this location is discussed. Being in the territory of the archaeological Hohokam culture, the site might also have connections to the Akimel O'odham (Pima).

Apache religious practices are held in utmost secrecy and few outsiders have been able to penetrate the religious practices to any significant degree. Extreme sensitivity in protocol is suggested when dealing with traditional Apache people. Military commanders should contact the various tribal chairmen when faced with a request for access to particular locations. The tribal council should be asked for an introduction to the proper religious authorities and

outsiders should not automatically assume that religious knowledge of these people is commonly held by members of the respective reservations.

Havasupai and Walapai

The Havasupai people (Spier 1928) live in the bottom of the Grand Canyon with some recently restored acreage on the rim of the canyon. They are a small tribe whose major religious sites are all located in the canyon. The Grand Canyon itself is the "mother" or "Emergence Point" for the Havasupai and many other tribes of Arizona, and even has a relationship to the Zuni and other Pueblo peoples in New Mexico. Consequently it is extremely difficult to separate sites which would be strictly Havasupai with locations that may have many tribal interests. The major problem in this location would be the Air Force flyovers which would probably be restricted by the National Park Service and other agencies responsible for maintaining the area.

The Walapai Tribe (Kroeber 1935) is closely related linguistically and culturally to the Havasupais. Occupying a reservation adjacent to the Havasupai Reservation, they would be subject to the same flyovers, and probably share sacred sites with the Havasupais on the South Rim of the Grand Canyon.

Three major sacred site locations exist near or in the Grand Canyon: *Hue-Ga-Woo-La*, or Bear Mountain (known today as Bill Williams Peak), *Huethawali mountain*, an almost isolated mountain in the Grand Canyon which has irregular cross-bedded layers of white sandstone, and *Red Butte*, south of the Grand Canyon, which is a prominent location in the people's creation story. None of these sites is directly related to military bases but the nature of creation and migration stories among the peoples of this area is the linkage, in roughly described larger areas, of mountains which form the boundaries of the lands which the people were instructed to settle. Consequently these locations can be the focal point of larger geographical networks which could reach into the desert areas to the south and involve Air Force lands.

Hopi

While Hopi people live on the Colorado plateau (the classic ethnography is Titiev 1944) far away from Arizona military lands, their traditions speak of many land forms in North America and include, at a very ancient time, references to areas which have been occupied by other tribes for thousands of years. They have recently informed museums and other institutions of their claims to affiliation with practically every ancient location in the southwest. A wide range of writings (Waters 1963; James 1974; Whiteley 1988) claim that the Hopi migrated around the continent several times, leaving identifiable markers of their passage, including the Great Serpent Mound in Ohio. In the emerging field of Pre-Columbian expeditions, the Hopis are identified by several writers as peoples living in the middle part of Arizona as early as 2400 B.C., when alleged Chinese efforts to map the world took place. The

Hopis consequently present a most formidable tradition which has impressive credentials as to accuracy, and is highly respected by other tribes and many scholars.

Hopi ceremonials, according to my present knowledge, are generally restricted to the heart of present Hopi land holdings and conducted in accordance with a ceremonial calendar. The extent of their real ceremonial life is not known by outsiders. There is a consistent overlap between the Hopi traditions and the traditions of almost every other people in the Southwest area. It is prudent, therefore, to make contact with Hopi traditional people as well as tribes who have a story concerning mountain and springs locations.

Mohave and Chemehuevi

The Mohave (Stewart 1983) and Chemehuevi (Laird 1976) have traditionally lived along the Colorado River and in the western desert areas of Arizona and eastern California. The Mohaves share a general area of land with the other Yuman language speakers like the Yumas, Yavapais, Cocopahs as well as the Numic language speaking Chemehuevis (same language as Southern Paiute). Because of generally flat desert landscape, notable geological features have attracted many different people as places where ceremonies should be conducted. Consequently the tribes along the Colorado River must share a number of locations although quite possibly for entirely different religious reasons.

In La Paz County a distance above Parker Dam is *Ahvakuotut* which is the ancient home of the Mohaves. North of that location are three sharp peaks south of Topock at the eastern end of the Mohave mountains called *Huquempavi* which liberally translated means "where the battle took place" and refers to an event in Mohave prehistory where a powerful spirit, *Mastamho*, killed a sea serpent of enormous proportions. These two locations, describing an aboriginal sacred area which has great length and comparatively narrow width tell us that Mohave sacred sites run up and down the river and do not describe a circular occupancy/ceremonial area. Because the river area was home to so many different Indian groups and because it is such a narrowly defined location, sacred sites are shared by several different Indian groups. The White Tanks location within the Yuma Proving Grounds are already the subject of expressed interest by the Quechan, Yavapai, Tohono O'odham as well as the Mohave. These sites can probably be located by a traditional elder who knows the creation story and the geographical area.

Navajo

The Navajo (Kluckhohn and Leighton 1946) present a difficult problem. The reservation extends into three states: Arizona, New Mexico, and Utah. Several groups in New Mexico have tracts of land distinct from the larger reservation in Arizona. Many of the major sacred mountains are in New Mexico and Utah, indicating a much larger occupancy area in pre-contact times (Kelly and Francis 1994:185; McPherson 1992). Within Arizona itself the majority of locations, including springs used in a variety of ceremonial ways by families and

small communities, are on the reservation itself. The military installations which might be affected by Navajo claims of sacred sites are minimal to non-existent. The basic problem that might occur with the Navajo people would be flyovers from various Air Force and Air National Guard bases. In these cases disruptions would involve a significant land area and many sacred locations and formal negotiations would have to be held between the Navajo Nation and the concerned military branch.

Because of the size of the Navajo Nation it does not make sense to attempt to describe sacred places on the reservation nor to try to describe the many variants of the traditional Navajo religion that might be practiced within the reservation. This task has already been done, including some team work involving Navajos (McPherson 1992; Kelly and Francis 1994).

More germane to the question of Navajo sacred sites are those sites which may involve the Navajo and other tribes. The adjacent tribes in Arizona are the Hopi and Ute Mountain Ute Tribe on the Colorado border. Conflicts between these Indian nations would best be settled between and among themselves prior to discussions with any branch of the Defense Department. State agencies concerned with cultural and historic sites work with all of these Indian nations and will also be parties of interest in any serious controversy. Since there are no present controversies regarding the DoD and the Navajo regarding sacred sites, and since none is anticipated, this study will deal primarily with locations in Utah and New Mexico which have the potential for future conflicts. These sites will be discussed in conjunction with the presentation for the respective states.

Pima and Maricopa

Much of original area of occupancy of the closely related Pima and Maricopa peoples is now overlaid by the urban sprawl of Phoenix and satellite cities. Some of the canal systems can be traced and a few village sites can be located. It is difficult to determine the scope and location of many of the original villages. However the South mountains in Maricopa County are the location for the traditions involving the Elder Brother and his subordinate Coyote. The stories involving the Elder Brother begin after the Great Flood and demarcate the various notable geological formations of the immediate area.

While the majority of the Pimas (Russell 1908) and Maricopas (Spier 1933) living in the region are today Presbyterians, the existence of some form of the traditional religious practices cannot be discounted, particularly since they would have been conducted in great secrecy during the intervening century since white settlement. Consequently if the Flood aftermath involved the establishment of shrines to the west of the present reservation location, there could be some conflict with the Luke Air Force base land holdings (i.e., the Atlas-Tinaja Mountains).

The Pima-Maricopa peoples today represent Indian communities in which the young are much more interested in the religious traditions than their elders. As revivalistic religious practices increase and some traditional elders feel free to share information, clarification of these peoples' need for ceremonial locations will occur.

Tohono O'odham Peoples

The Tohono O'odham people (Underhill 1939, 1946; Fontana 1981) constitute a large group of desert-dwelling villages extending into northern Mexico. They are related to the Pimas and Maricopas and much more is known about their religious practices. The present reservation contains most of the desert locations that are used for ceremonial activities. However the practice of the Tohono O'odham people was to move to cooler mountain locations during the summer when the desert was very hot and return during the winter months. Intervention by the United States and restriction to one desert location made it impossible for the Tohono O'odham to maintain religious ceremonies in the adjacent mountains. Some locations near Fort Huachuca may still be used sporadically by the Tohono O'odham but most probably not since the focus of cultural and religious activity has been toward the west. *Baboquivari Peak* is one of the central locations for Tohono O'odham religious activity and has many different religious traditions attached to it. Practice of traditional religion, including extensive ceremonies involving the creation story continues with the Tohono O'odham. The major problem for this people is the Air Force fly overs and sporadic controversies still break out over this question.

Legacy Project #21 at Fort Huachuca involves the inventory of rock art sites on DoD property. Several locations exist within the military lands and are rapidly deteriorating. These lands would have been shared in pre-settlement times by the Chiracahua Apaches, a variety of tribes now living below the U.S.-Mexican border, and the Tohono O'odham peoples. This location is listed under Tohono O'odham because of the proximity of the reservation to Fort Huachuca, the ability of the Tohono O'odham government to respond to overtures from the DoD, and the dissolution of the Chiracahua Apaches from a distinct political entity to surviving family fragments located on other reservations.

Yuma and Cocopa

The Yuma (or Quechan) people (Forde 1931) and Cocopas (Kelly 1971) live south of the Mohaves but share a good deal of cultural, economic and political history with them as well as a common language. The creation and migration traditions generally describe some sites used by both peoples. *Avie Mil Li Ket*, a peak otherwise known as Chimney Peak by non-Indians, is a sacred site which has an ancestral spirit who helps the people. *Raven Butte*, in Yuma County also, was formerly the location for raven nesting and involves part of the ancient ceremonial practices.

Since the Yumas live in their aboriginal location which has been greatly reduced in historic times and has military installations within it, both burial and ritual locations are present as well as creation and migration locations. It is our understanding that efforts are presently being made by the tribe and military authorities to resolve frictions that now exist regarding sacred sites.

Arkansas

This state (Figure 4.2) has a rich historic past involving some Indian nations. In the far-southeastern corners are areas that represent the farthest reach of the once powerful Tunica villages that spread across northern Louisiana. Along the banks of the Arkansas River are locations of a number of villages which have been loosely grouped together as part of the Caddoan confederacy (Newkumet and Meredith 1988) which was drastically reduced in size and importance during the trade wars which occurred during French and Spanish governance of the region. The Quapaws (Baird 1980) formerly lived in the northern part of the state above the Arkansas during their ascendancy at the time of French occupation. During the 1820s and 1830s Arkansas was a major path of forced removal of the Five Civilized Tribes as they were marched westward to Oklahoma. Fort Smith, on the western edge of Arkansas, was once the primary location for activities of the Federal government involving the Five Civilized Tribes.

With the dissolution of the major Caddo villages on the Arkansas, knowledge of many sacred sites of pre-European and Euroamerican times were lost when survivors of the villages joined other tribes or were converted to Catholicism. The Eaker site which is a National Historic Landmark is related to the Quapaw. This site is located on Eaker Air Force Base which is in the process of being closed. The Quapaw may be interested in the lands for tribally sponsored archaeological investigations once those lands become available for non-military uses. Fort Chaffee near Fort Smith in western Arkansas is known to contain burials and archeological sites. Other sites in Arkansas are near Krenshaw, the Parkin site, and the Gold-Smith Oliver site. Generally these locations are affiliated with either the Quapaws or Caddos.

Since much of the migration for the Five Civilized Tribes terminated in the Fort Smith area, the various trails across Arkansas which led to Fort Smith may contain a wide variety of burial sites, of both a traditional and converted Christian importance. It is recommended that contact be made with the governmental authorities among the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles to have their tribal historians consult with military personnel regarding the possible trails and burial sites which might be found in the future on military lands in Arkansas.

California

Identifying sacred sites in California (Kroeber 1925; Heizer 1978; see Figure 4.3) that would accurately reflect the aboriginal religious traditions is extremely difficult. Spanish and then Mexican occupation of the coastal areas and their efforts to crush Native religious

traditions have obliterated many of the specific shrines and sacred sites on the coastal plains and seacoasts. The forced tenure of many tribes at California missions virtually eliminated many native religious practices and made it impossible for survivors of the missions to preserve the body of their own traditions. Succeeding waves of American settlers, beginning with the gold rush, the agricultural and commercial development of the state, and the reduction of the surviving Indians to small reservations meant further loss of religious ritual knowledge and practice. Two different kinds of cultural overlay have occurred since the Indians of this state were practicing most of their religious rituals.

The state can be divided, for purposes of discussion, into northern and southern regions. Within the north region further division of the region into coastal-river tribes and mountain tribes is necessary. In the south three divisions can be made: coastal, desert and mountain peoples. The religious traditions, as they can best be reconstructed, differ considerably. Northern peoples have more similarity to the Klamath and Modoc peoples of southern Oregon than they do to the peoples of the southern part of California. Indian tribes in the south have a greater affinity to Nevada and Arizona desert tribes than they do to the peoples of northern California.

California's Native American Heritage Commission (CNAHC) has devised several basic categories of sacred sites for use in its inventory of locations within the state (California, State of 1995). Since it has a massive listing of locations, over 170,000, their classification will be followed in the initial discussion here. The CNAHC have identified some locations as *Worship/Ritual* or *Sacred/Power* sites. *Worship/Ritual* locations are sites where ceremonies are performed. Out of the 57 California counties, 34 contain these kinds of sites and 226 separate *Worship/Ritual* areas have been identified and listed with NAHC. There are 384 sites located in 33 California counties that come under the classification of *Sacred/Power* sites. These locations are generally places having unique geological formations which have been revered by Native peoples since pre-contact times and figure prominently in their traditions and stories. Typically they are springs, beaches, mountain tops, desert washes, caves, and viewing places. Here sacredness is defined by the emotional experiences associated with certain locations, remembered perhaps by occasional ceremonial or thanksgiving activities, but generally a network of places that helps to define the nature of the land itself.

Burial places, in the perspective of the California Native American Heritage Commission, constitute a class apart from the two basic topics listed above. There are 530 recorded burial sites in 51 California counties. These sites include areas where many burials are situated but other locations are identifiable graves that have been disturbed or places of re-internment. The California Indian Commission has recommended that the DoD contact individual tribes to ascertain information which might reveal those sites that fall within the general vicinity or within the present land holdings of military installations.

Just as useful in understanding the nature of California sacred sites would be to view three other types of sacred sites: those which represent the creation or migration traditions,

ancient villages with accompanying burials, and places for gathering medicines and materials for ceremonies. Planting knowledge is a major element of southern California religious traditions and gathering plants for ceremonies is one of the most important activities of traditional people there. As tribal religions continue their resurgence, the creation/migration stories will be recited more often and people will want to retrace some of the paths which represent these things.

It is possible to identify areas and installations within specific California counties where the probability of burial sites being on military lands is extremely high. Riverside County, for example, home of March Air Force Base and Chocolate Mountain Gunnery Range, has 92 burial sites listed with the CNAHC. San Diego County has Miramar Naval Air Station, North Island Naval Air Station, and Camp Pendleton Marine Corps Base within its borders. The county has 154 sites presently identified as burial locations. Since the compilation of California Native American sacred sites is relatively recent and since these bases have used their lands for a considerable period of time, there is every reason to believe that many additional and as yet unrecorded sites exist within the limits of these bases. Absent a determined effort to identify new sites, DoD can anticipate that future construction on these bases may reveal more locations that would qualify for the CNAHC listing.

The Legacy program in California is substantially ahead of the national DoD trend, having a number of existing projects that are making a contribution to the resolution of the sacred sites question. Those installations projects are:

Vandenberg AFB - Worship/Ritual Sites and Burial Sites; Legacy Project # 35, FY91; Legacy Project # 447, FY92

Fort Hunter-Liggett Army Military Reservation - Burial Sites and Archaeological Sites; Legacy Project # 523, FY92

Naval Air Weapons Station, China Lake - Worship/Ritual Sites, Burial Sites and Archaeological Sites; UA(BARA), FY93

San Clemente Island, Naval Air Station, North Island San Diego - Burials and Archaeological Sites; Legacy Project # 33, FY91

San Nicolas Island Naval Air Station, North Island, San Diego - Burials and Archaeological Sites; Legacy Project # 437, FY92

Twenty-Nine Palms Marine Corps Base - Burial Sites and Sacred Power Sites; Legacy Project # 21, FY91

The Cahuilla (Bean et al. 1991) groups center their creation traditions in the Palm Springs region and have identified many places as sacred to their traditions. These locations

seem to be confined to a specific area not adjacent to existing military bases. On the eastern shore of the Salton Sea, however, at a location known as *Dos Palmas*, the Cahuilla had a sacred site for Vision Quests and the training of religious leaders. This location is probably still in use although it appears to be some distance from the Gunnery Range.

Scattered communities of Chumash who lived along the California coastal areas may live in close proximity to coastal military installations but we believe their concerns would be directed primarily at the question of burials and remains of ancient villages. Since the coast was heavily populated by small villages which obtained their subsistence from the ocean and river tributaries, the chances of accidentally uncovering a location on military coastal lands that would be held as sacred, at least insofar as burials are concern, is reasonably high. Since both the Indian tribes and the state agencies are relatively aggressive about dealing with cultural/religious matters, military base commanders should have good working relationships with these people. Vandenburg Air Force base has a number of locations sacred to the Chumash which were used as Sacred/Power locations, and progress is already being made to deal with access to these locations.

The Coso Hot Springs within the China Lake Naval Air Weapons Station was used extensively by a number of Indian tribes, primarily the Owens Lake Paiutes and the Shoshones. It is already the subject of a Legacy Project and is discussed more extensively in Chapters Six and Eight.

Colorado

The Ute people (Conetah 1982; Jefferson, Delaney, and Thompson 1972; Smith 1974) controlled extensive areas of this state (Figure 4.4), primarily the western slope and the southern mountains as far as the Plains, in prehistoric and historical times until Euroamerican settlement. Numerous other tribes used parts of the eastern slope of the Rockies for a variety of purposes but in general did not occupy permanent areas. Thus the people of Taos, Pecos, and other northern Pueblos (Dozier 1970), the Kiowa (Mayhall 1962; Momaday 1969), Comanche (Wallace and Hoebel 1952; Foster 1991), Jicarilla Apache (Tiller 1983), Cheyenne (Grinnell 1972), Arapaho (southern and northern; Painter 1893; Kroeber 1902-1907; Trenholm 1970; Fowler 1982), Sioux (Mooney 1896; Marquis 1993), Osage (Matthews 1961), Pawnee (Weltfish 1977), Wichita and related tribes (Newcomb 1976), eastern Shoshone (Trenholm and Carley 1964), and perhaps even Blackfeet (Ewers 1956) and Crow (Lowie 1956) peoples had some contact with different locations in Colorado. Navajo peoples most certainly had extensive hunting and living areas in the southwestern part of the state although nothing was found to indicate sacred sites of the Navajos (Kluckhohn and Leighton 1946) in Colorado.

Military installations that would have any significant Native American sacred sites significantly are probably rare in Colorado, since there are only the Air Force Academy, Fort Carson, and some scattered installations such as the Rocky Mountain Arsenal near Denver and

the Pueblo Army Depot. A report has already been done on the Colorado Springs area and the tribes which might have an interest in sacred site locations in that general area. Other than burials which might be discovered, we can find no particular locations that would be affected by any military activities that would also involve contemporary religious practices by traditional Indian people.

Arkansas Mountain in Boulder County is a site currently in use by various tribal members for vision quests and sweat ceremonies. It is most likely an ancient Arapaho site. At the present time there is some controversy involving the Garden of the Gods city park in Colorado Springs and a group of Indians who want the area designated as a sacred location (Goss 1994). The Indian group does not seem to represent any particular tribe but is understood more as a gathering of people from various tribes. Pike's Peak is regarded by the Sioux Indians as the center of the world but holding ceremonies there would be highly unusual.

Hawaii

Native religion (Fournander 1918-1919) in Hawaii (Figure 4.5) is immensely sophisticated, has many levels of understanding and ritual, and deals with spectacular forces of nature such as the ocean and its currents, the winds, and most of all volcanic forces of the planet. Aspects of this religious tradition could be called a "fire theology" and are compatible with some of the oldest religions on earth in terms of creation and revelation stories. With the coming of Europeans, and especially with the advent of the missionaries who fought hard against the indigenous religion, much of the native ritual activities were abandoned. As non-Natives came to represent the majority of the islands' population, traditional native religion was restricted to certain areas and groups. With the development of some of the islands as military bases and the expansion of military lands during the Second World War (Figure R.2), many native sacred sites were lost or supplanted with new construction.

Hui Malama I Na Kupuna 'O Hawai'i Nei (Association for the Preservation of Indigenous Hawaiian Culture; Hui Malama for short), a local native organization active in repatriation efforts, has made major strides in securing ancestral remains from all over the world for reburial in Hawaiian soil. A major issue for this group is the use of ancestral remains for scientific investigations. In June 1994 Hui Malama filed a lawsuit over unauthorized use of skeletal remains for scientific use involving the Navy and the Bishop Museum. Since all soil is believed to be sanctified because ancestral burials are all over the islands, considerable work must be done with native Hawaiian people to devise ways of using land that do not interfere with these deeply held beliefs. Reburial of skeletal remains discovered during construction or renovation without subjecting the remains to scientific tests may well irritate secular scientists, however most parties agree that doing so without seeking permission from Native Hawaiian authorities is a violation of the NAGPRA protections. This problem of disturbing the land underlies all other issues regarding sacred sites in the Hawaiian Islands.

A good many of the Native Hawaiian sacred places have long since been destroyed by commercial development and the spread of suburban housing. Nevertheless some sacred sites do remain, some are the subject of intense debate (Edelstein and Kleese 1995) and others are still kept as closely guarded information. The largest specific site considered sacred by Native Hawaiians is the island of Kaho'olawe which has a Naval Bombing range on it and has been the subject of some controversy already. Numerous shrines and localities exist on these islands and relate to almost every kind of religious ceremonial in the traditional religion (Langlas 1994), as we might expect when we discuss a location of this size. Kaneohe Bay, on the northeastern side of Oahu, has a similar complexity in terms of sacred locations. Continuing negotiations with traditional Hawaiian groups should enable some precise identification of specific locations and the adoption of provisions to protect them.

The Kahuku Training Area has prehistoric religious sites which are revered by traditional Hawaiians. Clustered on Oahu are sacred sites where Kamehameha lived involving both Fort DeRussy and Fort Kamehameha. The Scofield Army Barracks in the center of Oahu has a Native Hawaiian religious site on the edge of its property. The Pacific Missile Range Facility on Oahu is adjacent to the *Barking Sands* site and *Kaneana Cave*, both of which have importance to the traditional religion.

Considering the complications involved it might be better as a practical matter to have a state-wide meeting between traditional practitioners and DoD representatives and begin to process of identification, discussion, and the creation of access or protective agreements. Handling this situation piecemeal through studies of individual military installations seems tedious and inefficient.

Idaho

Idaho has two distinct geographical areas (Figure 4.6), the high desert which is part of the Great Basin and the mountain region which is part of the Rocky Mountain chain; see Walker (1978, 1980). The Shoshone, Bannock, Sheepeaters, Paiute and associated Gosiute occupied the high desert areas with some possible intrusions by the Utes from the northern Utah area. The Nez Perce, Walla Walla, Coeur d'Alene, Spokane, Kootenai, Salish, Blackfeet, Columbia River, Cayuse and other traditionally located Pacific Northwest tribes all used the northern mountainous areas of the state. There is tremendous overlapping of tribal occupancy areas here with many tribes using the same areas for hunting, gathering of herbs, foods, and medicines, and religious activities. Both in early contact times and during this century many of these tribes confederated with each other to form a stronger group of people who could deal with large tribes and then with the United States. Scholars debate whether the Shoshones and Bannocks of this region were ever independent or whether they confederated.

At the present time the state has a reservation at Fort Hall occupied by Shoshones and Bannocks, a reservation at Duck Valley occupied by Shoshones and Paiutes, a Coeur d'Alene reservation at Plummer, a Nez Perce reservation at Lapwai, and a Kootenai reservation at

Bonnors Ferry (Walker 1980-1983). The Northwestern Band of the Shoshoni Nation, recently declared a Federal tribe through the acknowledgment process, is basically without a reservation land base but is composed of families whose ancestors survived the Bear River Massacre near Preston, Idaho during the Civil War. Their tribal office is in Blackfoot, Idaho. Oral traditions may go back as far as the Pleistocene Ice Ages for these tribes, particularly in the north, and some Shoshone traditions recount volcanic explosions and unusual geological events in the southern part of the state (Steward 1943). Idaho, and we shall see this characteristic in Oregon and Washington also, has such a large number of unique geological formations, capped by rugged mountain ranges and much ancient volcanic activity, that formulating a complete analysis of sacred locations in that state would be a major task for a team of scholars and linguists.

This report will concentrate on the desert areas of southern Idaho, particularly in Owyhee, Ada and Twin Falls Counties, and in some instances on locations further east along the Snake River. Three major kinds of sacred sites are to be found in this lowland area: gathering places for herbs and medicines, vision quest locations and meeting places, and medicinal springs in the various lava beds. Streams and rivers in the lowland areas of Idaho occasionally run underground and there are numerous instances of exceedingly hot springs found within the region and formerly used by Indians for healing ceremonies. Several of the most notable springs have long since been appropriated by non-Indians and made into commercial ventures, most notably the Lava Hot Springs and the hot springs near Challis. Some of the remaining locations where native ceremonies can still be practiced will be a concern.

The Kootenai, Coeur d'Alene, and Nez Perce lands are in the northern mountainous areas of Idaho and some of their sacred sites are located in eastern Washington and will be discussed with the other locations in that state. The Idaho discussion will concentrate on the Shoshones, Bannocks, Paiutes, and Ute peoples.

Bannock

These people seem to have been independent at one time, prior to contact with Europeans and consequently some of their traditions may speak of religious experiences during this period of time. Walker (1993b) argues that at least since the early Eighteenth century the Shoshone and Bannock have been closely aligned and consequently attempting to identify separate origins for much of the cultural/religious traditions is not possible or feasible. These people should today be called Shoshone-Bannock because they have formally organized politically under the Indian Reorganization Act as a consolidated tribe even though there is documentary evidence that on occasion the Bannocks were treated separately. Closely related to the Shoshone-Bannock, and virtually indistinguishable today for our purposes, are the Sheepeaters who once lived on the Lemhi Reservation but were removed to Fort Hall at the beginning of the century following the death of their chief. Generally the Bannock portion of the Shoshone-Bannock concentrated themselves in the northeastern areas of Idaho. With the

coming of settlers on the Oregon trail the Bannocks were attracted to the lower regions of the state and frequently attacked wagon trains leaving Fort Hall for the Willamette settlements. Many of the Bannock sacred sites are found in the upper drainage area of the Snake River somewhat removed from the areas which have military lands but which are overflowed by the military from time to time. Creation and migration stories do not seem to put the tribe in the desert areas.

Northern Paiute

These people (Knack and Stewart 1984) ranged extensively from the middle California deserts into Oregon, throughout the Great Basin into the Grand Canyon northern regions, and into southern Idaho. They were generally divided into small bands located in small regions because of the difficulty in feeding a large number of people. Since the Paiute form a large linguistic group with dialect variations, they do not have homogenous accounts of creation and migration. Rather, Paiute sacred sites are defined by stories of local importance to a particular group and well-defined sets of relationships between mountains and springs. Today the bands of Paiutes who once lived in the Idaho area reside on the Duck Valley Reservation which straddles the Idaho-Nevada border. Since they have lived with the Shoshone there for over a century, we will discuss their sacred sites in conjunction with those of the Shoshone.

Shoshone

For the purposes of this report the Shoshone (Trenholm and Carley 1964) will be separated into two groups: desert people and mountain people. Culturally some scholars such as Walker (1993b) divide the Shoshone into eastern and western branches and the political history of these people suggests such a classification. Here "desert and mountain" characterizations will be used primarily because we are also dealing with the geography of the region and the kinds of sacred places to be anticipated. Like the Paiute, the Shoshone ranged over a very large territory, in fact approximately the same territory that now includes western California, Oregon, Nevada, Utah and Idaho. The eastern branch of the Shoshone Nation were primarily mountain people and occupied lands far into Wyoming and Colorado. The largest Shoshone reservation, in fact, is the Wind River reservation in Wyoming. Today desert Shoshone live at Duck Valley and mountain Shoshones at Fort Hall. The Shoshone were once part of a much larger group that included the Comanches before that segment of the nation migrated south along the front range of the Rockies. Consequently in terms of creation and migration traditions, Idaho may have some locations that relate to the Comanche.

The more immediate concern in this report is the southwestern portion of Idaho where there are Air Force activities and lands and where there is still considerable ceremonial life represented by the traditional people of Duck Valley. *Fishing Falls*, between Jerome and Falls was a traditional fishing site for these people and consequently mountains and springs in the vicinity have the potential of being sacred locations where first salmon ceremonies and healing rituals were performed. *Indian Meadows* in Owyhee County was a summer meeting location

for many of the Shoshone bands and probably a site where important rituals were conducted on behalf of several groups of Shoshone.

The major problem in southwestern Idaho is the close fly-overs within the Owyhee/Paradise Military Operations Area. Some areas in southern Idaho are described as "high intensity operating areas" and the nature of the military use produces massive sonic booms which disturb ceremonial activity and may inhibit growth of plant and animal life in the region. Some Indian reports suggest that planes fly as close as 100 feet from the ground and substantially disrupt even secular activities in the region.

In Owyhee County there is a geologic formation known as the *Jarbidge Canyon* and River and the location has the connotation of something mysterious and evil. Frequently medicine men of a tribe would suggest the presence of evil to inhibit tribal members from entering certain kinds of locations. *Squaw Meadows*, also in Owyhee County, is the site of a massacre of an Indian camp and memorial services are conducted here on a fairly regular basis for the deceased killed and buried there.

The Mountain Home Air Force Base administers an area known as the Saylor Creek Range on which missiles are dropped or fired. There are undoubtedly native burials within this range although current archaeological surveys have not yet discovered any. Since there is an annual cleanup of the area, there is a good possibility that burials will be discovered in the future. The Mountain Home Air Force base proposed bombing range affects the Shoshone and Paiute people of Duck Valley. Further east the DoD Idaho National Engineering Laboratory, which has the participation of Navy in some projects, affects the Shoshone and Bannock people of Fort Hall. Idaho would be an excellent place to develop long-term working agreements with the Indian tribes on the sacred sites protection subject.

Owyhee County has a number of pictographs, one prominent site at a location called *Indian Bathtub* which also has a spring that was used for healing purposes. In Idaho County on Indian Creek are another set of pictographs which may relate to the Owyhee site. If the connection holds, and there is every reason to believe these sites are linked together ceremonially, migration and creation traditions are involved. *Nat-Soo-Pah* warm springs in Twin Falls County was a primary healing spring and this location may be linked in the oral tradition to the other two sites. Within the Shoshone-Bannock religious traditions, vision questing is done at sites having pictographs and most of the locations which have these markings are also used on occasion by the traditional native people from both Fort Hall and Duck Valley.

Table Rock in Ada County is an important native location. Its Shoshone name means the place to build fires at certain times suggesting annual ceremonies comparable to the Sun Dance or Bear Dance of other tribes. Defining the site more precisely would require comparing the summer rituals of the desert and mountain Shoshone and determining from which geographical area participants in the ceremony were drawn. This site could quickly

become controversial because there are indications that the location has great significance for the Shoshone. It would be an excellent choice to develop a working agreement between Shoshone tribal governments, the state agencies, and the DoD.

Julian Steward (1943) reports a memory of the great ice sheets that may indicate Shoshone presence in the Great Basin desert during one of the Pleistocene glacial advances on the Snake River, suggesting Shoshone activity in the Idaho area can be measured in tens of thousands of years. The Shoshone claims may one day be as well understood as contemporary Hopi claims to antiquity.

Fortunately efforts are already under way to establish working agreements between the Air Force and the traditional Shoshone-Paiute people at the Duck Valley Reservation which spans the Nevada-Idaho border (see letter from Mountain Home Air Force Base, Appendix J). The definition of the network of sacred sites which will require protection or require access for ceremonial purposes will depend in large measure on which ceremonies and rituals have become dominant in Shoshone religious life. Some locations will certainly have become secularized over a long period of time. Nevertheless many religious practices have been kept alive by these people and there is every reason to anticipate considerable activity to preserve sacred locations.

Ute

In the very southeastern tip of Idaho are some locations of significance to the Ute people who live further east and south in Utah and Colorado. These locations involve the Bear who has a special significance to the Utes (Conetah 1982; Jefferson, Delaney, and Thompson 1972; Smith 1974). The Bear is a healer prophetic figure and much of Ute religious activity is focused on this animal. Bears were once prominent in this area of Utah and healing springs were probably ceremonial sites which had Bear rituals. The bear provides knowledge of herbs and roots for medicinal purposes and some gathering sites are scattered in this area also. A number of healing springs are found along the border, and others are found up to the area around Soda Springs.

The area east of Pocatello probably has a few medicinal locations that are used on rare occasions by the Ute traditional people. Apart from the Bear Dance which is one of the central public religious ceremonies, Ute religious practices are highly secretive and their meaning closely held by spiritual leaders. Sacred sites in the aforementioned areas of Utah will not be revealed to outsiders unless a severe crisis provokes such a need.

Iowa

Although Iowa (Figure 4.7) was a prairie with sparse woodlands prior to its settlement by Euroamericans, at various times in its history the Sac and Fox (Hagan 1958), Ojibwa and Missouri (Chapman 1974; Edmunds 1976; Whitman 1937), Iowa (Blair 1979), Omaha

(Fletcher and LaFlesche 1911), and Sioux all occupied various locations within what is now Iowa. With the exception of a small settlement of Mesquakies (McTaggart 1984) at Tama, who at the end of the last century purchased their lands and made arrangements with the state to live there, the Indian nations who once lived in Iowa no longer do so. Ancient Sioux traditions relate to the Spirit Lake area and it is still spoken of with reverence although the bands which inhabited it have long since been dispersed in the wars of the 1860s. Locations along the Mississippi River, particularly in the Davenport and Dubuque areas, are sacred to the Fox Nation but were abandoned by the tribe as early as the 1780s when the location which now encompasses Dubuque was purchased by Julian Dubuque from the Fox.

Much work has been done by the state in locating and classifying Indian culture and religious sites. The State Archaeologist reports that there are 16,194 sites in the state with 1,848 having some possible religious significance. Of these, the vast majority (1,143) of the locations involve mounds and another 400 are locations of old villages which are presumed to have burial areas attached to them. None of these locations is near or on DoD lands.

Kansas

The Indians (Herring 1990) of this state (Figure 4.8) and Oklahoma present the situation in which an aboriginal Indian population spread across the state experienced intrusions of Indian nations from east of the Mississippi due to the removal policy of the Federal government.

With the onset of the Civil War the tribes settled in the eastern part of these states were drawn into a very painful conflict and with the final Indian wars of the Plains the original tribes found themselves mixed together with tribes who were still fighting to remain free. Consequently there is in Kansas a strange mixture of native sacred sites which have ancient significance as well as sites with a more contemporary relevance.

In the Yates area there is currently a petition to set aside an area which is said to possess the characteristics of sacred property for the Creek or Muskogee Nation. Many Creek are buried at this site including Chief Opotheyoholo. These graves represent remnants of a small group of Creek which sought to escape the ravages of the Civil War in the Indian Territory. Oklahoma Creek make annual trips here to visit certain specific sacred locations and to commemorate the deceased who are buried here.

Similar historic burial locations exist in and around Wichita. This may include some sites important to the Cherokee.

Kiowa

When the Kiowa (Mayhall 1962; McAllister 1970; Mooney 1898; Ney 1962; Spier 1921) lived in western Kansas they used a number of locations along the Medicine Bow River

as Sun Dance sites. Some research has been done to identify these locations but it is now held in confidence. Prominent hills and buttes in western Kansas must also have this connotation, although nothing currently in print has been admitted by the Kiowa as being valid and no requests for protection have been made.

There are 31 known petroglyph sites in Kansas in 15 counties. Many of these locations have suffered vandalism and the addition of graffiti. The Smoky Hill Air National Guard Base may be one location where more petroglyphs exist and are not yet recorded (KANG 1994). There is also a site known as the "Penokee Man" in north central Kansas, several intaglio figures carved into the earth in various locations, and ceremonial or council circles, perhaps some actually serving as medicine wheels scattered in various locations around the state.

There are archaeological sites at both Fort Riley and Fort Leavenworth, the Quarry Creek site in the later, and there are already two Legacy projects funded in FY92: #428 and #228 being conducted at Fort Riley. Since few of the original or migrating tribes continue to live in Kansas, except for some small reservations of Potawatomi, Sac and Fox, Kickapoo, and Iowa tribes, much of the contact these two military installations have concerning Native sacred sites will be with tribes now living in other states. The contacts will involve primarily burial sites and the ceremonies will probably be condolence or commemorative.

Pawnee

Kansas has numerous sites important to the Pawnee (Weltfish 1977). Pawnee Rock on the old Santa Fe trail was regarded as sacred and was probably a vision quest site. Waconda Springs in Mitchell County was an important healing mineral springs for these people. Pawnee Village in the northeastern corner of the state has an annual memorial service commemorating Pawnees who were buried there when the tribe briefly lived there. Rock City near Minneapolis, west of Fort Riley, is believed to be a site where the Pawnee animal lodges were located and would be the site of ceremonies and rituals.

Louisiana

Louisiana (Figure 4.9) is a complex situation (Paredes 1992; Williams 1979) in that there are both Federally recognized tribes and non-recognized Indian communities. The state also has small Native American communities, particularly in the Red River area near the Texas border in which the population is predominantly of mixed blood with a predominance of Choctaw. Inhabitants of these towns vehemently deny an Indian heritage, are very secretive about communal affairs, but are said by people in the recognized Indian communities to practice some Indian religious rituals. None of these areas or towns is near any existing military installation but the potential exists that the DoD installations may be visited by delegations from these places.

Louisiana tribal groups (Coushatta: Jacobson, Martin and Marsh 1974; Tunica-Biloxi: Faine 1986; Chitimacha: Hoover 1975) generally lived in fishing/hunting villages in the bayous and swamp clearings, most usually at landing places and river bends. Burials and places to locate medicinal herbs and roots, along with possible emergence sites, would be the major religious locations for these Native American groups.

During both Spanish and French occupations the colonial officials allowed public sales of lands by small Indian tribes to local merchants and land speculators. The Indian villages would then generally move and amalgamate with villages that had not sold their lands. The American State Papers (U.S. Congress 1832-1861) has many case studies of these sales and migrations in conjunction with title questions resolved by the Congress or the General Land Office after the United States assumed control of the area following the Louisiana Purchase.

The development of large sugar cane plantations in Louisiana during antebellum days cleared much land that would have contained Native American sacred sites. Two military installations, Fort Polk and Barksdale Air Force Base, have the possible sites important to the Louisiana tribes and also to the Caddo, Aquapaw, Creek, Choctaw and Houma who once had an interest in the area. Fort Polk already has a Legacy project (#71) funded in FY91. Barksdale is presently conducting a survey of the cultural resources present within its borders.

Minnesota, North Dakota, South Dakota, Nebraska

The distinguishing characteristic of these states (Figure 4.10) is the dominance of the Sioux Nation (Marquis 1993; Mooney 1896) which at one time virtually controlled this northern Plains region. Sharing Minnesota with the Chippewa (Tanner 1976; Cleland 1992), North Dakota with the Mandan (Meyer 1977), Gros Ventres (Flannery 1953; Fowler 1987), Arikara (Meyer 1977), and Chippewa, and Nebraska with the Pawnees (Weltfish 1977), the Sioux nevertheless defined the landscape and imprinted their religious tradition in indelible fashion. The Sioux also occupied large areas of Wyoming and Montana but we will reserve discussion of sacred sites in those locations until later.

Sioux sacred locations are dominated by Bear Butte on the northeastern corner of the Black Hills adjacent to Sturgis, South Dakota, and the chain of medicine buttes which line the Missouri River breaks throughout the length of the Dakotas. Bear Butte is the scene of intense dispute over access and privacy of traditional ceremonies, primarily the Vision Quest of the Sioux and the annual renewal ceremonies of the Northern Cheyenne. Since the state of South Dakota holds title to the site, the conflict is primarily with state government and does not generally involve the military.

There may, nevertheless, be some areas of dispute today between the Sioux and other tribes and the military over the location of missile sites in the western parts of South Dakota and North Dakota. Some missile silos appear to be within close proximity of sacred buttes in western South Dakota.

Locations in western Nebraska are oriented around the winter camps and the annual spring migrations of the buffalo and serve as locations for condolence, healing, and prophetic rituals but generally not as sites for the performance of the Sun Dance. In other parts of this region the proximity of Sioux sacred sites to military lands is remote. Pipestone Quarry, for example, is far from any location with military activity; the falls and cave at St. Paul have long since been surrounded by urban sprawl.

The Mandan, Hidatsa, and Arikara in North Dakota (Meyer 1977) once lived farther south along the Missouri River from the Big bend to Bismarck. Many of their sacred sites are now in lands occupied by the Sioux along the river and remote from military lands. De-activation of air bases seems to have taken place without incident.

The Pawnee (Dunbar 1911; Hyde 1934a, 1934b, 1951; Murray 1835; Oehler and Smith 1851) were removed from Nebraska during the last two decades of the nineteenth century. Their large river villages had been in decline for several generations and their population was decreasing from the end of the Civil War until the removal. These people seem to have successfully transferred their religious ceremonial life to Oklahoma without losing its substance and their various religious societies remain strong in their Oklahoma communities, Chippewa religious practices involve a complicated priesthood which deals with birth and rebirth processes of initiation and therefore is not nearly as dependent on specific locations as is the Sioux.

Additionally, the Chippewa were historically north of Lake Superior and were drawn down into Minnesota by the fur trade during historic times. While some rituals, primarily puberty and condolence activities do depend upon isolation in remote areas, the priestly nature of Chippewa religion means that apprenticeship is more dominant than sacred site location.

Missouri

The Osage (Matthews 1961) were the dominant Indian nation in Missouri (Figure 4.11) prior to European contact and through astute diplomacy and military prowess were able to maintain themselves as an important influence until statehood. In the southern part of the state some Quapaw and Tunica villages were located and along the western and central areas of the north Otoe and Missouri settlements were numerous. At the extreme northeastern part of the state Sac and Fox peoples claimed lands. During removal of the Five Civilized Tribes and earlier with removals of Indian nations from the Ohio and Indiana areas some sites in this state were used as temporary winter or refurbishing places. The Wyandotte, for example, lived in the Kansas City area for only a short period of time but established a tribal cemetery that is still in existence.

The vast majority of potential sacred sites in this state are of two kinds: burials and rock shelters. There are also a considerable number of mounds of prehistoric times. Missouri is rich in evidence of former Indian occupancy but no contemporary tribe has come forward to

identify specifically with the prehistoric ruins. In Hickory Country, about forty miles east of the Osage Village Historic Site is Pomme de Terre Lake; once Pomme de Terre prairies had a special significance for the Osage. There an ancient battle was fought between monsters coming across the Mississippi and up the Missouri and great animal who dominated the western banks of the Mississippi. These creatures preyed upon humans and were eventually destroyed by the Great Spirit. The Osage once held the Pomme de Terre area as very sacred ceremonial site and it was one of the last areas to be ceded to the United States.

Fort Leonard Wood is the largest military installation in the state and has an outstanding Legacy program (#519) funded in FY92. The base commander has employed a Staff Archaeologist, Richard Edeging who is making an inventory of the numerous rock shelters which are found within the fort. This program provides experience in managing archaeological and cultural resources.

Montana

Montana (Figure 4.12) has eight major Indian nations: the Salish (Fahey 1930; Fuller 1974) and Kootenai (Turney-High 1941) collectively sometimes called "Flatheads" and the Blackfeet (Ewers 1958; McClintock 1968) in the western reaches of the state; the Gros Ventres (Flannery 1953; Fowler 1987), Sioux (Marquis 1993), Chippewa (Tanner 1976; Cleland 1992), Cree (Sharrock 1974; Dusenberry 1962) and Assiniboine (Sharrock 1974; Miller 1987; Rodnick 1930) in the north central and eastern parts of the state; and the Crow (Lowie 1956) and Northern Cheyenne (Ekirch 1974; Grinnell 1956; Marquis 1973; Painter 1893; Powell 1969; Schlesier 1987; Seger 1956; Svingen 1993) along the Wyoming-Montana border in the southern part of the state. The Sioux, Arapaho (Fowler 1982), Mandan and Arikara (Meyer 1977), Shoshone (Trenholm and Carley 1964) and Blackfeet and Blood of Canada can all claim historical occupation of some areas of the state with sacred sites located in these areas.

For the present military land holdings are minimal in the state and unless future plans call for expansion of testing grounds, air bases or bombing ranges, no future conflicts between the tribes of this state and the DoD are foreseeable other than military overflights. Some sacred locations have been destroyed since the tribes went onto the reservations. In Phillips County the *Saco Hot Springs* and *Sleeping Buffalo Rocks* were once centers of religious activities, the location having a set of picture writings and being the site of vision quest activities. Members of the Gros Ventres and Assiniboine tribes frequently left flesh sacrifices at this location. At *Prior Gap* near the Montana-Wyoming border the Crow had an important shrine in the Castle Rocks area but this location was destroyed by the building of a railroad tunnel that was believed to have forced the spirits of the site to move.

A common phenomenon in the Montana area and in some parts of the western Dakotas are the medicine rocks. These rocks have a form of pictographs which, according to traditional people, show a new set of events from time to time. Specially trained medicine men are the

only ones who can read and interpret these pictures. There is ample evidence that these rocks performed the function which the traditional people claim. Some of these locations are now within the borders of existing reservations and some rocks appear to have been moved to secret locations so that they can continue to inform the people of future events. Chances are great that if any of these rocks are presently functioning they are already being used by the traditional people in secret locations and would not be vulnerable to exploitation.

Nevada

The major Indian tribes living in Nevada (Figure 4.13) are the Northern Paiute (Knack and Stewart 1984), Southern Paiute (Euler 1973; Holt 1992; Stoffle, Jake, Bunte, and Evans 1982; Stoffle, Halmo, Ohmstead, and Evans 1990), Western Shoshone (Thomas, Pendleton, and Cappanari 1986; Crum 1994; Harney 1995) and Washoe (Price 1960; d'Azevedo 1986) with some small holdings by the Gosiute whose traditional lands are cut by the Nevada-Utah border. As previously discussed, the Northern Paiute and desert Shoshone covered a vast area, primarily in the Great Basin of eastern Oregon and parts of Idaho. These tribes were composed of many independent small units who shared a common language, desert subsistence style of economics, and basic mythology. While some scholars have drawn occupancy area maps based upon economic or linguistic characteristics, it is fair to say that no single region was exclusively settled by either the Shoshone or the Paiute. The Washoes tended to concentrate in the Lake Tahoe and Sierra Nevada foothills area and were not as involved in desert living as the other tribes.

West central Nevada landscape was once covered by the giant Pleistocene Lake Lahontan. Several areas of massive volcanic lava flows which characterize this part of the Great Basin. This area has a multitude of hot springs and water sources which have unusual mineral content. Lakes and streams are sometimes intermittent; the Humboldt river "sinks" into the ground in places and emerges for a short distance in other places. In terms of marking out a sacred occupancy area for the native peoples in this state locating a network of medicinal springs here is comparable to the configurations of mountains which determine the tribal boundaries in the Great Plains, Arizona and New Mexico.

Paiute

The two largest Paiute reservations, Walker River and Pyramid Lake; both are Northern Paiute people, as are the smaller reservations such as Fallon, Summit Lake and Fort McDermitt. Southern Paiute reservations include Moapa, Las Vegas. The Pahrump Southern Paiute are seeking Federal acknowledgment. Aboriginal occupancy by these people extended well into California and can be described by an arc drawn from the Reno-Sparks area southeastwardly to Las Vegas. Although there were reasonably large groups in the Sierra Nevada foothills, most Paiute living in the desert formed small hunting bands which could subsist on game and plants. Plant knowledge of the desert was and continues to be extensive. Farming characterized all Southern Paiute groups.

Religious practices revolved around creation stories and healing ceremonies and had significant relationships to springs, hot water and unique geological places. Since the hunting bands were relatively small in population, there was great reliance on individual religious knowledge. The various bands of Paiute rarely gathered together, so apart from commonly shared creation stories, many religious beliefs and practices were band-specific and dealt with the landscape in which the particular group lived. Consequently identification of sacred sites that would have relevance to all Paiutes is almost impossible. Locations that might have great significance for one group would have little or no importance to another group depending on the frequency of use of a particular region.

In Churchill County, east of Reno, there is a reddish butte, now named *Rattlesnake Butte*, which was a traditional Paiute burial ground. Later it was the site of a battle between the Paiute and the Pit River Indians of California. The tradition suggests that it is a location which the people would not want disturbed or carelessly used. A valley in Eureka County is called *Kobeh* which means "face" in Paiute and refers to a tradition of ancient times, quite possibly involving a spiritual personality or creation legend. Exceedingly hot springs existed in the Carson City area prior to the coming of the Euroamericans. One spring, now called *Steamboat Springs*, was said to have had as many as seventy separate columns of steam coming from its vents and must have been an important healing center. There is a possibility that these locations have ceremonial linkage with locations within or near the Fallon Naval Air Station. Consultation with Paiute elders at Walker River, Fallon and Pyramid Lake would clarify this possibility.

The Fallon Naval Air Station has two sites on it that are important to the Northern Paiutes, particularly the people at Owens Valley. Lone Rock and Black Butte are healing and vision questing sites and attract traditional people from Walker, River, Pyramid Lake, and the Fallon Indian community itself. Legacy Project #479, which was funded in FY93, is in place and that project report will make more specific the nature of the religious importance of these two sites.

Clark County, which contains the city of Las Vegas and Nellis Air Force Base, has several locations important to the Southern Paiute. The most prominent is Charleston Peak, called *Nevagantu* by the people, which plays a prominent role in the creation stories of the groups of this area. The peak is also important to the Chemehuevi-Paiute who live south along the Colorado River in California on their own reservation and also live on the Colorado River Indian Tribes reservation in Arizona. The peak is the northernmost mountain involved in their creation narrative and forms an important location marker that describes their sacred lands. The Newberry Mountains, located southeast of Las Vegas, have a group of peaks at their northern end designated as the *Spirit Mountain*. The tradition suggests that these mountains were the dwelling place of departed spirits of ancestral people. The location, therefore is to be held sacred and not disturbed.

Arrow Canyon in Clark County has sacred significance, but the reason for this has been clouded by Euroamerican interpretations of Southern Paiute stories. According to Euroamericans, the most common explanation involves a tradition about conflict between the Moapa Valley Paiute and Pahrangat Paiute. War parties of each group met at the canyon and, upon realizing that the ensuing battle would be bloody and costly, agreed to reduce the struggle to a contest of shooting arrows high into the canyon wall where there was a cleft formation. This incident was jointly celebrated each year thereafter until the groups were placed on the Moapa Paiute Indian reservation. This Euroamerican tradition hides an earlier story which must certainly go back to very ancient times and record some form of religious revelation. The Moapa and Pahrangat Paiutes were part of the same district and they have no contemporary stories about a feud associated with Arrow Canyon. This case points out the importance of consulting with Indian people rather than taking as face value published accounts of their sacred sites. There is a cultural linkage between these people, the Las Vegas Paiutes, the Pahrump Paiutes and the Chemehuevi Paiutes with cultural sites on Nellis Air Force Base.

Most plant gathering locations are held secret by the native people, usually women, who know the areas and plants. Southern Paiutes have gone on record about plant areas when locations are kept secret and the agencies agree to protect plants (Stoffle, Halmo, Olmsted, Evans 1990; Stoffle, Halmo, Evans, Olmsted 1990; Stoffle, Evans, Halmo, Dufort, Fulfrost 1994). A few commonly known Paiute plant gathering sites exist elsewhere. In Lincoln County near the Utah border *Toqupo Wash* was a special location where both Paiute and Shoshone gathered the *tuuko'api* or black tobacco for ceremonies. Springs have special meaning for Southern Paiutes, being the focus of plant and animal life as well as having their own spirits. Protection of this type of location, if it continues to be used as a gathering site and ceremonial area, potentially could relieve Paiute people from harvesting this plant in other places that might involve use of military lands. It also should be recognized that the ceremonial meaning of plants often derives from where they are found, so it is not possible to know without consultation with Paiute religious leaders whether or not a plant from one area can substitute for the same kind of plant from another area.

Shoshone

Northern Desert Great Basin groups of this people lived in a similar manner to the Northern Paiute but many of their stories look toward the north and link with traditions already discussed in relation to sites in Idaho. Again there is extensive use of springs for the healing ceremonies and the use of particular mountains for vision quests and larger council gatherings. As might be expected, the small number of people in desert hunting bands produced religious knowledge specific to each band. The Shoshone were not keen about the spirits of the dead and generally avoided locations where they had experienced these spirits. The sites which will be discussed below have no immediate relevancy to DoD operations that can be determined. However, the possibility exists that religious traditions involving these important sites do relate to DoD-occupied lands in Southern Nevada. Should these

relationships be discussed in consultation with tribal officials, this background information will assist DoD personnel in understanding the scope of Shoshone religious activities.

Near Elko we have a *Jarbidge Canyon* which was regarded by the Shoshone as a place to be feared and at times a place to receive offerings and sacrifices. *Tso'avitsi*, a mythical crater-dwelling giant, was said to have lived in this geological formation in the early days. He was cannibalistic and hunted people, carrying a basket on his back for his human harvest. Capturing several people he would return to his crater and consume them. These stories seem fanciful except that the tradition of cannibalistic giants is found over a surprisingly large geographical area and has resonance with stories of the northern Plains which feature giant human-eating monsters preying on the people. We may have here an echo of prehistoric conditions in the Great Basin area.

The Shoshone may have intruded into lands that were at first occupied by Paiutes, with the result that some locations, particularly hot springs or healing springs are shared by the two groups. Today the hot springs are primary candidates for experimental activities involving geothermal energy and consequently in the desert regions of California and Nevada there is the potential for conflict between traditional religious practitioners and research projects involving geothermal energy. The religious significance of a hot springs location is the presence of what these people call "doctor rocks," which are specific sites used for healing ceremonies. Both Shoshone and Paiute are reluctant to disclose the existence of these rocks, their attitude being the same as northern Plains peoples with the writing rocks. Only an on-site discussion with local groups can resolve this problem.

Nevada's military installations have a certain degree of secrecy and sensitivity which must be recognized. The Nevada Test Site has some sacred locations, the Hawthorne Army ammunition plant must have some sites that are important to the Northern Paiutes, the Yucca Mountain atomic dump site must surely have Western Shoshone sacred locations. The famous Area 51 already has a massive folklore among New Ager flying saucer buffs. But the state has a very good archaeology program and it is working with the Inter-tribal Council of Nevada to compile lists of all the important religious sites in the state. Five locations have been identified by that office as being sacred: Cave Rock near Lake Tahoe in Douglas County, Spirit Mountain in Clark County, Tosa Wikki Quarry near Battle Mountain in Elko County, and Pyramid and Walker Lakes.

New Mexico

Aboriginally a great many Indian nations (Ortiz 1979, 1983) lived in and used the lands of New Mexico (Figure 4.14). The state was occupied by several distinct bands of Apache, the most familiar of which are the Mescalero, Jicarilla, and Lipan. The eastern Navajo and the Pueblos, which had more than 125 villages at the time of European contact, have been permanent residents for thousands of years. The Comanche, Kiowa, Wichita (Bell et al 1974;

Wedel and Wedel 1976), Cheyenne, Arapaho and Ute also spent considerable time in the state. Creation, emergence, and migration stories abound within these traditions.

Geologically, New Mexico includes the southern U.S. end of the Rocky Mountains, with spectacular mountains, much evidence of volcanism, and grassy high desert-like plains south of the mountains and east of the Rio Grande. This background information is important to DoD understanding because many traditions deal with volcanic activity and there are complex sets of relationships between and among the various mountains in the state. Judging from the ancient ruins and the amount of pottery shards to be found haphazardly in many areas of the state, the Rio Grande Valley must have been the site of human habitation from the very beginning of time.

Indeed, the Clovis site is accepted by orthodox scholars as one of the most important locations for North American and perhaps western hemisphere archaeology, being dated at approximately 11,200 before the present (Johnson 1991). Native peoples lived in the Rio Grande drainage from that time until the time of Spanish contact. Following Spanish conquest and settlement many pueblos were merged together as population decline occurred. Consequently some Indian nations have incorporated traditions brought by survivors and remnant families of former pueblos into their own traditions.

Today two Apache reservations are located within the state. The Jicarilla Apache have a reservation in the north, near Colorado, with headquarters at Dulce. The Mescalero Apache have a reservation in the south, near Texas, with headquarters at Mescalero.

Nineteen pueblo reservations exist from along the Rio Grande west to south of Gallup at Zuni. Some remnant mixed groups from former pueblos in southern New Mexico are now seeking Federal recognition.

The Navajo reservation is the largest reservation in the Lower 48 states and a portion of it, consisting primarily of allotted lands with some tribal lands, extends from Arizona into western New Mexico. Many New Mexico Navajo chapter communities that are part of the Navajo Nation are adjacent to the reservation in this area. Three isolated reservations at Ramah, Puertocito and Canonicito also belong to the Navajos.

Identification of some locations as sacred to a particular Indian nation, therefore, will not exclude that location from being used religiously by another Indian nation for similar or even entirely different ceremonies. It is the specific tribe's historical religious experience that defines a location as sacred to the group.

In New Mexico we have a tremendous overlapping of distinct tribal religious traditions at most sacred sites; frequent multi-tribal use of springs and mountains, close proximity of shrines of different groups, and the transformation of ancient historical sites into places of contemporary religious reverence. The Indian nations of New Mexico are highly traditional

and extremely secretive about their beliefs, practices, and places of ceremonial and ritual activity. A great deal of information is already written down and sealed in confidentiality, particularly among the Pueblos. Consequently in-depth information on some sites can only be obtained by arrangement with the Indian tribal government and the State of New Mexico, Office of Cultural Affairs, Historic Preservation Division, Santa Fe.

The theology of the New Mexico Indian nations is exceedingly complex and their historical roots must go back in some instances to the earliest prehistoric time periods. Consequently it is a good idea to try to clarify some of the terms that are used by the traditional people, particularly those involved with creation, emergence, and migration since they become rather technical terms when discussing the people of this state and confusion can lead to misunderstanding. While definitions of the kinds of sacred sites have already been discussed in Chapters One and Two, the New Mexico situation poses special problems in understanding. Creation stories, for example, frequently *assume* a pre-existing physical world, emergence stories may deal with multiple worlds, some physical and some not, and migration stories may refer to this earth or may combine several physical worlds.

Creation should be understood as referring to that act or state of awareness which people experienced or had knowledge of, that created the landscape around them. Some traditions speak of the existence of several worlds and creation, when placed in this context, most probably means the experiences and memories of small groups of survivors of a major geological catastrophe. Volcanic evidence of substantial geological disruptions is everywhere in the state and one can only guess what the area was like prior to the disruption.

Emergence is closely related to creation in the sense that the people come from another dimension, usually an underground world, and are led through underground passages into certain land formations in our present world. The Navajo, for example, speak of having been formerly in an underground world and the Hopi tell of a time when the surface of the earth was not suitable for life and they had to live with the ants underground.

Migration usually describes either a creation or an emergence somewhere else and, as part of the event, people receiving religious instruction to migrate across the land until they reach a certain previously described set of natural features which is designated as their home during this period of earth history. It is this religious pilgrimage that people feel gives them a superior title to those given by any earthly government. It should be noted that while many scholars view very ancient ruins as distinct from contemporary Indian nations, the Pueblos and Navajos use Anasazi and other sites for ceremonial pilgrimages and secret rituals indicating at least an emotional linkage with the remote past.

Apache

The most important Apache tribes are the Jicarilla (Gunerson 1974; Opler 1938; Tiller 1983) in the northern part of the state and the Mescalero (Sonnischen 1958) in the Sierra Blancas and surrounding lands. Remnants of the Chiricahua and Lipan bands of Apaches (Opler 1965) are found at Mescalero, at San Carlos, and at Fort Sill. San Carlos, Arizona, and Fort Sill, Oklahoma are not located in New Mexico but there are families from each of these areas who still visit the New Mexico area to use sacred sites in several locations.

Of the remnant groups, there are some individual Chiricahuas who continue a ceremonial life for small gatherings. The Jicarilla and Mescalero live approximately in the center of their original occupancy area. Consequently knowledge and use of sacred sites located in the area has a greater sense of immediacy for them.

The Mescalero Apache have lands within the Fort Bliss Military Reservation where there are four known sacred peaks and some additional sites presently kept secret by the people. The four known locations are *Guadalupe Peak*, *Organ Mountain*, *Three Sisters* and *Oscuro Peak*. All indications are that these peaks are part of the ancient history of the people, places where ceremonies were revealed, and sites which require continual ceremonial care-taking. Great care must be taken in making contact with traditional Mescaleros. The tribe is split along conservative/progressive lines because of a desire by the tribal government to accept an atomic waste treatment project and this business is viewed as anathema by traditional people.

In Catron County in west central New Mexico there is a volcanic area that until recently contained sufficient heat to cause steam to rise after a slight rain. It is called *Burning Mountain* and appears to have had the same function as the hot springs near present day Truth or Consequences, which was used for healing purposes. South of the Mescalero Reservation in Otero County just north of Fort Bliss and east of White Sands are the *Cornudas Mountains*, a set of peaks that rise abruptly from a mesa to an elevation of approximately 7,000 feet.

About 35 miles southeast of Alamogordo, still in the Sacramento Mountains, is *Grapevine Canyon* which has pictographs of sotol, a desert plant used to make the mescal drink from which the Mescalero take their name. The pictographs are to be found at the entrance of a cave in the canyon and there are a sufficient number to suggest that Lipan Apache and perhaps even Comanche used this location for a variety of purposes. The specific sacred aspect of the site can be verified and explained by a traditional spiritual leader at Mescalero. Near the northwest corner of the White Sands Missile Range and some 15 miles west of Carrizozo is the *Little Black Peak* which is an extinct volcanic crater which produced a lava flow about 60 miles long and 4 miles wide. Like other volcanic features of New Mexico, it is entirely likely that the site is connected to migration stories or traditions involving monsters.

In Dona Ana County there is a location presently called *Phillips' Hole*. It is a volcanic crater of comparable size to those in Catron County, but lacking the large lava flow field. It may have a connection with the crater discussed above. Along the Mexican border in neighboring Luna County is the peak called *Tres Hermanas*. This formation is distinct from the other Three Sisters located within the Fort Bliss area but must have ceremonial significance because of its command of the nearby landscape. Undoubtedly it was used by the Apache as a lookout in their wars with the Spanish, Mexicans, and Americans as its use would be essential to keep track of parties coming from El Paso.

Although the Jicarilla Apaches now live in north central New Mexico at their reservation at Dulce, they originally spent as much time in the high plains foothills area of the eastern slope of the Rockies as they did in the northern New Mexico mountains. *Black Lake*, in the southwestern corner of Colfax County in northern New Mexico, is probably a sacred location. Perceptions of the lake change as the distance from it varies. It looks black when viewed from a distance because of the reflection of the trees and dense vegetation which surround its shores. Approaching closely to the shoreline the lake is seen as being clear blue. These kinds of changes would have been understood as reflecting the power of the location and would almost certainly have fit into Apache understandings of mountains and lakes. Proximity to Taos Pueblo suggests that these people might also have a ceremonial tradition with respect to this place.

Three volcanic mountains certainly possess the necessary characteristics to be places of sacred ceremonial life in northern New Mexico and they are squarely within the occupancy area of the Jicarilla. *Sierra Grande* in Union County, the largest individual mountain in North America with a base measured in circumference at 40 miles is just east of the famous Capulin volcanic cone which is now a National Monument. *Broke Off Mountain* in Rio Arriba County has similar although quite diminished features but is also a volcanic cone, a volcanic stump in this instance. Since these sites are away from existing military lands, they are cited because they may form a triangulation of sacred sites, the lands within which may contain shrines and holy places sufficiently near military lands to be noted.

Colfax County, east of Taos, also contains *Cuesta Del'Osha Peak* on the slopes of which grow the osha plant which has a taste like celery and has great medicinal value. Jicarilla Apaches, Taos Pueblo, the old Pecos Pueblo whose former inhabitants now live at Jemez Pueblo, Utes and possibly Comanche, Cheyenne and Arapaho have used this site to gather medicinal herbs, most particularly osha. In San Juan and Rio Arriba counties there are several peaks which have a significance for the Jicarilla but since they are also important to the Navajo and Tewa-speaking Pueblos they will be discussed below.

Comanche

This tribe's (Foster 1991; Richardson 1933) far-reaching spiritual roots extend far back into prehistory. The Comanche were once a part of the Shoshone people, most probably the

largest of the eastern division of that widespread nation. Tradition says they split because of a serious epidemic and moved southwards along the foothills of the Rockies until they came to the western Oklahoma grasslands. Until the 1870s the Comanche played a critical role in the history of eastern and central New Mexico. Attracted to the Rio Grande settlements by the affluence produced by the introduction of Spanish manufacturing crafts, the Comanche made frequent forays into the Rio Grande Valley and were eventually the cause of the Rio Grande pueblos uniting with Spanish military posts for protection of their villages. In 1785 the Spanish made peace with the Comanches in a series of treaties that affected the Spanish frontier from quite near the Mississippi River in Louisiana to the western reaches of present day New Mexico.

Eastern New Mexico was the scene of frequent Comanche invasions, often simply a passageway to the richer towns in Sonora, Durango, and Nueva Vizcaya in Mexico. Comanches also conducted punitive raids against the Lipan and Mescalero Apache under the terms of their treaty with the Spanish, venturing as far as northern Arizona to intimidate recalcitrant Navajos, and virtually ravaging the northern pueblos until trading agreements were established. Locations in the eastern plains of New Mexico, therefore, have a strong relationship to the Comanche and are often shared locations with the Chiracahua whose bands also traveled across these desert-like plains. Sacred sites of importance to the Comanche would have a certain historical flavor because of the sporadic nature of their occupation of the eastern plains. Traditional people today would probably remember locations where ceremonies were performed and regard these sites as sacred. They would not be expected to fall within the original creation-migration traditions, however, which seem to originate in the Idaho-Oregon area.

In Colfax County, west of Raton, there is a rock called the *Buffalo Head* which does in fact resemble a buffalo head. Since the Plains Indians saw this animal as a brother, a representative of Mother Earth, and the chief personification of the feminine, this location was used for Sacred dances by many of the Plains tribes, particularly the Cheyenne, Arapaho, Kiowa and Comanche. Near Fort Sumner in Baca County is a large cave of gypsum, rock which has many passageways, some leading back as far as 500 feet from the entrance. Today it is known as *Diamond Cave*. It has historical/ religious importance for some groups of Comanches who once used it. In Roosevelt County, southeast of De Baca, stands *Eagle Hill*, a high chalk hill which was the roosting place for many eagles until historical times. The Comanche and probably Chiracahua Apache gathered their eagle feathers at this location. Ceremonies would be required of both groups when dealing with this bird.

Tucumcari Mountain, near the present day city of the same name, was called Cuchtonaro (Comanche *kutsinaro* 'i "she will put it on the fire to cook"). One tradition explains this name as indicating that the mountain was used for signal fires for gathering together Comanche war parties for raids on Rio Grande settlements. Most probably the Comanche oral tradition has a better explanation that goes such further back in Comanche history. In Lea County there used to be a location called *Monument Springs* which consisted of

a 45-foot high caliche rock marker that was visible for 35 miles and indicated where a spring existed. The origin of this tradition is undoubtedly from the Comanches and most probably marked a sacred spring where healing ceremonies took place.

Most of the Comanche sites are some distance from existing military lands but a number of them must be within air space used by the military and therefore a possible conflict regarding flyovers may exist. The Comanche intrusions into New Mexico were quite often for the purpose of raiding Indian tribes and Spanish settlers living much farther south in northern Mexico. Habitual resting locations were the scene of consolidation of forces but would also involve ceremonial preparation for the task ahead and condolence rituals for losses suffered on these ventures. Consequently, we can expect to find some kinds of Comanche burials along a route from these locations toward Mexico and further knowledge of these locations presently possessed by traditional Comanches will quite possibly point to other sacred locations within either the Fort Bliss or White Sands military installations.

Navajo

Navajo and Pueblo sacred sites are quite numerous in the New Mexico area. Sometimes they are in close proximity to each other and are used by either group without conflict. The New Mexico Archaeology Records Management System (ARNS) has close to one million separate locations identified; the majority of these places have cultural significance and a large percentage are burials and ruins. Important sacred locations are best identified through tribal offices. Contact with the Navajo Nation offices in Window Rock would enable base commanders to obtain the tribal position on sacred sites as well as the name of local chapter representatives who would be concerned with site protection. In the Environmental Impact Statement for the proposed Fort Wingate to White Sands Missile Range missile shots (USSSDC 1994), the Navajo expressed concern that flying missiles might pierce the "dome of the spirit" which is the air space represented by visualizing a dome placed over the area enclosed by the four sacred Navajo mountains. Such an intrusion would disrupt the spiritual harmony of the lands within the four sacred mountains and perhaps effect the efficacy of ceremonies conducted within the reservation or at locations adjacent to the Navajo communities.

Cabazon Peak, a giant volcanic plug rising 2,200 feet above the surrounding plain some 40 miles west of Albuquerque, is particularly sacred to the Navajos since it figures prominently in their prehistoric traditions. The Navajos call the site *Tsézhiìh Deezlí* which means "Black Rock"; it is believed to be the head of a giant killed by the Twin War Gods. Although not within a military land area, the problem here would be fly-overs from the Kirtland Air Force Base during religious ceremonies.

Other mountains of immediate religious significance to the Navajo are *El Huerfano* (the Orphan) in San Juan County. The Navajo name for this mountain is *Dził Ná'oodítii* and it rises from a flat plain by itself, creating a sense of awe and power. *Crownpoint* in McKinley

County is a crown-shaped butte on the edge of a plain and has religious significance. Mount Taylor in Valencia is called by the Navajo *Tsoodził* (big, tall mountain). Its ceremonial name is *Dootł'izhii Dził* (turquoise mountain) and it is one of the mountains marking out the boundary of Navajo ethnic territory. It has creation and emergence connotations. Shiprock, in San Juan County, is called by the Navajo *Tsé Bit'ą'í* (the rock with wings).

The Navajo (Kluckhohn and Leighton 1946), like their Athabascan-speaking relatives the Apache, see superior power that exists in and of itself in locations. Non-Indian scholars have implied the presence of "spirits" and "gods" but this terminology is not really applicable to the Navajo conceptions and understanding. Smaller buttes, springs, and specific locations where plants can be harvested have power to affect the humans who interact with them. Consequently most of the sacred sites of the Navajo are those locations where local medicine people have discerned the existence of power and represent a complex of location relationships, not solitary sites.

Pueblo

Much work has been done by the State Historic Preservation Office (SHPO) to identify sacred sites and seal in confidence information about locations important to Pueblo people (Dozier 1970; Ortiz 1979). The task of recording known sites is almost completed and consequently the best plan of action is for a military installation to contact each Pueblo individually and get Indian permission to contact the SHPO to obtain more specific information. The Pueblos present a unique geographic situation because most live close to each other and have overlapping concerns. The Hopi (in Arizona), Zuni, Acoma and Laguna pueblos are in the west, and the remainder of the Pueblos live in the Rio Grande Valley from Taos south to Albuquerque. For the Pueblos people living along the Rio Grande, there is a substantial overlapping and interconnection of religious traditions and ceremonies. In practical terms this means that almost every location identified as a sacred site has multiple Pueblo interests.

The Pueblos, perhaps more than any other Indian group, have a tradition of visiting remote sacred sites in annual and specific ceremonial times. Pilgrimages may re-enact ancient stories, the emergence from other worlds, or serve the purpose of maintaining the linkage between and among sacred sites so as to preserve their power. Sacred sites do not exist in isolation; each site points to or sustains other locations and exists within a network or complex of sites. The key to understanding the complex of sacred sites is the province of spiritual authorities of the Pueblos. Nevertheless, DoD personnel should get the flavor of this complexity from the discussion of known sites, most of which are affected by flyovers and some of which are located within the boundaries of present military lands. The linkage of sacred sites in the Rio Grande Valley is such that ceremonial activities and pilgrimages may need to be performed within military locations.

Buckman Mesa near Santa Fe is a large lava-topped mesa on the south side of the Rio Grande near San Ildefonso Pueblo. According to the legends of this Pueblo the hole in the top of the Mesa is one of four places from which fire and smoke came in ancient times. It therefore has connections with other worlds. A related peak is called *Gigantes* and is sacred because of its relationship to *Tsaveyo*, one of the most famous giants of ancient times.

Coyote Springs in Bernalillo County was used as a medicinal and healing location because of its supply of carbonated water. It is presently within the Sandia Military Reservation. *Jicarita Mountain* in Mora County on the eastern slope of the mountains is sacred to the Picuris Pueblo and has a shrine at its crest which is shaped like a large inverted basket. The lava beds extending westward from McCartys to Grants contain scores of extinct volcanoes, and many hollow lava tubes, and are comparatively recent in origin. Laguna and Acoma people use many sites in this general region as ceremonial locations and the Laguna story of the "Year of the Fire" may commemorate this volcanic outpouring.

Manby Hot Springs located twelve miles northwest of Taos is a group of medicinal springs used by many of the Pueblos. *Ojo Caliente* in Rio Arriba County near Taos is regarded as the dwelling place of the powers that help the northern Pueblos. The springs were the opening or portal between this world and the world below, and hence have an "emergence" characteristic. The grandmother of Poseyemo, a Tewa hero, is said to still live in one of the springs. *San Antonio Mountain* marks the boundary of the Tewa-speaking Indian world and has living relationship with other mountains in the south, east and west. *San Miguel Mountain* west of Las Vegas was believed to have been carved by erosional forces into a face which represents the personification of the creative power. Within the Pueblo tradition all mountains have the capability to project the face of the power that made them but only here is the likeness clear enough for people to understand.

The number of sacred sites in the Albuquerque area is substantial. Specific Pueblos have their shrines and some locations are sacred to a number of Pueblos and mark out creation, emergence and migration locales. Albuquerque also has two major military installations: Kirtland Air Force Base and the Sandia Military Reservation. The Sandia Mountains are the southern boundary of the Pueblo lands. The majority of ceremonial activities will be north and west of the mountains. Some gathering of plants and medicines will be done in the Sandia Mountains adjacent to the military reservations. Consultation with the State Archaeologist and the All Pueblo Council will enable base commanders to make the proper contacts within the individual Pueblos.

Oklahoma

Historically this state (Figure 4.15) was to be the location of the surviving members of the Indian nations of the United States (Wright 1986; Paredes 1992; Williams 1979; Debo 1962). In the eastern part of the state and near Oklahoma city are remnants of the tribes who once lived in the eastern United States and were removed in the 1820 to 1840s. A good many

of these peoples, deprived of the sacred landscape of their homelands, have preserved religious and political societies but seem to have lost the ceremonies and traditions which linked them to ancestral lands. Much knowledge still remains in some tribes.

The Cherokee (Royce 1887; Woodward 1963), for example, continue to maintain a ceremonial sense of the old homeland and the Kentooah Band of the Cherokees in the *Sequoyah v. Tennessee Valley Authority* case sued in the late 1970s to halt construction of the Tellico Dam and inundation of the Little Tennessee River. Muskogee/Creek (Green 1979), Yuchi (Speck 1979), and Choctaw (Debo 1961; Kidwell and Roberts 1980) traditional people continue to visit traditional religious sites east of the Mississippi River.

The aboriginal connection with particular mountains and rivers east of the Mississippi has been severed, but healing ceremonies and ceremonies involved in prophecy and naming still exist among the tribes removed to Oklahoma. The military presence in eastern Oklahoma, represented primarily by the McAlester Army Ammunition Plant southwest of that city, and groups of traditional Indian people may want access to military graveyards for memorial and condolence purposes. In general these activities would probably reflect more contemporary mixtures of Christian prayers and hymns and traditional blessings.

In western Oklahoma are several locations sacred to the tribes who once roamed the area. *Rainy Mountain*, for example, is sacred to the Kiowa and remains a ceremonial location. But like western Kansas, this region was more of a mutually shared hunting area and less of a permanent occupancy location. Most of the religious ceremonies that would involve military lands in this area would be commemorative, a contemporary mixture of Christian and traditional rites of mourning, memorial, blessing and thanksgiving.

Fort Sill, the final living place of the remnants of the Chiricahua Apache, where Geronimo died, has a number of sites that were used by these Apache people during their time as prisoners of war. *Medicine Bluff* and *Medicine Bluff Creek* were used by the Apache for various ceremonial purposes during the last century and are frequently used today by traditional Kiowa. They are now on listed the National Register of Historic Places

Oregon

Oregon (Figure 4.16) has a statewide survey of archaeology sites, including many possible sacred sites; locational and other information on the archaeology sites is available from the Oregon State Historic preservation Office on a need to know basis. Federally recognized tribes in Oregon (Buan and Lewis 1992) are the Grand Ronde, Cow Creek, Klamath, Umatilla, Warm Springs, Siletz, Lower Umpqua, Coos Bay, and Burns Paiute. There are also two traditional fishing villages on the Columbia River, Chetco and Celilo. Indian people with ancestral ties to the Clatsop and Chinook tribes also live in Oregon and are in the process of seeking Federal acknowledgment. Tribal representatives can be contacted

through the tribal government of the respective reservations or, in the case of traditional villages, through the SHPO. We have identified a number of Indian sacred sites but they are generally far from existing military lands and in some cases overgrown by urban settlements.

The major Cascade peaks, Crater Lake, Three Sisters and Mount Hood, and the Columbia River locations such as The Dalles, Cascades, and Bridge of the Gods form a geographical/geological network of sacred locations for the tribes of this state. There may well be sites on or near military lands that are featured in a creation or migration tradition centering around one of these major landmarks.

In eastern Oregon the Boardman Bombing Range and the Umatilla Army Depot have sites within their borders that were used as vision quest and healing locations by the Warm Springs and Umatilla tribes. While there are few identified creation sites in eastern Oregon, the ceremonial sites are more important for these people because of the tendency within the region to deal with psychological soul loss and illness as manifesting underlying psychic disorder. The DoD should initiate negotiations with the Umatilla and Warm Springs tribal governments as a way of dealing with the sacred site problem in this state.

Texas

Once a republic which signed treaties with both indigenous and later colonizing tribes (Taite 1986; Salinas 1990; Hester 1991), by the end of the 1840s Texas (Figure 4.17) had pretty much been cleared of Indian tribes with the exception of the panhandle where the Kiowa and Comanche still maintained a strong presence. The Lipan Apache who once controlled much of west Texas east of El Paso were substantially reduced by incessant warfare with the Spanish, Mexicans, and Comanche by the time of American settlement in the area. The Caddoan villages which once controlled large areas in eastern Texas were also substantially reduced prior to American intrusion, and the Gulf tribes, such as the Karankawa, were virtually extinct shortly after American settlement and the Texas war for independence.

Traces of former Indian occupation can be seen in various parts of Texas, particularly in the western regions where the Comanche and Kiowa lived until the 1870s. A Medicine Wheel has been identified at Fort Hood (see Chapter Seven) and ceremonies were held, led by William Tall Bull, a northern Cheyenne spiritual leader, to bless and renew the site. Three Legacy projects have been funded involving Fort Hood. In 1991 Legacy Project #17 was funded and in 1992 Legacy Projects #304 and #522 were also funded. The Fort Hood experience is a good model to be used by other military installations in dealing with traditional Indian people.

Painted Bluff in Edwards County and Painted Rock in Concho County have an outstanding number of pictographs and rock paintings. Paint Rock has more than 1,500 paintings scattered along the bluff of the Concho River for more than half a mile. The Painted Bluff site has pictographs along the Cedar Creek fork of the Nueces River.

In Texas the vast majority of the contacts between traditional Native religious practitioners and the military will be occasions similar to the Fort Hood experience. Fort Bliss near El Paso may have requests from the Mescalero Apache traditional people or the people from the Tigua settlement of Isleta del Sur seeking access to Guadalupe Peak and surrounding areas for ceremonial purposes or gathering of medicinal and ceremonial plants.

Utah

This state (Figure 4.18) has Great Basin desert and high plateau geological features with ancient salt flats from Pleistocene Lake Bonneville, extensive canyons and extremely rugged mountains with a few river valleys that run through the state. The land is perceived by many observers as inhospitable and as encouraging settlement by small groups in a manner similar to Nevada and southern Idaho. Traditionally Gosiutes (whose language is extremely similar to Shoshone; see Thomas, Pendleton, and Cappanari 1986), Utes (Coneta 1982; Smith 1974), and Southern Paiutes (Euler 1973; Holt 1992) lived in riverine oases and used upland natural resources. Gosiute people need access to the restricted testing areas such as Wendover, Desert, Dugway and Hill Air Force Range west of Great Salt Lake, and a major problem is of military planes in areas of concentrated sacred sites in southeastern Utah.

The Uintah and Ouray Reservation in the northeast corner of Utah is occupied by indigenous Ute bands as well as Ute bands removed from Colorado in the 1880s. In the southeast corner of Utah is a small portion of the Navajo reservation, which has its major land holdings in Arizona. In the southwest corner of Utah is the Shivwits Paiute reservation near St. George, and to the north near Cedar City is the Paiute Indian Tribe of Utah which is a composite tribe containing five formerly terminated Paiute tribes including the Shivwits. Traditionally other Indian groups such as the Hopi have come to Southern Utah. The out-of-state eastern Shoshone and Bannock also have ties to northern portions of Utah.

San Juan County, which covers the very southeastern tip of the state, has a multitude of sacred sites. It is currently used for ceremonial places by the Navajo and Paiute, and occasionally by the Hopi and the Southern Ute, the most famous sacred sites being within Natural Bridge National Park. Other locations in the immediate vicinity include: *Aztec Butte* which contains ancient ruins and is compared to the Hopi ancestral traditions, *Castle Creek Ruins* which are near Green Water Spring and have the same claim to antiquity, *Nasja Mesa* which has the owl spirit and derives its name from a corruption of the Navajo word for this bird (Navajo *né'éshjaa'* 'owl'), and of course the Rainbow Bridge itself which was the subject of a religious freedom lawsuit.

Of great importance in this part of Utah is a place called *Navajo Mountain* in English and *Kaivayaxarere* in the Southern Paiute language. The aboriginal inhabitants of this area were Southern Paiutes. Today, the San Juan Southern Paiute tribe has members residing at Navajo Mountain jointly residing with the Navajo people. There are both Paiute and Navajo

beliefs about this mountain. Southern Paiute beliefs are summarized in Bunte and Franklin (1987).

According to Navajo beliefs this mountain is the first earth home of the human beings. Here we have a unique version of an emergence story in that instead of coming from the underground the first couple arrive from the tip of a rainbow. Navajo Mountain is the center of a religious geography which extends in every direction. It has relationships with other mountains great distances away and consequently may enter into discussion regarding the sanctity of other locations near military installations.

The *Oquirrh Mountains* in Tooele County near Salt Lake have a number of locations which have traditionally been used by the Gosiute people for religious ceremonies. Efforts to translate the name of these mountains have produced such designations as "wooded" mountain, "cave" mountains, "west" mountain, and "shining" mountain. This is probably a ceremonial complex involving several locations rather than bad linguistics. Some locations in the Oquirrh Mountains may point toward desert springs locations, and others may be part of religious pilgrimages. Consultation with traditional Gosiute people will resolve the confusion.

Granite Mountain or Dugway Mountain has special religious significance for the Gosiute people. It lies midway between Skull Valley and the Goshute Reservations and consequently is important to both groups. Gosiute religious traditions do not radically differ from those of the desert Paiute and Shoshone and consequently Granite Mountain is probably a sacred/power site similar to what we see identified in Nevada.

In general, the chances of conflict between military installations in Utah and traditional practitioners of tribal religions are not great and at most may involve granting access to sacred springs in fringe areas of some of the proving grounds. The multitude of sacred sites in southern Utah, and these locations are clustered in groups of peaks and mesas across the entire length of the state, are cited because they form geographical connections to traditions about the ancient days, creation and migration accounts, and may be mentioned by traditional people in proving the sacredness of other locations which they have kept secret until now.

Washington

The SHPO cultural resource inventory of the State of Washington (Figure 4.19) includes sacred sites described under a general category of "cultural treasures." Each of the Federally recognized tribes in the state (Gibbs 1978; Interior Salish and Western Washington Tribes 1974), as well as one petitioning for Federal recognition, has its own Traditional Cultural Properties committee which works with the state and Federal agencies to provide documentation on the sites which it designates as having cultural significance. The basic approach taken by the State Archaeologist is to refer inquiries to individual tribal committees.

The major mountains and volcanoes of the state, Mt. St. Helens, Mount Rainier, Mount Baker, Three Sisters, and the Olympic peninsula peaks are related in religious tradition to tribes on both sides of the Cascades although the particular stories may differ considerably. It is theoretically possible to correlate all these stories and project an approximate time sequence in which the state was settled although that task has never been attempted. It should not be surprising, then, to learn that the Yakamas who live east of the mountains also have sacred sites within the Fort Lewis military lands which are west of the mountains. Other tribes have widely scattered sites like the Yakama. In the state overall there is considerable overlap in some areas, particularly river banks and berry patches which are used by several groups.

The Naval Underwater Warfare Engineering Station at Keyport has a Legacy Project (#39), funded in 1991 and 1992, which is now classifying its data. Locations here would be important to the tribes and villages of the inland sound near Bremerton. Fort Lewis has vision quest and burial sites important to the Nisqually, Yakama, and Wanapum. The Puyallup, Squaxin, Dwamish and other tribes of the southern Puget Sound area also have some traditional cultural sites in the Fort Lewis and adjacent prairie areas. Two major military installations in eastern Washington are Fairchild Air Force Base near Spokane and the Yakama Firing Range east of Yakima.

In addition to the Cascade mountains, Rainier Mountain inside the Hanford Department of Energy Site is sacred to the eastern tribes. Steptoe Butte marks the site where the Yakamas survived the scablands flood (Allen, Burns, and Sargent 1986), and Tominin Rock is regarded as having religious significance. The Columbia River is under U.S. Coast Guard jurisdiction and it may be that its responsibilities will supersede those of the military with respect to locations along the river.

The tribes of Washington state have a reputation of taking care of business and being on top of developments in fields which interest or affect them. They have led the way in devising compacts for state-tribe relations (see Appendix O) and consequently the DoD should seriously consider initiating working agreements wherever possible to protect sacred sites on or adjacent to their installations.

Wyoming

Wyoming (Figure 4.20) has certain characteristics like western Kansas and Oklahoma in that it was occupied by numerous Indian groups the majority of whom used the lands for hunting and warfare rather than permanent occupation. The Crow, Shoshone, Cheyenne, Arapaho, Kiowa, Comanche, Sioux, and Pawnee claim certain locations as sites of religious significance. Some traditions even suggest that the Blackfeet and some Salish bands occasionally traveled into the eastern Wyoming area on hunting and war forays. The Medicine Wheel at Powell is claimed by a large number of tribes probably because it is the most prominent of these kinds of constructions and because it apparently has connections with a great number of lesser sites scattered across the Wyoming-Montana-Nebraska-Dakotas region.

The northern slopes of the Rockies in Colorado and the Laramie Mountains in Wyoming were used extensively by the Northern Arapaho for vision quests and medicinal gatherings. The Pawnee and Osage also had seasonal locations which they used for hunting, refurbishing tipi poles, and gathering medicinal plants. By and large, however, these sites are not often used today. On the western side of the Black Hills, in Wyoming, are numerous locations sacred to the Sioux nation including the "Devil's Tower" which is called "Bear's Lodge" by these people. A number of sites extending south along the western side of the Black Hills almost to Laramie were used by the Sioux for summer ceremonial activities devoted to the buffalo. Some picture rocks also exist in this area, although it is not known whether they are used today.

The Warren Air Force Base at Cheyenne is the only major military installation in the state that would have a bearing of sacred sites. Some burial ceremonies have been held when human remains were uncovered, with some spiritual leaders coming from the Sioux reservations in South Dakota to perform them. The interest of the Arapaho in some of the lands is beginning to be expressed so that there may be an opportunity to meet some Northern Plains spiritual leaders and establish a liaison with them. Some pictographs may be within the boundaries of the base but since there is some discussion on how the tribes who used this area treated pictographs, we cannot say with any certainty that they represent sacred sites or even that they represent the presence of the contemporary tribes who would be contacted about the matter. Like a number of other military installations, we can anticipate the uncovering of burial sites which might need ceremonial re-internment.

Shoshone traditions are among the oldest in Native North America. Ella Clark's (1966) collection *Indian Legends of the Northern Rockies* contains several accounts of Shoshone occupation of the Big Horn basin at a very early geological time when it was an inland sea. New interdisciplinary work in *geomorphology* argues that this tradition may be a preservation eye-witness account of the origin of the Yellowstone River.

Summary

There appear to be few places in the western United States where military installations have sites that are sacred to Indian tribes. In New Mexico, California, Washington and Idaho problems exist but are not critical. Various Legacy programs have made it possible for traditional Indian spiritual leaders and tribal governments to sit down and discuss how to work together. For most of the locations that have been listed above, the problem of flyovers by military aircraft would seem to be most common.

State historical and cultural agencies, inspired by the Native American Graves Protection and Repatriation Act (NAGPRA) and other Federal laws, have done a lot of work to compile inventories of the various locations which tribes wish to protect. When we came across state agencies that had already consulted with the tribes and invoked confidentiality, we did not contact the tribe with yet another request that they share their information. Too many

people are already attempting to gain access to confidential information and we did not want to provoke an incident that might reflect badly on the DoD.

Since our original intent in this study was to locate specific sites which might have the potential for future conflict of a religious nature, our identifications are sufficient to orient base commanders as to the general background of the religious site. The study was originally to have been in two small parts: preliminary identification of areas that were of concern and small focus groups composed of military personnel and tribal officials who could begin discussions on establishing a working relationship with tribal governments. When the second step of the project was not funded, we were simply left with the general description of those places which are or will be important and of religious concern to the traditional spiritual leaders.

CHAPTER FIVE A CONSULTATION MODEL

Richard W. Stoffle

Previous chapters documented that Native Americans have values which Euroamerican society would interpret as sacred, have places which are sacred due to being occupied by many kinds of sacred things, and have a great number of well known sites that are widely recognized as being sacred. These chapters lay a foundation for understanding why and how officials of any specific DoD installation can begin to talk with Native Americans about sacred site identification and protection. These discussions will focus on DoD lands or lands affected by DoD activities.

This chapter presents a consultation model. As such it describes nine ideal steps for developing a consultation relationship with Native Americans who are culturally affiliated with lands held by a DoD installation. These steps are suggested on the basis of the past experiences of the authors of this report and on an analysis of other consultation relationships. Examples of relationships between Native Americans and other U.S. Federal agencies are used throughout so the model will be as instructive as possible. These steps suggest how a process might occur, but *they need not always be followed* in order to achieve an acceptable consultation. Instead the nine steps suggest a logical sequence of decisions and actions that normally would be involved in developing a consultation relationship. It is important that the DoD works with the involved Indian tribes to design a consultation relationship reflecting their needs, the needs of the involved DoD installation, and protection requirements of the cultural resources under consideration. The ideal steps are:

- Step #1: Defining Consultation
- Step #2: Establishing Cultural Affiliation
- Step #3: Contacting the Tribes
- Step #4: Having An Orientation Meeting
- Step #5: Forming A Consultation Committee
- Step #6: Conducting Site Visits
- Step #7: Developing Mitigation Recommendations
- Step #8: Maintaining Ongoing Interactions and Monitoring
- Step #9: Terminating Consultation, when Appropriate

These consultation steps are discussed in their logical sequence of occurrence. The first consultation step is to decide what type of consultation relationship is desired. The second step is to specify, using cultural and historical research, which Native people or peoples have traditional ties to the DoD lands. The third step is to establish government-to-government relationships between formally recognized American Indians tribes and Native Americans with special Federal standing and the DoD. The fourth step is to have an orientation meeting, where the DoD begins to meet and talk with Native Americans. The fifth step is to form a Native American consultation committee and establish mutually agreed upon procedures for its operation. The sixth step is to bring Native American cultural resource experts to the DoD lands so that traditional cultural resources can be identified, related to sites, and initial management recommendations can be made. Mitigation recommendations come as a seventh step followed by ongoing interactions and monitoring as an eighth step. Finally, because some consultation relationships do not or are not meant to last, a ninth step involves terminating the consultation relationship in an appropriate manner at the appropriate time.

The following model for developing a consultation relationship is presented here on the assumption that there is no preexisting relationship. Findings presented in Chapter Six suggest that most DoD installations do not currently have relationships with Native Americans. There are DoD installations, however, that do have working relationships with Native Americans at this time. Many of these relationships are working well from the perspective of both the Native Americans and the DoD installation. Few of these relationships have been established using all of the nine steps described here, but all nine steps have been successful at some installations.

Defining Consultation

U. S. Department of Defense (DoD) installations wish to consult with Native American people regarding cultural resources found on DoD lands and on lands affected by DoD activity as part of a stewardship responsibility. The U.S. Federal government requires that all of the lands held by its various agencies be managed in certain ways; some ways defined by legal obligations, others defined by treaties, and still others reflecting the desire of the DoD to involve Native people in the management of their ancestral resources. Increasingly Native Americans have been asked to identify their cultural resources located on these lands and to suggest culturally appropriate management practices.

Consultation is a term that is commonly used to describe a process by which Native American peoples with traditional ties are identified and brought into discussions about cultural resources on DoD or military-affected lands. Consultation involves a fundamental decision on the part of the DoD to share some decision-making with Native Americans. Native people are asked to share in the decision to identify resources needing protection. Native peoples are also asked to share in the decision to prioritize which cultural resources will be protected first. Native peoples are asked to share in the decision to select from among a variety of management practices those that most appropriately protect the cultural resources in

the context of other resource uses. Native peoples are asked to share in the long-range planning and monitoring of these cultural resources and lands that hold them.

According to scholars who study consultation (Dobyns 1951; Cernea 1991; Parenteau 1988: 5-10), the quality and success of the consultation process depends directly on the degree to which decision-making power is shared. Arnstein's (1969) studies demonstrate that any consultation process can be characterized as falling on a scale from 1 - 8 where participation without shared power is called *manipulation* and where sharing power even to the point of negotiating with the agency is called *partnership*. The primary decision that a DoD installation must make is how much decision-making power can be and will be shared with Native peoples. Once the range of decision-making sharing is established, it should be clearly identified at the outset of the consultation so that it can become a part of the Native people's decision to participate in the consultation.

General Consultation

More and more U.S. Federal agencies (including the DoD) are becoming involved in general consultation with Native Americans. This establishes a permanent relationship with Native American groups who have cultural ties to the lands and resources managed or affected by the Federal agency or DoD installation. General consultation should be based on extensive research concerning cultural resources that Native groups identify as being located on lands of concern. Cultural resource studies should consider at least the following: (1) archaeology sites; (2) petroglyphs; (3) human burials; (4) traditional cultural properties; (5) plants; (6) animals; (7) minerals; and (8) water. Cultural resource studies also can consider impacts to Native American cultural practices (like a traditional healing ceremony) that are not tied to specific places. Each of these cultural resources should become the subject of a separate study so that native groups can send persons with special knowledge about the topic. General consultation should be based on a strong information foundation.

A major advantage of general consultation is that it can occur in the absence of a specific project proposal, which is evaluated under specific laws usually as part of an Environmental Assessment process (see Chapter One). Often the laws that govern specific project studies add third parties to discussions between the DoD and Native peoples, which can confuse and limit discussions. General consultation occurs when it is desired by the DoD and the Native peoples and is neither limited by time nor issue. It is the perfect environment for discussing a complex relationship designed to protect cultural items of greatest significance. Another advantage of general consultation is that it produces a strong information base for identifying cultural resources for both the DoD and for Native peoples.

Through various cultural studies, the Native peoples build a set of recommendations that suggest how to best manage these resources. Most Native American cultural resources located on or effected by the DoD will become known through the process of general consultation. This will reduce the number of times that DoD activities will have to be stopped

and modified because of unanticipated discoveries of cultural resources. If DoD activities were to impact cultural resources not previously identified, procedures would be in place for informing the Native people about the discovery and those Native people would have procedures for helping the DoD minimize adverse impacts to the newly discovered cultural resources.

General consultation is the only way to build true and stable partnerships between U.S. Federal agencies and Native American peoples. Often project-driven environmental assessments bring Federal agencies and Native people together, and afterwards they decide to move to general consultation as a means of resolving problems before projects precipitate specific cultural resource decisions. Native people approach cultural resource management from what has been termed *holistic conservation* (Stoffle and Evans 1990). They respond positively to holistic studies that bring into consideration as many factors as possible, so the DoD can better understand the complex inter-relationship between cultural resources and other aspects of Native lifeways. Interestingly, the new U.S. Federal initiative for *ecosystem management* closely reflects the philosophical orientation of Native peoples. According to Gore (1993: 300) "... some people now define themselves in terms of an ecological criterion rather than a political subdivision." For example the people of the Aral Sea and the Amazonian Rain Forest define themselves in terms of these all important ecosystems. In March of 1994, eighteen U.S. Federal agencies demonstrated their ecosystem management activities to the U.S. Congress (Morrissey et al. 1994). Native people have responded in a positive way to Federal agencies who are willing to consider cultural resources from an ecosystem perspective.

Specific Consultation

There is always the need for conducting specific consultation regarding cultural resource issues associated with DoD installations and activities. For example, when general consultation has identified all types of cultural resources, ground-disturbing activities may unexpectedly unearth a human burial or an object of great Native ceremonial significance. The DoD may wish to use some portion of their reserve lands for an activity that was not considered during general consultation. Also, the U.S. Congress may pass new laws regarding the management of cultural resources that potentially would alter the existing relationship between the Native peoples and the DoD. One such law is the Native American Graves Protection and Repatriation Act (1990), which specifically requires certain types of information to flow between the DoD as a Federal land manager and Native American people with ties to those lands.

Specific consultation is limited by the scope of the specific law that is being complied with and the proposed activity that is being evaluated. Native people often are frustrated by specific consultations because they are limited to those project-specific issues and cultural resources that are being assessed. The DoD's responses are too often limited by third parties who legally participate in the assessment. Nonetheless, a series of specific consultations can produce the base from which to build general consultation. For a DoD installation that

currently lacks any kind of relationship with Native American peoples, general consultation is recommended as the initial step in the consultation process.

Establishing Cultural Affiliation

There are many ways that Native American peoples have established cultural affiliations to lands held or affected by the DoD. At the most general level Native Americans established these ties because they lived on the land long enough for a culturally shared connection to occur. So the basic question asked in cultural affiliation is, "What Native American peoples or ethnic groups lived here?"

The nature of the relationship between Native American people, culture, and the land is inherently special. The concept of culture (LeVine 1984:68,72,79) implies that a phenomena (1) is shared in that it represents a consensus on a wide variety of meanings among members of an interaction community; (2) that it is connected and ultimately comprehensible only as a part of a larger organization of beliefs, norms, and values; and (3) that people who share a culture make sense of new information in terms of a cultural rationale which is founded on a single collective formula. Simply put, the connection between Native Americans and lands held or affected by DoD installations is abstract, complex, and non-trivial. Assessing this relationship is best accomplished by professionals trained in the study of cultural systems, in consultation with potentially culturally affiliated Native American people.

Most laws, regulations, and guidelines that cause Federal land-holding agencies to consult with Native Americans do not define what is meant by the term cultural affiliation. Some laws do define this concept; for example, the term is defined very specifically by the Native American Graves Protection and Repatriation Act. It is important to note that when a DoD installation adopts a broad definition of cultural affiliation for most kinds of cultural resource studies they can still narrow the consultation process when needed for NAGPRA and then resume Native American interactions based on the broader definition. Flexibility is needed when establishing consultation relationships with Native Americans.

How long must a people have lived on the land in order to establish a cultural affiliation? The length of time Native Americans have spent on the land will vary from groups who perceive they have lived there since the beginning of creation to groups who have had a brief but culturally significant experience on the land. Native American cultural affiliations are created by the supernatural at the beginning of time and by historic events such as a military battle that lasted only a day. When periods of time are chosen as the frames for viewing cultural affiliation, three broad divisions emerge (1) traditional period, (2) aboriginal period, and (3) historic period. It is important to remember that Native Americans may use other definitions of time including a pre-human time which is without measure or time-less.

Traditional Period Affiliation

Native American people have lived on the North American continent for at least 14,000 years according to some scholars (Haynes 1987; Dincauze 1991) and as much as 30,000 years according to other scientists (Dillehay 1991; Grayson 1988; Meltzer 1989; Whitley and Dorn 1993). Despite various scientific interpretations of their origins, most Native Americans believe they were created as a people in North America. Often Native American people have a specific cave, spring, valley or mountain where they were created (see Chapter Three). Similarly, the people of Polynesia, including Hawaiians, emerged from an earlier people known as the Lapita, who spread eastward into the Pacific from their homelands in northwestern Melanesia. The Lapita people were a marine people who began their eastern journey to new islands about 1600 BC and arrived in the Hawaiian islands about 300 AD (Abbott 1992:1-4; Cuddihy and Stone 1990).

Native American peoples have lived in many locations during the thousands of years that the Americas have been occupied. Because native peoples moved or were moved, most portions of land have been occupied by peoples of many different cultures. When such movements have been retained in the memory of the living native people, they often have cultural attachments to places where they no longer live. Oral history can accurately convey certain types of information over thousands of years, as illustrated by the Hebrew and Islamic peoples of the Middle East. Like other peoples with oral traditions, Native Americans retain their attachments to sacred places over long periods.

Aboriginal Period Affiliation

The term *aboriginal* is used here to refer to those people who are recognized by the U.S. government as having possession of land at the time it was lost to the United States. For many Native American groups this transfer involved a treaty negotiated between their people and the government of the United States. For many other Native American people, however, they simply were moved away from their aboriginal lands without formal transference of title. These two unique processes of land loss produced two types of aboriginal period cultural affiliations for Native Americans, which are termed here (1) treaty-tribes and (2) land-claim tribes.

Tribe is used here to refer to the aboriginal inhabitants of territory lost to the U.S. Federal government. The term tribe is commonly used as a gloss for a variety of Native American social structures that existed aboriginally. Actually, few aboriginal Native American peoples were organized as a tribe, if the technical meaning of this term is used. Most cultural anthropologists would call aboriginal Native American people an *ethnic group*. In the following discussion the term tribe is viewed as meaning something like an ethnic group. It is important to make this distinction because not all of the people from any particular Native American ethnic group participated in the *tribalization process*. Representatives of the U.S. government often organized Native American ethnic groups by region. This process often

occurred without the full participation of the people. Normally some ethnic group members were left without any tribal membership. Today, there are many Native people who do not belong to a formally recognized tribe or Native organization (see Chapter One). These people are usually referred to as not *Federally acknowledged* peoples; nonetheless, they remain Native peoples. Some of these Native people are seeking Federal acknowledgement and others are not. The cultural concerns of not *Federally acknowledged* people need to be considered during most types of Native American consultation.

Treaty-Tribes

Native Americans who lost control over some or all of the lands they occupied at the beginning of the historic period to the U.S. government are called here treaty-tribes. The term is a useful distinction for DoD installations seeking to understand cultural affiliation because there are a variety of primary references listing U.S. Federal treaties, specifying the lands considered under the treaty, and identifying the Native American group involved in the treaty. While it is relatively easy to identify treaty lands and tribes, most aboriginal lands were not transferred to the United States by treaty.

Land-Claims Tribes

Most Native American people can be classified as Land-Claims tribes, because they lost control over their lands to Euroamericans, but no treaty was ever signed. In most cases, these Native Americans simply were moved off aboriginal lands by force and the lands were occupied by non-Indian settlers (Sutton 1985). The U.S. Federal government created the Indian Claims Commission (ICC) in 1946 (60 Stat. 1049) charging it with adjudicating the claims of Native Americans for lands lost. After three decades of legal action, a map was prepared that listed the lands considered and the associated Native American people. The ICC produced a multicolored fold-out map entitled "Indian Land Area Judicially Established" as part of its final report (ICC 1978, Sutton 1985:12-13). This ICC map is a useful (but not definitive) tool for identifying the cultural affiliation for most Native Americans to aboriginal lands.

To summarize, both treaty and ICC documents can be used to begin to determine which Native American ethnic groups occupied certain lands when these were lost to Euroamerican society through encroachment or the Federal government through treaty. It must be remembered, however, that both treaties and ICC processes only establish which Native American group lived on a segment of land at the time it was lost to non-Indian peoples, and neither identifies pre-existing Native groups who lived on the land. Furthermore, few land areas were covered by treaty and few treaty lands were surveyed to make reference maps geographically accurate. The ICC process also did not address lands jointly used or claimed by more than one Indian ethnic group, so that many lands were not designated as belonging to any Indian ethnic group (Sutton 1985:112). Finally, treaties and ICC claims rarely specified the contemporary Native American group or tribe who would be culturally affiliated with the

land in question. Given these limitations, the process of establishing cultural affiliation should include a search of treaties and ICC documents, but it should not be limited to Native ethnic groups found in these documents.

Historic Period Affiliation

Probably the time of greatest movement for Native American peoples was during the historic period when the Euroamerican frontier expanded into Native American-held lands. The historic period began at different times for different Native American groups and the encroachment on Native lands resulted in both total dislocation and gradual dislocation. In many instances, however, when Euroamericans arrived in a place the Native peoples moved. After forced relocation Native peoples retained cultural attachments to their aboriginal lands, while culturally reestablishing their way of life in new lands. In the new lands they gathered plants, killed animals, planted crops, gathered clay for pottery, had babies and died. In other words they continued to live as coherent cultural groups. When they interacted with the new lands through traditional ceremony they formed new cultural affiliations.

Native people often were repeatedly relocated, thus they became culturally affiliated with many places. The Shawnee people, for example, were moved from southern Michigan to Ohio where they lived and died; then they moved near to Kansas City, Kansas, where they lived and died; then they moved to Oklahoma where they live today. When asked about cultural affiliation to places where they had lived in Kansas, Ohio, and Michigan, the Shawnee tribal council expressed concerns for these and other places where they had resided during their forced migrations (Stoffle 1990), because in these places their ancestors are buried and the places represent critical junctures in Shawnee cultural history.

Some Navajo people were relocated in the 1950s, in response to a certain amount of pressure from the U.S. government, to the Colorado River Indian Tribes reservation which is located on the lower Colorado River in the Mohave Desert. Two generations later, descendants of these Navajo people had attached themselves to these lands that were the aboriginal lands of both the Mohave and the Chemehuevi Southern Paiute. During recent cultural resource impact assessments, these Navajo people expressed concerns for places in the Mohave Desert that were made sacred when they worked there as railroad workers (Drover 1985) and for plants in the Mohave Desert now used in medicinal ceremony and rug weaving (Cultural Systems Research 1987: 129-131). These places and plants were only used by Navajo people after being relocated to the lower Colorado River, but the places and plants were used by the Navajo people in a traditional way, thus qualifying as sacred items under National Historic Preservation Act.

Perhaps one of the most complex cultural resource issue that emerged during the historic period occurs when one native ethnic group is relocated to lands formerly occupied by another native ethnic group. This process was not restricted to the historic period, but it seems to have occurred most often then. A recent study of petroglyph sites in Wyoming and Montana

(Francis, Loendorf, and Dorn 1993) used chemical dating techniques to show that over thousands of years different native peoples made petroglyphs on the same rock panel. The Navajo Nation expresses claims to prehistoric Pueblo sites because the sites are used by Navajo medicine men to gather arrowheads, pottery, rattles, and even the skin and bones from pueblo burials for use in Navajo ceremonies (McPherson 1992: 105 - 122). Some Navajo people express claims to prehistoric Pueblo sites because the Navajo people believe they are biologically and culturally related to these Pueblo people. These cases of sequential use and cultural affiliation demonstrate that places, artifacts, and even bodies can have multiple and even conflicting native cultural affiliations.

Contacting the Tribes

Cultural affiliation studies basically establish which Native American ethnic groups potentially have traditional, aboriginal, or historic period ties to lands held or affected by the DoD. The term *ethnic group* means people who share a common culture. Perhaps an example will serve to clarify the complexity of moving from ethnic affiliation to that of contemporary Native American organizations which actually would be contacted about the consultation. One can speak of the Southern Paiute people as an ethnic group who aboriginally occupied a territory extending from the north in Utah along the right bank of the Colorado River through the Grand Canyon, and to near Blythe, California. This is a north-south distance of more than 600 miles. The southern portion of their aboriginal lands extended from the Colorado River west into the Mohave Desert almost to Death Valley. The boundary of these aboriginal lands was established in the Indian Claims Commission hearings. Near the present day community of Las Vegas, Nevada, is Nellis Air Force Base which is clearly within the aboriginal boundary of Southern Paiute Lands.

Nellis Air Force Base would want to consult with the Southern Paiute ethnic group regarding cultural resources on DoD lands, but this ethnic group lost most of its corporate functions between the 1840s and the 1860s as Euroamericans encroached on the major riverine and spring oases. Traditionally the Southern Paiute ethnic group was politically, economically, and socially integrated based on agriculture, natural food gathering, and trade. Social disintegration, which was manifested in Southern Paiutes having a simpler form of social organization, occurred due to drastic population reduction caused by dozens of lethal disease episodes and Euroamerican encroachment on key agricultural portions of the ecosystem. By the late 1890s the U.S. Federal government had established a series of small reservations to support Southern Paiute people. In the twentieth century, more small reservations were established where most, but not all, Southern Paiute people were registered so they could have access to Federal resources. In 1934 the U.S. government provided Indian people on reservations an opportunity to organize and become officially recognized as tribes. Thus various economic and political processes created a series of Southern Paiute tribes out of what aboriginally were local divisions of the Southern Paiute ethnic lands. Today, there are nine Southern Paiute tribes recognized by the U.S. government. In addition there are about 300 Southern Paiute people living in the four-ethnic group (Southern Paiute, Navajo, Hopi, and

Mohave) composite *tribe* called the Colorado River Indian Tribes. Furthermore, the Pahrump band of Southern Paiutes is a local group that has never been Federally recognized as a tribe even though its members continue to occupy its portion of aboriginal territory. Finally, most Southern Paiute tribal chairs belong to the Southern Paiute Chairmen's Association which attempts to provide ethnic-group level integration across a wide range of issues.

Who among all these Southern Paiute people should be involved in consultation relationships at Nellis Air Force Base? There is no legal answer, but there is a practical one. Ethnic groups ultimately hold the culture of their people. Not every member of an ethnic group will know about all aspects of this culture, so it is necessary to talk with persons who have specialized knowledge. Where are these people? They are scattered throughout the various tribes and unrecognized groups. If all tribes and organizations that represent Southern Paiute people are contacted during the consultation, potentially each will bring needed experts to visit the study area and identify places and things of cultural importance. The output of a broad-based consultation should be the fullest understanding of Southern Paiute concerns on Nellis Air Force Base lands. A more restricted consultation will leave out noted Southern Paiute cultural experts and produce an uneven quality in the cultural resource assessment. This could cause time-and-dollar-costly delays in DoD decisions, because decisions would be based on incomplete information.

Officially the U.S. government prefers to deal with Native American groups on a government-to-government basis. The well established Federal position was recently reaffirmed by The President in a Memorandum of April 29, 1994 entitled "Government-to-Government Relations With Native American Tribal Governments" (Memorandum of the President 1994). The National Congress of American Indians, which is the national association of tribal chairs, also supports government-to-government relationships. Such a relationship recognizes the *dependent nations-within-the-nation* status of American Indian tribes (Deloria 1985). This relationship should be the foundation of all consultation. The consultation will be incomplete, as discussed above, without a procedure for additional ethnic-group inputs from non-tribal government sources. It is suggested, therefore, that Federally unrecognized native groups, Native American organizations, and pan-Indian organizations be added to the consultation when it can be demonstrated that they do represent special ethnic-group perspectives relevant to the cultural resource management issues of concern to the DoD installation. Finally, individuals from the native ethnic group who otherwise would not be able to share important cultural insights, can be added to the consultation as *interested parties*. The recommendations of interested parties and non-tribal Indian organizations, however, must be subsumed under the recommendations of the officially recognized tribal governments.

Having An Orientation Meeting

Contacting potential culturally affiliated tribes and Native American organizations should be done in a manner appropriate to the consultation. If it is to be a project-specific consultation, the information given to Native people should reflect that project. On the other

hand, if a general consultation is desired then a very different essay and set of materials are needed. Although project-specific consultation can lead to a mutual decision to begin general consultation, the orientation meeting should have a clear cut purpose and deal only with the issues actually under consideration at the time.

In general letters, maps, and diagrams appropriate to the issues to be discussed should accompany the initial communication with Native American groups and tribes. Such letters describe the agency that is making the contact and the purpose of the contact. Recently, a video-letter was used to inform almost two-dozen tribes about an assessment of cultural affiliation and concerns for Chaco Culture National Historical Park (Stoffle, Evans, Zedeno, Stoffle, Kesel 1994:11). The video letter was about 17 minutes long and began with the park superintendent discussing the goals of the study. This was followed by photos of places in the park which were the focus of the study. Clear instructions for becoming involved in the study closed the video. The video-letter was well received by the Indian government leaders who said it permitted them to make an informed decision about whether or not to send representatives to the park.

Letters alone generally are an insufficient basis for most tribal governments to gain sufficient understanding of an issue under discussion so that the government can respond to a project, and many letters therefore are not answered. Follow-up telephone calls are always necessary to provide further information, but most tribal governments require that a consultation request for their people's time and perhaps tribal resources be made in person. Cultural resource specialists and agency personnel should meet in person with tribal councils (or their officially chosen representatives) to explain the project and answer questions.

The members of tribal governments and Native American organizations tend to be unfamiliar with legal aspects of cultural resource questions, although they generally believe decisions about such issues to be highly significant. This presents an information-gap problem for most Native government leaders. One solution to the information-gap is for the U.S. Federal agency to invite government leaders to visit a portion of the study area as part of an orientation meeting. During the meeting government leaders can learn first-hand about what is being discussed and have the opportunity to exchange cultural resource views and strategies with other native leaders. The native government's need-to-know before making key cultural resource decisions should be respected and addressed by the consultation process.

Forming A Consultation Committee

The decision to form a Native American consultation committee can be key to the success of the consultation when many tribes and Native American groups are culturally affiliated with DoD lands under consideration. The consultation committee stands as a meta-organization between the tribal governments and the DoD commanders. The committee is composed of and chaired by native people. As such, the consultation committee is able to resolve certain issues relating to the process of consulting. In the early stages of consultation,

for example, the committee may resolve issues such as how many days are needed to complete an ethnobotany study or it may decide how best to prepare progress reports to be submitted back to native governments. By meeting together and acting in unison, native people belonging to different tribes and ethnic groups are able to draw on common information and to speak with a single voice. The clarity and consistency of the Native American requests will influence the DoD's ability to respond effectively and acceptably.

The consultation committee may be asked to resolve problems that would otherwise be impossible for either the DoD or the tribal governments. After the consultation committee comes to understand both the laws that are driving the consultation process and the management needs of the DoD, the committee may be asked to determine when sufficient information has been collected so that recommendations can be made to both the tribes and the agency. If there are disagreements among the tribes or ethnic groups, the consultation committee can be asked to resolve these in closed executive session. Halmo (1994) has recently studied the benefits of a consultation committee participating with the Department of Energy to understand the cultural-resource impacts of the underground atomic testing program on the Nevada Test Site. He concludes that this program's success came largely because of the consultation committee's efforts to adjust the process to meet the needs of three major native ethnic groups represented by 17 tribes and native organizations.

There are few Native American consultation committees operating within the DoD at the time of this research, so successful examples have been selected from other agencies so that the potential benefits of such committees can be assessed. Two mini-case studies are presented here. One is from a National Park Service unit (Chaco Culture National Historic Park) and the other from a Department of Energy facility (the Nevada Test Site). Neither consultation committee was organized formally under the Federal Advisory Committee Act (FACA), which places formal limitations on the structure and operation of advisory committees to Federal agencies. Instead, each committee was designed to serve less formally and more under guidelines specifically developed to fit the desired cultural resource consultation.

Chaco Mini-Case

There are very few studies of how Native American consultation committees operate, so a mini-case study is presented here to illustrate various issues associated with creating and operating consultation committees. In 1993 a University of Arizona study team was asked to conduct a cultural affiliation study for Chaco Culture National Historical Park (NHP) in New Mexico. As part of this study an existing American Indian consultation committee was to be evaluated with feedback from the tribes. Chaco Culture NHP has a long history of interacting with American Indians. These interactions have become more frequent and more formal in recent years and have become increasingly useful to both the Indian people and to the park. Despite past successes, the National Park Service felt it was time to rethink the Native American committee at Chaco by formally seeking input from culturally affiliated tribes. The

following is quoted from the final report from that project (Stoffle, Evans, Zedeno, Stoffle, Kesel 1994:81-86):

One purpose of the Chaco ethnographic study was to find out how the tribes evaluated the American Indian Consultation Committee and to ask for recommendations to improve its operation. The following comments were intended by tribal and pueblo representatives to be constructive advice for better structuring and operating the Committee.

Committee Rules

Currently, the Committee has no formal set of rules that regulate its membership, who can attend meetings, and how the Committee can make recommendations to the park. So one recommendation from tribal and pueblo representatives is to develop rules for the Committee. These rules should be a first order of business for the next Committee meeting.

Membership. The membership of the Committee is now more certain than before this ethnographic study. One goal of the study was to provide the opportunity for a wide range of American Indian tribes to express an interest in Chaco Culture NHP and visit the park, and to record their concerns for Fajada Butte and selected areas containing traditional use plants. The products of this effort are a set of six *park associated* tribes and a set of five *potentially park associated* tribes. It was the intention of the park superintendent to have a bounded set of Committee members so that interactions between the park and these Committee members could be focused. These are the Indian governments that the park wants to consult with.

It is up to the set of *park associated* and perhaps *potentially park associated* Committee members to set the rules by which the Committee operates. These Indian tribes should structure those rules so that the actions of the Committee can be approved or be considered as approved by the respective tribal governments.

Currently there are no other tribes, Indian organizations, or Indian persons who have formally expressed the desire to consult with Chaco Culture NHP. This situation will change as the process for expressing this desire becomes better known and the confidence that the request will be approved increases. This ethnographic study suggests that requests can be expected to come from the Native American Church, New Age groups having Native American leaders, and from private Indian persons. The Native American Church is on record as having used Fajada Butte for religious ceremonies. Although they have been denied access along with all other types of people by park policy, if American Indians belonging to the *park associated* tribes are once again given access to Fajada Butte, then Native American Church members are expected to make a similar request. It is common for New Age people to seek out places of religious significance to American Indians. In California and South Dakota, for example, some of these New Age groups are headed by American Indian people. These groups are using Native American sacred places under the *authority* of an Indian religious person. Such requests are expected and must be given serious consideration. There is one such case in a California court at this time. Many private Indian persons want things from the park. These people range from local Navajo families who wish to gather medicine plants to Pueblo potters who wish to gather pot sherds for making new pots. Such requests are not being made to the park at this time, but the desire is very clearly present based on interviews in this ethnographic study.

Unless the park wishes to deal with all of these requests alone, it should build a relationship with the Committee members and draw on their wisdom about what is an authentic or an unauthentic request. Evaluating such requests could very well become a major portion of the Committee's effort.

Attendance. Attendance and participation in Committee meetings should be decided upon by the members of the Committee. A key issue is who sets the agenda of the meeting. The tribal representatives would like to participate in setting the agenda. The most common response to the Committee's past meetings was that too much was discussed each time. Tribal members would like to talk about related topics, instead of ranging from burials to access to parklands for gathering plants. There is one very practical reason why the topics should be

similar: tribes send different types of cultural experts to meetings depending on what is being discussed. So if the issue is gathering plants, one specialist would be sent, and another would be sent to discuss burials. Another reason for having common topics is that tribes want to see all aspects and instances of a given issue discussed so they can learn about the overall park service management issues. When, for example, one road proposal is discussed at one time and another road proposal is discussed much later, the tribal representatives do not have the opportunity to grasp the broader view of new road proposals and their impacts. It was for just this reason that many Indian representatives did not want to talk only about Fajada Butte. Instead, they preferred to talk about a general management plan for the whole park.

During a portion of each meeting tribal representatives should be able to talk among themselves in executive session. There are some topics that Indian people want to discuss among themselves that they prefer not be shared with either the NPS or the public. Time for an executive session should be set aside at each Committee meeting.

Making Recommendations. The members of the Committee will have to decide how they and the tribal governments want to make decisions and make recommendations as part of the Committee. It was clear from tribal representatives' comments, however, that it would be better if members of the Committee submit their ideas for recommendations for consideration by the whole Committee. Once a reasonable agreement is reached, the recommendation should be submitted to the park as being supported by the Committee. This procedure would not eliminate the possibility of any participating tribe independently submitting a recommendation to the park. The strength of the Committee, however, will ultimately depend upon joint actions.

During the ethnographic study one tribe pointed out an example of why recommendations should be discussed by the Committee instead of just being submitted by one committee member or tribe. The early Native American Consultation Committee meetings often involved tours of park resources. On one of these tours a tribal representative commented about the contents of a park display. The superintendent responded to the expressed concern and brought the representative and elders from his tribe back at a later time to discuss how the display should be changed to better reflect their cultural perspective. The display was modified and the Indian persons involved were satisfied with the changes. During the ethnographic study members of another tribe observed the changed display and complained that the new display incorrectly referred to aspects of their culture. They had not been a part of the consultation to change the display and felt it could have been easily corrected if they had been consulted.

Had this recommendation for a change in a park display case been formally submitted to a fully functioning Committee, the Committee would have reviewed the recommendations and suggested the changes that would have made the new display culturally appropriate for all *park associated* tribes instead of just for one. Had conflicts in interpretation occurred among Committee members, they would have resolved it among themselves in executive session.

American Indian Information Base

Currently, Chaco Culture NHP has neither a procedure nor a plan for keeping records of Native American consultation experiences. So one recommendation from tribal and pueblo representatives is to develop an information base on which to build future consultations and make National Park Service policies consistent.

The Indian governments and the NPS change their leaders, which makes it important to know what types of interactions and types of agreements have been produced. Most Pueblo governors are appointed annually by the religious leaders of the tribe. Only six of the 19 New Mexico Pueblos elect their government leaders. Dobyns (1981) analyzed the tenure of a sample of tribal leaders and found that they average 4.3 years in office, with some changing regularly while others remaining in office for more than two decades. It should also be noted, that during the time of this study, the Indian people have worked with three Chaco Culture NHP superintendents. When new NPS and Indian government leaders take office they like to have a record of past government-to-government activities.

One type of consultation has been the on-site visit by tribal leaders or tribal members. There have been at least four and probably five Native American on-site consultation visits to Chaco. None of these were part of the activities of the Native American Consultation Committee. There is no formal record of any of these visits, although both the park and the involved tribes and pueblos keep oral history of what occurred. Some of the tribal representative who participated in this Chaco ethnographic study asked why we were asking questions they or other members of their tribe had answered years ago. When told there were no records of those questions and answers, they suggested that the park should not forget what it is told by the Indian people.

The Native American Consultation Committee, unlike the on-site consultations, left a record. These meetings cover a wide variety of issues which are summarized in the minutes. The only visible tribal recommendation from these meetings was provided by the Zia Tribe and involves the closure of Casa Rinconada. This recommendation, as mentioned above, was firmly rejected by the National Park Service lawyer. This formal rejection of an official tribal resolution stands out as the major response of the NPS to Committee recommendations. In fact, there were dozens of informal, individual recommendations that the NPS was responsive to but because the other committee members were neither aware of the recommendations nor of the NPS responses to the recommendations, these could not become examples of how responsive the NPS had really been to tribal requests.

A Native American information base is an essential aspect of long-term park-tribe consultation. It would replace oral history and personal memory as a means of recording the types of consultations that had occurred and their outcomes. If an elder is asked about the meaning of a place in Chaco Culture NHP then these important thoughts should be recorded. The information base permits new questions to be asked so that more complex issues can be addressed by new consultations.

Confidentiality of ethnographic data is just as important as confidentiality regarding information about rare and endangered plants and prehistoric sites. The difference is that the people who provide the information critical to protecting places, plants, and artifacts can participate in defining what can be used, by whom, and for what purpose. This is a task that is best left to the members of the Committee. Committee members will even decide whether or not to permit all information to be available to all other Committee members. What is consequential is that once Indian people are assured that their important cultural information is secure and will be used to protect these resources, then they will be more likely to share further information with the park. Also important, the information data base will become the official park memory so that elders are not disappointed because they are asked the same questions again.

It is suggested that the park establish a single point of contact between itself and the *park associated* tribes when talking about cultural resources. The most likely solution to this would be to modify the existing Native American Consultation Committee to be able to address a wide range of cultural issues. Such issues should include but not be limited to: (1) access to sacred areas for ceremonies, (2) access to areas containing useful plants, especially ceremonial and medicinal plants, (3) evaluations of park development plans, like construction of new roads and backfilling of ruins, (4) images, artifacts, and voices of Indian people in park displays, and (5) the disposition of religious and burial items currently held by the park.

The Chaco mini-case illustrates a number of points about consultation with Native Americans. Indian people demand a level of formality in their relationships with U.S. Federal agencies, even though they would like not to be driven by strict compliance with cultural resource laws. When Indian people share information with a Federal agency, these insights should be recorded and used as part of a shared database. Involved Indian tribes need the opportunity to speak to one another as well as to the Federal agency.

Nevada Test Site Mini-Case

A second mini-case involves 22 Native American tribes and groups and the underground atomic testing program on the Nevada Test Site. The Nevada Test Site (NTS) American Indian Religious Freedom Act (AIRFA) compliance program was initiated by the U.S. Department of Energy-Nevada Operations Office (DOE/NV) in 1990. The goal of the program was to bring the agency into compliance with AIRFA. Compliance was to be achieved by establishing consultation relationships with tribal governments and Indian organizations whose members have historic and current cultural ties to the lands in south-central Nevada withdrawn from the public domain by the U.S. government in the 1950s for testing atomic weapons. The AIRFA compliance program was to document tribal concerns for cultural resources that could be adversely affected by ground-disturbing activities associated with underground nuclear tests.

Sixteen tribes representing three American Indian ethnic groups (Western Shoshone, Southern Paiute, and Owens Valley Paiute) were identified as having such ties to NTS lands. Five Indian ethnic and pan-Indian organizations also have consulted during the program. This work (Stoffle, Evans, Halmo, Dufort, Fulfroost 1994) built on the Yucca Mountain high-level radioactive waste repository project (YMP) (Stoffle, Halmo, Olmstead, Evans 1990).

Meetings included representatives of each of the involved tribes and Indian organizations, the DOE/NV, and the University of Arizona ethnographic research team. The first three years of the program culminated in two mitigation meetings out of which tribal representatives submitted a series of recommendations to the DOE/NV regarding continued consultation, strategies for protecting the various categories of cultural resources, and tribal participation in future cultural resource planning, fieldwork, and policy formulation. The DOE/NV favorably responded to the tribal recommendations, and accepted the vast majority of them with standard caveats (funding, scheduling). Currently, DOE/NV has what may be one of the most comprehensive American Indian consultation programs in the United States.

DOE/NV and Indian Consultation

While U.S. Federal cultural resource laws require government-to-government relationships, DOE/NV consults with Federally-recognized tribes, and also consults with unrecognized tribal groups, Indian organizations such as the Las Vegas Indian Center, and pan-ethnic associations. The open policy of DOE/NV thus moves beyond the letter of the cultural resource laws to reflect their spirit. The DOE/NV has been engaged in a continuous program of consultation with these 21 Indian corporate organizations for eight years.

The nature of the consultation process led this program to be successful from both a human relations and policy standpoint. One feature of that success has been the coalescence of the several tribes and Indian organizations into a group that could speak with one voice (Halmo 1994) when talking to the DOE/NV. Several features employed in the consultation

process, including systematic, regular social interaction, combined with a respect for Indian autonomy in decision-making, shaped the context that allowed a new corporate group to evolve.

The Consolidated Group

Indian tribal governments are inundated with projects, requests, and stacks of paperwork, all needing attention. Many tribal government officials, therefore, simply do not have the time or energy to be involved in every activity that affects various aspects of the lives of their people. For this reason, officials appoint representatives and confer responsibility upon them to participate in the project, obtain information, and keep the tribal council up to date on the progress of the project.

Tribal representatives involved in DOE/NV consultation decided by consensus to "incorporate" themselves as a unit called the *Consolidated Group* to more accurately reflect the group's corporateness in representing the interests of 16 tribes and 5 Indian organizations (Halmo 1994). In taking this action members bear the responsibility for representing the interests of not only their own tribes, but of all the other tribes and Indian organizations involved in the Consolidated Group. Today, the DOE/NV explicitly recognizes the Consolidated Group as the vehicle for consultation. Consultation presently occurs directly with the members of the Consolidated Group with the approval of tribal leaders who are fully cognizant that duly appointed individuals represent their interests regarding cultural resources on the NTS.

The Consolidated Group emerged from existing tribes and American Indian organizations who collectively conceived and created it. The Consolidated Group is not, however, a homogeneous, harmonious collection of individuals who uniformly share the same conventional understandings. Members of the group have contending and sometimes conflicting interests regarding the cultural resources located on what can best be described as the intertribal lands that are now incorporated as the NTS. In mitigating the disposition of NTS cultural resources, however, Indian rather than tribal specific concerns are represented by the Consolidated Group. Consolidated Group members have decided to take action in concert and speak with a common voice whenever such an action is appropriate and seems the best way to influence DOE/NV policies.

Face-to-face meetings were an important component of the consultation strategy and were routinely scheduled throughout the duration of the NTS AIRFA compliance program. These meetings provided the context in which representatives of no less than 22 contending groups, including 16 Indian tribes, 5 Indian organizations, and the DOE/NV, each with its own agendas and interests, could negotiate and reach compromise solutions that were acceptable to all involved parties. Such intimate forms of consultation are likely to catalyze the formation of new corporate groups that have as their purpose resolving issues and defending common interests in cultural preservation.

American Indian Monitors

As a result of Consolidated Group recommendations, Indian monitors from each of the involved ethnic groups have participated in data recovery activities at archaeological sites that were slated for ground-disturbing activities. As part of the American Indian monitors program, Indian monitors received training in archaeological survey, collection, and analytical techniques. The most recent monitoring effort has resulted in the formal distribution by the DOE/NV of a monitors report of activities to each of the involved tribes and organizations.

The NAGPRA Subgroup

That the Consolidated Group will continue to function in the future is evidenced by the fact that the NTS AIRFA compliance program is currently moving into other phases of consultation concerning archaeological materials related to the Native American Graves Protection and Repatriation Act (NAGPRA).

A NAGPRA *subgroup* was appointed by the Consolidated Group in March of 1994. This was the first time that the Consolidated Group had appointed a subgroup to conduct any significant business and therefore marked a point at which sufficient confidence was reached in both the DOE/NV and the Consolidated Group itself. The six members of the NAGPRA subgroup represent the Owens Valley Paiute, Western Shoshone, and Southern Paiute ethnic groups. The subgroup was to evaluate and select potential NAGPRA items from among the 450,000 items in the NTS collection for NAGPRA consultation with representatives of the 16 involved tribes.

The new challenge of NAGPRA was successfully met by the members of the subgroup in a series of three meetings. The subgroup selected about 200 items that are potentially (1) unassociated funerary objects or (2) sacred objects as these concepts are defined in the legislation. The subgroup also structured the NAGPRA viewing procedures so that consultation will occur in a culturally appropriate manner.

The Consolidated Group will serve in a review and advisory capacity to their respective tribes regarding NAGPRA recommendations on the disposition of items from the NTS collection. In the future, the consolidated group will be involved in studies of Traditional Cultural Properties (TCPs), animals, petroglyphs, and other types of cultural resources on the NTS.

Conducting Site Visits

"What is out there?" is the fundamental question that must be addressed in any consultation. The answer will not come directly from tribal governments, but they will send cultural experts who can identify various cultural resources located on the DoD lands. Native

government leaders can appoint representatives to a consultation committee, and during the operation of that committee a native based inventory of cultural resources can be planned.

Native American cultural resource studies should be conducted separately whenever possible because tribes and native groups will send different types of cultural specialists depending on what is to be studied. The native person who can speak at length about archaeological sites may know little about the traditional use of plants. A native person who specializes in fishing ceremonies may have little knowledge of petroglyphs and curing ceremonies. Native cultures, like all cultures, are differentially held in the minds of specialists.

The term *study* is used to separate research that is needed to prepare a cultural resource inventory from what are sometimes described as Native American *tours*. Occasionally, U.S. Federal agencies will simply bring Native Americans to the lands under discussion and ask them individually or in a group what is out there. These tours are usually organized and conducted by agency personnel who are not professionally trained in scientific methods associated with cultural resource studies. The agency tour guides rarely have a hypothesis about what resources may be present and so naively believe that they can simply ask for information and the Native American will completely share all pertinent information. In an extreme case, a senior environmental manager of a DOE facility suggested that native representatives be taken to a high hill overlooking the thousand square mile facility, asked as a group what is out there, and then taken to dinner. In his opinion, all Native American cultural resource concerns could be addressed in one day. Native American tours were more common decades ago before there was an extensive body of research about how to conduct studies with Native Americans and what to expect from such studies.

Forming A Study Design

Native Americans have become aware of the quality of information that is needed to make convincing policy recommendations on U.S. Federal lands, so they are demanding to participate in the formulation of study designs that are both culturally and scientifically valid. A recent analysis of Native American research studies suggest that the design of the study can directly influence the findings and the recommendations (Stoffle and Evans 1990). An analysis of 11 projects suggests that Indian people will have greater impacts on land use decisions if the study design permits them to identify and select for special protection those places, plants, and archaeology sites that have the highest cultural significance, a process that has been called *cultural triage* (Stoffle and Evans 1990:97). When it is difficult for Indian people to demonstrate how to move from cultural concerns to land management recommendations that protect the most cultural items, it becomes the responsibility of the scientist to help make this translation. For example, it is possible to calculate the cultural significance of individual Indian plants so that specific places where the plants grow can be assigned valued, and protection can be afforded to those places with the highest plant scores (Stoffle, Halmo, Evans, and Olmsted 1990:427-429).

Defining Basic Concepts

It is essential that all parties to a study agree on what is to be studied. It is common for Indian people, agency personnel, and study scientists to assign different meanings to the same term. One of the most commonly misunderstood terms is *sacred*. This report devoted three earlier chapters towards explaining and illustrating the concept of sacred, especially regarding those places of great cultural significance such as the origin mountain of an Indian ethnic group. The concept of sacred is really a non-Indian concept that creates a division between the sacred and the profane. Most Indian people do not believe such a division exists. Indian cultures, and there are hundreds of variations, contain many ceremonies designed to assure proper behavior towards and communication with the natural environment, other humans, and the supernatural ("the mysterious presence" - see Chapter Two). These ceremonies literally translate everything touched by an Indian person into a sacred object. For example, a Shoshone Indian woman who makes willow baskets will keep the shavings that have been produced by smoothing the split willows. Eventually, she prays over these shavings and returns them to a natural area near her camp. The Shoshone woman considers these willow shavings as sacred. Indian people also have ceremonies associated with great life transitions -- birth, first menses, death -- that use and create sacred objects that are more generally recognized by others, such as Euroamericans. Finally, there are sacred objects that are specifically defined by U.S. Federal laws such as NAGPRA. So the concept *sacred* could refer in any given discussion to many categories of items, some defined by law, some defined and mutually recognized by Indian and non-Indian alike, and some exclusively perceived as sacred by Indian people.

Great care must be taken in the formulation of study concepts and when discussing the meaning of these concepts with native government representatives. If someone asks a native person to come to DoD lands and identify places and things that are sacred, the person is likely to respond that all is sacred. If on the other hand, the Indian person is asked to identify which objects in a museum collection are needed in a current religious ceremony as defined by NAGPRA, the person will be able to make a discriminate decision. The answer is often framed by the question, but it can also be influenced by the amount of time the native person has to share her/his cultural resource perspective and her/his confidence that deeper cultural resource insights will have more protective influence than simple *holistic conservation* statements.

Assuring Participation

The U.S. Federal agency must approach the study of cultural resources with caution when seeking Native American participation in land management decisions, because Native Americans will weigh the potential benefits from increased protection against the potential that if cultural resources become known they will be threatened. In one study (Stoffle et al. 1982: 124) a Kaibab Paiute elder indicated he wanted to protect traditional trails, but that he would not reveal their location because once known they could be followed to hitherto undiscovered

Indian camps. Native people often say that revealing Indian plant usages causes the plants to be taken by non-natives who profit from sale of the plants. The curing power associated with certain places can be reduced if the place and its function becomes known to other ethnic groups, including other Indian people. Agency personnel should be aware that native experts who are sent to identify cultural resources are subject to ethical conflicts, emotional stress, and even fear of reprisal. Native experts express concern about violating traditional norms against sharing knowledge with outsiders. Concern is also expressed over how other tribal members and even future generations of tribal members will evaluate the sharing of information. Basically, the question they ask is whether or not more good than harm will come from sharing cultural knowledge (Greaves 1994).

When Native American tribes and organizations send experts to represent cultural concerns they expect that the shared information will be used to set policies to better protect cultural resources. To accomplish this the identifications of the experts must be systematically recorded so they can be written into a scientifically and ethnically acceptable report. In general, interviews should be conducted in private so that the native person does not have to share the information with others. An interview form should be prepared in advance with the assistance of the consultation committee or informed native people so that similar questions are asked of each expert and there is a place to record their answers. Tape recorders can be used as backup, but only used with the expert's permission. Experts' confidentiality should be assured unless they wish to go on the record regarding some aspect of the study.

Group interviews can be conducted when individual interviews are either not desired or impossible to conduct. Group interviews tend to produce *consensus data* which means that members of the group talk over possible answers and provide one answer to the interviewer. The weakness of group interviews is that some people are not willing to express their opinions in the presence of others. The strength of group interviews is that people have the opportunity to talk over a response while in the field. Focus group interviews are a special type of group interviews but they require special preparation and training for the focus group facilitator.

Presenting the Findings

The report presenting the findings of the consultation process being discussed should be more than a pure description of what was said by the native experts. Some attempt should be made to translate the thoughts of native experts into information that can be used by agency land managers. In general, native concerns should be contextualized by providing findings from published historical and ethnographic literature that demonstrate how the expressed cultural concerns fit into the overall culture of the ethnic group. Translation into management information and contextualization will help achieve the goals of building Native American concerns into land management policies.

The report should receive a technical review by the native experts and members of the consultation committee before being sent for draft review by the agency. This will assure that

the report does not contain information that should not be revealed and that the information it does contain is accurate. When the technical review is complete the report should be given a draft review by the agency. Then the draft report should be sent to the Native American group or tribal government for official review and approval. Final reports should be available to other agencies seeking to achieve similar goals and in need of case data for developing or refining their own consultation processes. The public has a right to know about significant land management decisions made by Federal agencies, even if these are in consultation with Native Americans and have some element of confidentiality that will continue to be respected, so the final report and perhaps portions of the information (not the data) used to make the decision (Ruppert 1994) should be available to the public.

Developing Native Mitigation Recommendations

Cultural resource technical reports should focus on the cultural resources under study and should not attempt to make government-level policy recommendations. Technical reports are the basis for proceeding with mitigation discussions and eventual recommendations from the native governments to the DoD. Policy decisions occur after the native recommendations are combined with what the land management agency can and will do to incorporate Native American recommendations. It is important that this point in the decision making process has been thoroughly considered by the agency before the consultation began -- see the earlier discussion of decision-making and consultation.

Native Policy recommendations should derive from three sources: (1) native experts during the on-site interviews; (2) consultation committee; and (3) native organizations and tribal governments. These three sources of recommendations represent a hierarchy of decision making authority that is inversely related to the degree of information about the resource. Native experts are knowledgeable about the cultural resource and, because of their on-site experiences, are aware of factors that could have either adverse or positive impacts on its protection. Native experts are charged, by their tribes and organizations, with identifying what is out there and making preliminary recommendations. The report should consolidate all of the native expert recommendations by place and resource and these should be presented to the consultation committee. Committee members have a long-term relationship with the project and are generally aware of what is possible in terms of resource management on the DoD installation. It is up to them to consider the recommendations of the native expert, if possible resolve conflicting recommendations, and add recommendations. The final cultural resource decision recommendations in a government-to-government relationship belongs to the tribal council and advisory board of a native organization. They tend to follow the advice of their appointed native experts and consultation committee members; however, they can add or modify recommendations.

Recommendations that have passed with some consensus through this hierarchy of native decision making should be seriously considered by the DoD installation. The strength of the recommendations depends in part on whether or not they remain within Federal laws that

govern land management decisions by the DoD installation. In addition, the native recommendations should be within the agreed upon limits of power sharing decided upon by the installation when the consultation process began. If the recommendations are within these limits, then credible cultural resource recommendations should be adopted by the DoD installation.

Maintaining Ongoing Interactions and Monitoring

Partnership is a term often used to describe the desired outcomes of consultation relationships between Native Americans and DoD installations. Partnerships require shared power, mutual respect, and mechanisms for sustaining a long-term relationship. Partnerships can be established when the Native American people and the DoD installation establish (1) mutual trust, (2) a common knowledge base, (3) a cultural resource management plan, and (4) a monitoring plan.

Mutual Trust

When people get to know each other through face-to-face interactions they lay an understanding base that can be used to establish what is called *trust*. The term trust is not being used here to refer to the legal *trust relationship* that exists between the U.S. government and American Indian peoples. Instead, the term trust is used as it is more generally understood as confidence in the honesty, integrity, reliability and justice of another person or organization.

People do meet, but DoD-Native American consultation occurs within the context of government-to-government relationships. One of the great dynamics of mutual trust is differences between the people and the agency relationships. First and foremost Indian people must believe that their participation in consultation is more likely to protect cultural resources than would saying nothing at all. Decision-making should be shared (insofar as it is appropriate and possible) and the decisions must have some identifiable positive impacts (see monitoring below).

Trust derives from the history of relationships between the DoD installation and its personnel and Native Americans. This history may go back to a time with the Native peoples were at war with the U.S. Federal government. Trust also derives from more recent interactions about DoD installation policies like the location of low-level fly overs. It is important to address these issues early in the consultation process. In fact, it is likely that Native peoples will raise these issues as stipulations before they are willing to proceed with consultation. Concerns about past relationships are often raised in holistic conservation statements made by native elders and leaders in early consultation meetings. Stipulations are not debatable by the DoD, who instead will have its own stipulations it may wish to express at this time. Trust cannot be negotiated, when it begins with clearly expressed stipulations and

becomes an organizational element in developing a process of consultation, trust can emerge from long-term interactions. Trust must be earned and mutually shared.

Any consultation relationship will depend in part on the individuals involved. Friendly and professional relationships have the potential of overcoming any negative historic relationships between the native people and the DoD. Unfortunately, personnel change in both native organizations and DoD installations. Mechanisms should be in place to assure that consultation partnerships can survive personnel change.

A Common Knowledge Base

A primary goal for every DoD-Native American consultation is to create or contribute to a common knowledge base that is shared by both. Native groups send their most knowledgeable experts to the DoD installation to identify cultural resources. These thoughts should not be lost. U.S. Federal agencies cannot afford to forget what has been told them by native groups. Similarly, most DoD installations have initial archaeology, botany, and animal studies that can be shared and used by native groups. The challenge is to develop a single, shared pool of information that can be used by both the DoD and the native peoples to know what is out there and to understand what is happening to it.

Geographic Information Systems (GIS) are being used by many U.S. Federal agencies and native groups to inventory and keep track of resources distributed across an extensive landscape. GIS systems are expensive and difficult to use, but innovative interactive multimedia data systems that can draw upon some GIS-like components are being developed. An ideal data base could be used simultaneously by the native people at their homes and the DoD installation. This is likely to require that a multimedia program be developed that can use and make easily accessible the products of the GIS data analysis. The GIS and multimedia system should be updated easily when new information comes from native expert visits or science studies. It should contain photos, video, sound clips, maps, and text. Finally the GIS and multimedia system should restrict access to certain portions of the database to reflect both the DoD and the native concerns for selective distribution of data and information.

Cultural Resource Management Plan

U.S. Federal facilities produce overall land use plans usually including specific plans for wildlife, plants, and cultural resources. Native American cultural resource management could be developed in each plan. More difficult, but important, is including Native American cultural resource management comments in discussions of minerals and water.

The recommendations produced by the hierarchy of Native American decisions (experts, consultation committee, tribal governments) should be organized to reflect how the information can be incorporated into installation management plans. Early coordination with

the consultation committee should produce both information and recommendations that fit the installation's natural and cultural resource management.

Monitoring Plan

There must be some way of knowing whether or not Native American consultation has influenced the condition of cultural resources contained on the DoD installation. Because it is impossible to constantly monitor all cultural resources located on DoD lands, monitoring time frames and monitoring locations must be chosen. How fast are culturally significant changes occurring to any specific cultural resource? Does the quality, quantity, or distribution of medicine plants change seasonally, annually, or over a period of years? Damage due to erosion or vandalism to archaeology sites may be occurring sporadically; monitoring should occur at least once a year with more sensitive sites monitored more often.

Monitoring locations should be decided in terms of how well they represent a certain cultural resource. Monitoring samples should be selected with full input from the Native people. Monitoring techniques will vary, from ground level photography of petroglyph panels to remotely-sensed data from satellites showing the distribution of plants. When ground disturbance is to occur, native monitors may be hired to oversee activities. The results of all monitoring efforts should be provided to the members of the consultation committee and native governments at regular intervals. *Regular feedback on the condition of cultural resources is the only way to maintain an on-going relationship with Native peoples.*

Terminating Consultation

Today most U.S. land-managing agency initiatives to establish Native American consultation relationships are intended to be on-going because Native people's views will become part of the information base for making, monitoring, and adjusting on-going land management decisions. Still some consultations are designed to end. These may be project-specific consultations designed to provide a narrow-range of findings for the evaluations of a project or action proposal. Sometimes the DoD installation itself is closing (see Chapter Eight, section entitled "Installation Closure and Termination of Relationship"). Whatever the reason for termination, how it occurs has implications for both the involved native peoples and the U.S. Federal agency.

Making Analogs

Anyone who has made a presentation before a tribal council or native governmental body has experienced some council or audience member standing up and talking at length about some other project that occurred many years in the past that did not end in a positive way. Most presenters want to say "That is not what I am talking about, it occurred a long time ago and I (or my agency) was not involved." The point presented by the Native American, however, is well taken; "we have seen your kind before and here is the summation of those

experiences." In most cases native people lump most U.S. Federal agencies together, so the mistakes of one agency are transferred to another.

Project Analogs is the technical term used to discuss the process of evaluation of a current proposal in terms of past proposals. For example, during the social impact assessment of the Superconducting Super Collider (SSC) for the State of Michigan it was discovered that local people responded to this new and quite unique proposal in terms of how the involved state and U.S. Federal agencies had behaved with past projects (Stoffle et al. 1987: 37-54, Stoffle et al. 1988). So the proposed SSC, a massive and generally positive project, was being evaluated in terms of how the Michigan Department of Natural Resources had conducted a public access for hunters program, a state utility had handled a cross-county pipeline project, a cement company had dealt with air pollution, and state politicians had proposed a prison for the area. These small-scale and highly localized projects were not similar in any respect to the SSC proposal, but the local people drew upon them as historic analogs for deciding whether or not to trust the State of Michigan and private business and support the SSC proposal.

Keeping Relations

Relations between the U.S. DoD and Native Americans began long ago and is often recounted as a bitter history of adversarial relationships. All lands currently held or affected by DoD installations once belonged to a Native American ethnic group. Nonetheless, many Native peoples have served in the armed services and DoD installations have begun to establish positive relationships with native people focussed on cultural resources. It is important at this moment in the history of relations between Native Americans and the DoD to create positive analogs. So each effort is important. No positive action of the DoD will go unrewarded, because Native Americans respond well to being involved in decisions about their traditional resources. There are small and terminal consultations, but each has the potential of being a positive analog. The remaining chapters of this report bring together many of these successes.

CHAPTER SIX

NATIONAL PICTURE: DOD INTERACTIONS WITH NATIVE AMERICAN GROUPS

Brian K. Fulfrost and Diane E. Austin

The consultation model described in the previous chapter presents Department of Defense (DoD) personnel with guidelines for developing cultural resource related relationships with Native American groups. The actual relationships that exist at present between DoD installations and Native American groups do not entirely reflect this model. Prior to this study, there were no systematic data concerning (1) where relationships exist, or (2) the nature of those relationships. The purpose of this chapter is to identify the DoD installations that currently have interactions with Native American groups regarding cultural resources and to describe the nature of those relationships. The term *interaction*, as it is used in this report, refers to any type of contact *concerning cultural resources* between a DoD installation and a Native American group.

Sources of Data

Data regarding the location and nature of the relationships between DoD installations and Native American groups were acquired by the University of Arizona (UofA) from five main sources and then compiled in the UofA database (described below). The data were used to identify and describe where relationships between DoD installations and Native American groups exist. Three mail surveys concerning cultural resource management (CRM) and the DoD were conducted between 1991 and 1992 and were analyzed here in order to identify DoD installations that have cultural resource related interactions with a Native American group. An existing phone survey from 1992-93 regarding Native American access to DoD installations was also analyzed. In addition, a series of follow-up interviews were conducted in 1994 as part of this report to update the information contained in these four surveys. These surveys are described below.

Four out of the five surveys used in this analysis were not sent to all DoD installations at any particular level in a given service's command structure, nor were they sent to a random sample of those installations. The criteria used to choose installations that would receive each particular survey is described below. The responses to these surveys do not, therefore,

represent a statistically valid sample of installations within each service of the DoD. However, the surveys have provided a wide range of quantitative and qualitative information regarding Native American cultural resources. The qualitative data are discussed in detail in Chapter Eight. The patterns that emerged from the quantitative data are presented in this chapter. These patterns serve as a basis for understanding relationships that exist between DoD installations and Native American groups regarding cultural resources.

Three National Mail Surveys

In 1991 and 1992, three separate efforts were carried out within the Legacy program to survey DoD installations about cultural resources. Each of these surveys included questions about relationships between the installation and Native Americans. These questions concerned either interactions with Native American groups or Native American cultural resources (see Appendix A). Responses to these questions made it possible to identify DoD installations that have cultural resource related interactions with a Native American group. The responses also provided CRM information about those installations. The number of DoD installations that responded to each survey and the number of installations with interactions identified in each survey are shown in Table 6.1. Each survey is briefly described below.

Table 6.1 Number of Respondents and Number with Native American Interactions for each Survey

	Number of Respondents	Number with Interactions
<i>ACHP Survey-mail</i>	57	22
<i>Legacy Survey-mail</i>	213	25
<i>USAF Survey-mail</i>	65	4
<i>Access Survey-phone</i>	78	37
<i>Follow-Up Survey-phone</i>	84	63

Advisory Council for Historic Preservation-Cultural Resource Management Survey (ACHP Survey) 1991

In 1991 the Advisory Council for Historic Preservation (ACHP) and the U.S. Army Construction Engineering Research Laboratory (USA-CERL) in Champaign, Illinois conducted a survey of current resource management programs in the military services (ACHP 1994). The installation level responses to select questions in the survey were sent to the University of Arizona as paper records (Rodgers 1993). The following criteria guided the choice of installations to receive questionnaires: major command distribution; geographic distribution; variety and quantity of cultural resources; diversity in current programs; and

identification as a major installation in the particular service (ACHP 1994:11). The *ACHP Survey* was officially sent to 76 installations in the Army, Navy, Air Force, and Marine Corps (A list of these installations was included in the paper records sent to the UofA by the ACHP). However, 12 of the 57 installations that responded to the survey were not on the official list of installations who received the survey that was supplied to us by the ACHP. This suggests that additional installations might have received a survey but did not return it. At this time it appears a total of 88 installations are known to have received the survey (see Appendix B).

The *ACHP Survey* included several questions that provided information about interactions between DoD installations and Native Americans (see Appendix A). The survey asked specifically about the involvement of Native American groups in cultural resource management and about public involvement in the identification, protection, or rehabilitation of cultural resources on behalf of Indian tribes. The survey also included four questions about interactions between the installations and Native American groups. Installation responses to the *ACHP Survey* were used to identify installations where relationships between the DoD and Native Americans might exist. Twenty-two installations were identified as having interactions with Native Americans. Responses to the questions pertaining to interactions with Native Americans did not provide complete information about the nature of the relationships. Therefore, all installations that responded positively to any of the identified questions were included on a list to receive a follow-up call (see Appendix C). These follow-up surveys were conducted by the UofA, as part of this report, in order to provide complete and up to date information about DoD installations that have interactions with Native American groups regarding Native American cultural resources.

Legacy National Survey of Cultural and Natural Resource Programs (Legacy Survey) 1992

In 1992, the Deputy Assistant Secretary of Defense for Environment sponsored the *Legacy Survey*. The survey was sent to the Deputy Assistant Secretaries of the Army (Installations and Housing), Navy (Environment and Safety), and Air Force (Environment, Safety, and Occupational Health). Those individuals were asked to send the survey to their installation resource managers as part of the secretary's plan for gathering data on the execution of the DoD's natural and cultural resource programs. The *Legacy Survey* was sent to Army, Navy, Marine Corps, and Air Force installations (Baca 1992). The survey responses were sent to the UofA team in electronic form as part of the Cultural Resource Information System database (USACERL 1993). Two hundred and thirteen installations responded to the survey (see Appendix B). Although the UofA team requested a list of the installations that were sent the survey and the criteria for choosing these installations from USA-CERL, this information was not contained in the electronic database that was sent to the UofA.

The *Legacy Survey* included several questions that provided information about interactions between DoD installations and Native Americans (see Appendix A). Four questions asked about specific installation policies relevant to Native American laws or access

issues, and two questions asked specifically about interactions between the installation and Native American groups. Installations that responded positively to either of one of these questions were identified by the UofA team as having interacted with a Native American group regarding cultural resources. Twenty-five installations were identified as having interactions with Native Americans. However, the responses did not provide complete information about the nature of those relationships. Consequently, installations that were identified as having interactions were included on a list to receive a follow-up call (see Appendix C). These follow-up surveys were conducted by the UofA in order to provide complete and up to date information about DoD installations that have interactions with Native American groups regarding Native American cultural resources.

U.S. Air Force Natural and Cultural Resource Management Survey (USAF Survey) 1992

In 1992, the U.S. Air Force surveyed 96 Air Force Bases within the continental United States regarding their natural and cultural resource management programs (USAF 1992). Sixty-eight percent (65 installations) of these bases responded to the cultural resource portion of the survey. Four installations indicated that they had interactions with Native Americans. However, these installations could not be identified because the responses were not coded by respondent.

Four questions from the *USAF Survey* were included in the analysis (see Appendix A). One question dealt with public involvement in cultural resource management. Another question was concerned with what was included in the cultural resource management plan at the installation. The other two questions were regarding cultural resources. The first of these questions simple asked the respondent to list all the cultural resources located at the installation. The second question concerned installation policies that dealt with the identification of cultural resources.

Two Phone Surveys

Between 1992 and 1994 two phone surveys of DoD installations were conducted for the Legacy program by the UofA. These surveys were specifically geared toward understanding interactions between DoD installations and Native American groups. The information acquired from these surveys was used to update the three national mail surveys.

Legacy Study of American Indian Access to Department of Defense Facilities (Access Survey) 1992-1993

In 1992 researchers from the Bureau of Applied Research in Anthropology (BARA) University of Arizona, under the direction of the U.S. Army Engineer Waterways Experiment Station, conducted research on Native American access to DoD installations as part of the Education, Public Awareness, and Outdoor Recreation Task Area of the Legacy Program. The purpose of that research was to develop a bibliography of published materials relating to

Native American access issues on DoD installations. It was found that the majority of the written documents addressing issues of Native American interactions with DoD installations exist as special reports, memoranda of understanding or agreement, or historic preservation plans. Such documents are not accessible through a general documents search in major libraries, so there was a need to establish contact with these installations in order to receive these documents. The results of that work were published in two reports, *American Indian Access to Department of Defense Facilities: Source Documents and Bibliography* (Stoffle et al. 1993) and *Native American Access to Religious and Sacred Sites on Department of Defense Installations* (Nickens et al. 1993).

As part of the *Access Survey*, a phone survey of Army, Navy, Air Force, and Marine Corps installations was conducted. Command centers and individual installations were contacted directly to provide information about the presence of sites located on land within DoD jurisdiction that are of known or probable interest to Native Americans. Information was also collected about interactions between the DoD installations and Native Americans. The *Access Survey* identified 37 installations that have interactions with Native Americans. *Access Survey* information was combined with the information from the national surveys.

Legacy Sacred Site Protection Strategies Project (Follow-Up Survey) 1993-1994

The UofA team conducted a follow-up phone survey as part of this report. Follow-up phone interviews were conducted with personnel at 78 installations in order to update the four existing data sources (described above). An interview form with 35 questions pertaining to interactions with Native American groups was used for the follow-up interviews. A copy of this form is provided in Appendix D. Follow-up interviews were selected in three ways. First, those installations that indicated on any one of the three mail surveys that they had interactions with Native Americans or that they had Native American cultural resources, but who were not contacted as part of the *Access Survey*, were contacted for a follow-up interview. The information gained in these follow-up interviews served to update the information contained in the national surveys and to clarify whether or not the installations actually had interactions with Native American groups. Second, installations highlighted by phone contacts as having possible interactions or cultural resources of Native American concern that had not been contacted during the *Access Survey* were also contacted for follow-up interviews. Finally, all those installations identified in the *Access Survey* as having either Native American cultural resources or interactions with Native Americans were contacted for follow-up interviews.

Methodology

The identification and description of existing relationships between DoD installations and Native American groups was based on four existing sources of data and data acquired from follow-up interviews conducted during the course of this study. These five sources of data are described above.

Three lists of DoD installations were created by the UofA to assist in the analysis of installations that have cultural-resource related interactions with Native American groups. First, a comprehensive list of DoD installations in the Army, Navy, Air Force and Marine Corps was created (UofA Master List). Second, a list of DoD installations for which cultural resource management data had been collected, was also created (the CRM List). Finally, the UofA compiled a list of all DoD installations that were identified as having cultural resource related interactions with a Native American group (the Interaction List). The Interaction List is a subset of the CRM List. Information regarding installations that were identified as having interactions with a Native American group was compiled in the UofA Database, which is described below. Database files were created for each of the DoD installations that were identified as having interactions. These files allowed easy data analysis and retrieval. Each installation that was identified as having interacted with a Native American group was then analyzed in relation to a number of relevant variables such as branch of service, size of installation, level of interaction, and type of cultural resource.

UofA Master List of DoD Installations (UofA Master List)

The UofA contacted DoD personnel at the Pentagon and the Departments of the Army, Navy, and Air Force, to obtain a complete and up to date list of installations under their respective jurisdictions. However, no definitive list of installations exists that can be used to survey installations regarding Native American cultural resources. Such a "master list" would provide a baseline against which all other subsets of installations could be compared. The UofA research team produced a UofA Master List that included installations in the Army, Navy, Air Force, and Marine Corps. The main criterion for inclusion on the UofA Master List was that the installation in question must have jurisdiction over a landholding. The UofA Master List of installations was compiled from three main sources: (1) *US and World Military and Government Installation Directory Service* (U.S. Organization Chart Service 1990-1993); (2) *Directory of Military Bases in the U.S.* (Euinger 1991); and (3) *Department of Defense Directory for Native American Consultation: Draft Report* (Briuer and Hebler 1992). Installations that participated in any one of the three national surveys that were not identified by one of the three sources listed above, were added to the UofA Master List. The UofA Master List also included reserve forces but not the National Guard. The installations included on the list were from the following geographic areas: the contiguous U.S., Alaska, the Pacific (including Hawaii), and Puerto Rico. The criteria for inclusion (or exclusion) on the UofA Master List is discussed in Appendix E.

Establishing a complete list of DoD installations is very problematic. Within each branch of service there exists a unique command structure. The point of jurisdictional authority within each branch of service is determined by the given service. For the purposes of this study, the UofA Master List of installations was created to represent the lowest level of authority over the landholding that has the authority to enter into formal agreements (government-to-government relationships) with Native American tribes and organizations. This study dealt only with landholdings and not with the issue of airspaces. The final UofA Master

List contained as complete a list of DoD installations as could be compiled given available time and information.

List of DoD Installations for which CRM Data was Collected (CRM List)

A second list of installations, for which data concerning cultural resource management (CRM) had been collected in some form, was also created by the UofA for this study (see Appendix B, CRM List). Installations for which CRM data had been collected were identified from the three national surveys, the *Access Survey*, and the *Follow-Up Survey*. The list does not, therefore, represent a random sample of DoD installations. The number of installations on the UofA Master List is compared to the number on the CRM List in Table 6.2. On average, CRM data were available for 50 percent of the total number of installations on the UofA Master List.

Table 6.2 Number of Installations with CRM Data by Branch of Service

Service	Total Number of Installations	Number of Installations with CRM Data
Army	160	90 (56%)
Navy	189	84 (44%)
Air Force	178	91 (51%)
Marines Corps	27	14 (52%)
Total	554	279 (50%)

The 279 DoD installations for which CRM data were collected provided the baseline against which DoD installations interacting with Native Americans could be compared. These two lists of installations were compared on the basis of branch of service, size, and region. Branch of service and region for all the installations on this list was acquired from the UofA Master List. Size data for all the installations on this list, including those with interactions, was first acquired from the draft report by Briuer & Hebler (1992), secondly from the *Legacy Survey* and thirdly from Euinger (1991). If size data could not be acquired from one of these three sources then the installations in question were contacted directly.

University of Arizona Database (UofA Database)

The UofA database documents relationships between DoD installations and Native American groups that concern Native American cultural resources. Information about these installations was acquired from the three national surveys, the *Access Survey*, the *Follow-Up Survey*, and the *Defense Directory for Native American Consultation*. The UofA database, which is stored at the UofA, contains all the information compiled from the five data sources

(described above) for DoD installations that have cultural resource related interactions with Native Americans. It is composed of two main sections: (1) the Master Data Files (created in Word Perfect 6.0); and (2) spreadsheets (created in Microsoft Excel 5.0) containing selected variables coded from the Master Data Files.

Master Data Files

The interview form that was developed for the *Follow-Up Survey* also served as the Master Data Form (see Appendix D). Information about each installation that has interactions with Native Americans regarding cultural resources was compiled on this form. First, data from the four existing surveys were entered into the appropriate Master Data File. Second, the information acquired during the follow-up interviews was also entered into the appropriate Master Data File. Electronic and hard copies of these Master Data Files were created in Word Perfect 6.0 for each installation that has cultural resource interactions with a Native American group. These files were organized by branch of service and installation. As new follow-up interviews were conducted and as new information about an installation became available, the appropriate Master Data Files were updated. All quantitative data analyses were based on these files.

Spreadsheet Data

Once all the Master Data Files had been created, data on DoD branch of service, geographic region, size of installation, level of interaction, type of cultural resource, other interaction issues, and basis of interactions was entered into a Microsoft Excel 5.0 spreadsheet. These variables served as the basis for a quantitative analysis of the Interaction List. A discussion of the results of these analyses is included in the **Installations with Interactions** section below.

Overall Patterns of Interactions

DoD installations that are known to have CRM-related interactions with Native Americans were compared to all the DoD installations for which CRM data were collected so that overall patterns governing where interactions occur are known to occur could be identified. These DoD installations were compared on the basis of branch of service, region, and size of installation.

Definition of Variables

Branch of Service

Branch of Service refers to one of the following four Services of the DoD: Army, Navy, Air Force, Marine Corps. All reserve facilities are included in the appropriate branch

of service. Installations under the jurisdiction of the National Guard were not included in the study due to time and budgetary constraints.

Size of Installation

The size of installation category represents the acreage of the installation. Installations were divided into three size categories for easy data analysis: small (0-10,000 acres), medium (10,000 - 200,000 acres), and large (greater than 200,000 acres). The purpose of these categorizing installations by size was to identify meaningful groupings for analysis.

Region

The geographic areas included in the study were divided up into five regions (see Figure 6.1). The Northeast region was composed of 11 states and the District of Columbia. These 11 states include: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. The Southeast region was composed of the following 12 states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The Midwest region was composed of the following 14 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin. The West region was composed of the following 11 states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The last regional category, Alaska/Pacific, includes Alaska, Hawaii, Guam, the Mariana Islands, and Puerto Rico.

Level of Interaction

The study's four categories of DoD-Native American interaction were determined by two criteria: (1) whether formal policies exist at the installation; and (2) the frequency of interactions between a Native American group (or groups) and the DoD installation.

Type of Cultural Resource

For the purposes of this study, Native American cultural resources were divided into six different categories. These categories were: archaeological/historical, human burials, plants, animals, sacred sites, and other. A complete definition of these cultural resource categories is included in Appendix F.

Basis of Interactions

This study uses four categories of interactions upon which relationships between a DoD installation and a Native American group could be based. These categories include: (1) consultation/monitoring regarding human burials; (2) consultation/monitoring regarding other cultural resources; (3) access to sacred sites; and (4) access to other cultural resources. Consultation/monitoring refers to any interactions between a DoD installation and a Native American group in which the Native American group was consulted regarding cultural resources on the installation. Interactions that develop because of cultural resource consultation and monitoring include: notification by a DoD installation to a Native American group of activities affecting Native American cultural resources (required under Section 106 of the National Historic Preservation Act); response by a Native American group to this notification; and any other consultation related interactions that might occur regarding Native American cultural resources. Access refers to interactions between a DoD installation and a Native American group in which Native Americans were allowed access to cultural resources on the installation.

Other Interaction Issues

Although the focus of this analysis is on Native American cultural resources, a number of other issues indirectly related to cultural resources, which led to interactions with personnel at DoD installations, were of concern to Native American groups. Interactions were initiated regarding issues such as land transfers, commercial leases of DoD property, co-management of natural resources on DoD property, historic education programs involving Native Americans, and aircraft flyovers.

Interactions by Branch of Service

The number and percent of DoD installations interacting with a Native American group about cultural resources are compared to those installations for which CRM data was collected (Table 6.3). Twenty-three percent of the installations on the CRM List have cultural resource related interactions with a Native American group. Thirty-six percent of the Army's installations interact with Native American groups about cultural resources. This is the largest percentage of all the four services of the DoD. Fourteen percent of the Navy's installations and eighteen percent of the Air Force installations have Native American cultural resource related interactions. Although it only represents three installations, 21 percent of the Marine Corps installations interact with Native American groups. In other words, almost a quarter of the total number of installations on the CRM List are available have interacted with a Native American group about cultural resource issues.

Figure 6.1 Five Regions Used in Analysis

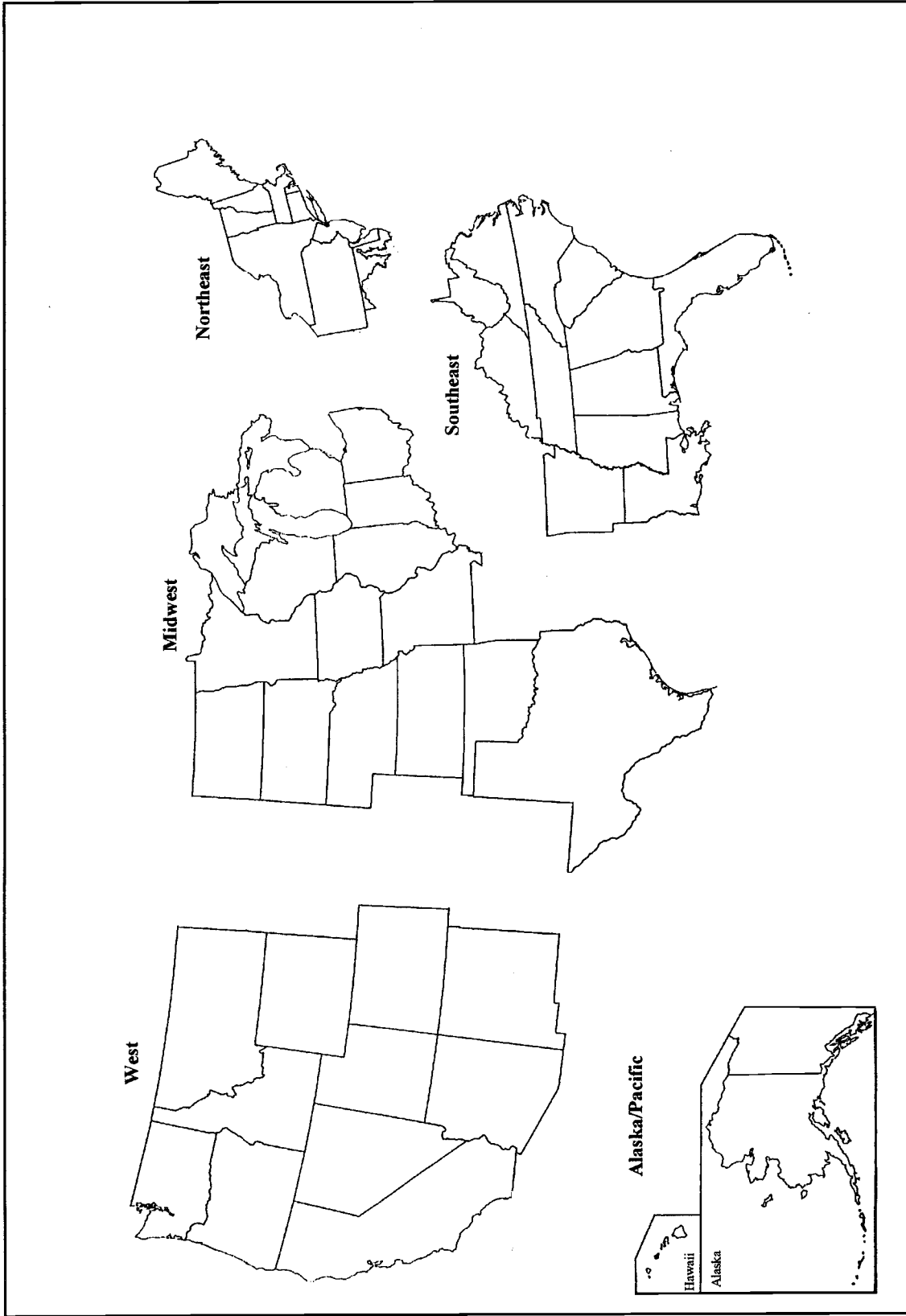


Table 6.3 Number and Percent of Installations that have Interactions with Native Americans Regarding Cultural Resources

Branch of Service	Number of Installations with CRM Data	Number that have Interactions with Native Americans	Percent that have Interactions with Native Americans
Army	90	32	36%
Navy	84	12	14%
Air Force	91	16	18%
Marine Corps	14	3	21%
TOTAL	279	63	23%

Interactions by Region of Installations

The number of DoD installations within each regional category can be found in Table 6.4. Of the installations on the CRM List, the number of installations within each regional category is fairly well distributed. However, 52 percent of the DoD installations on the Interaction List can be found in the western region, even though installations from this region comprise only 25 percent of the installations with CRM data. An additional eighteen percent of the DoD installations on the Interaction List are from the Alaska/Pacific region. Nearly two thirds of the DoD installations on the Interaction List are from one of these two regions.

Table 6.4 Installations by Region

Data Set	Region					
	Northeast	Southeast	Midwest	West	Alaska/ Pacific	Total
Installations w/ CRM Data	44 (16%)	69 (25%)	65 (23%)	71 (25%)	30 (11%)	279 (100%)
Installations w/ Interactions	4 (6%)	6 (10%)	9 (14%)	33 (52%)	11 (18%)	63 (100%)

Region is cross-tabulated with branch of service for DoD installations on the CRM List in Table 6.5a and for DoD installations that have cultural resource related interactions with a Native American group in Table 6.5b. Forty-six percent of the installations in the western region and 37 percent of those in the Alaska/Pacific region have interactions with a Native American group. This is compared to nine, nine, and fourteen percent for installations in the Northeast, Southeast, and Midwest. Although it only represents one installation, the region with the highest percentage

of Marine Corps installations with interactions is Alaska/Pacific. The region with the highest percentage of installations with interactions for the Army, Navy and Air Force is the West. In fact, 82 percent of the Army installations in the West have interactions.

Respondents at several installations indicated that western installations would be expected to have more cultural resources of importance to Native Americans thereby creating the potential for more interactions (UofA Database 1994). Despite this perception, installations in the east such as Fort Benning and Robins Air Force Base, have extensive Native American cultural resources. Clearly, region is an important variable within each branch of service.

Table 6.5a Number of Installations on CRM List by Branch of Service and Region

Branch of Service	Region					
	Northeast	Southeast	Midwest	West	Alaska/Pacific	Total
Army	14	18	30	17	11	90
Navy	19	25	6	22	12	84
Air Force	11	20	29	26	5	91
Marine Corps	0	6	0	6	2	14
Total	44	69	65	71	30	279

Table 6.5b Number of Installations on Interaction List by Branch of Service and Region *

Branch of Service	Region					
	Northeast	Southeast	Midwest	West	Alaska/Pacific	Total
Army	3 (21%)	1 (6%)	7 (23%)	14 (82%)	7 (64%)	32 (36%)
Navy	1 (5%)	0 (0%)	1 (17%)	7 (32%)	3 (25%)	12 (14%)
Air Force	0 (0%)	4 (20%)	1 (3%)	11 (42%)	0 (0%)	16 (18%)
Marine Corps	0 (0%)	1 (17%)	0 (0%)	1 (17%)	1 (50%)	3 (21%)
Total	4 (9%)	6 (9%)	9 (14%)	33 (46%)	11 (37%)	63 (23%)

* The percentages included in this table represent the number of installations in a given category (i.e. Army installations in the Southeast) as a percentage of the number in the same category for installations with CRM data.

Interactions by Size of Installations

The number of DoD installations included in the analysis are grouped by size category in Table 6.6. The majority (64 %) on the CRM List were smaller than 10,000 acres. 30 % on the CRM were between 10,000 and 200,000 acres. Installations having cultural resource related interactions with a Native American group were more evenly divided among size categories, but still with almost twice as many small or medium installations than large ones. 41% of installations on the Interaction List were under 10,000 acres; 38 % were between 10,000 and 200,000 acres; 21 % were over 200,000 acres; only 6% were over 200,000 acres.

Table 6.6 Installations by Size

Data Set	Size Category			
	Small	Medium	Large	Total
Installations w/ CRM Data	179 (64%)	84 (30%)	16 (6%)	279 (100%)
Installations w/ Interactions	26 (41%)	24 (38%)	13 (21%)	63 (100%)

Size Category Small = 0 - 10,000 acres
 Size Category Medium = 10,000 - 200,000 acres
 Size Category Large = > 200,000 acres

The average size of the installations on the CRM List is 70,499 acres with a median size of 5,467 acres (see Table 6.7 and Table 6.8). However, the average size of the DoD installations on the Interaction List (246,264 acres) was over three times larger than those with CRM data. The median size of installations on the Interaction List (33,466 acres) was over six times as large. Similar ratios for average and median size exist for each branch of service.

Table 6.7 Average Size of Installations (in acres)

	Average Total	Average Army	Average Navy	Average Air Force	Average Marines
Installations w/ CRM Data	70499	96078	21231	89956	73082
Installations w/ Interactions	246264	204615	110664	459552	95392

Table 6.8 Median Size of Installations (in acres)

	Median Total	Median Army	Median Navy	Median Air Force	Median Marines
Installations w/ CRM Data	5467	13752	1394	5455	7378
Installations w/ Interactions	33466	48046	4300	49577	60647

The size of DoD installations is cross-tabulated with branch of service for installations on the CRM List in Table 6.9a and for DoD installations on the Interaction List in Table 6.9b. Nine percent of the small Air Force installations have interactions with a Native American group while a much larger percentage of small Army installations (27 percent) have interactions (see Table 6.9b). In comparison, fourteen percent of the small Navy installations and zero percent of the small Marine Corps installations have interactions. The Army also has a higher percentage of medium installations with interactions (35 percent) than installations of the same size in the Navy and the Air Force. All three of the Marine Corps installations with interactions were medium sized (between 10,000 and 200,000 acres).

The percentage of large installations in the Army, Navy, and Air Force that have interactions is 78, 100, and 100 percent respectively (see Table 6.9b). Clearly, large installations in all three of these branches of the DoD are the most likely to have interactions with a Native American group.

Table 6.9a Number of Installations on the CRM List by Branch of Service & Size Category

Branch of Service	Size Category			
	Small	Medium	Large	Total
Army	41	40	9	90
Navy	66	17	1	84
Air Force	64	22	5	91
Marine Corps	8	5	1	14
Total	179	84	16	279

Size Category Small = 0 - 10,000 acres
 Size Category Medium = 10,000 - 200,000 acres
 Size Category Large = > 200,000 acres

Although most of the DoD installations on the CRM List were small, only fifteen percent of the small installations have cultural resource related interactions with a Native American group (see Table 6.9b). On the other hand, 81 percent of the installations over 200,000 acres have interactions. However, 69 percent of the large installations are located in the West and 91 percent of these installations have interactions with Native Americans. Clearly, the affect of size and region can not be separated in this analysis.

Table 6.9b Number of Installations on the Interaction List by Branch of Service & Size Category *

Branch of Service	Size Category			
	Small	Medium	Large	Total
Army	11 (27%)	14 (35%)	7 (78%)	32 (36%)
Navy	9 (14%)	2 (12%)	1 (100%)	12 (14%)
Air Force	6 (9%)	5 (23%)	5 (100%)	16 (18%)
Marine Corps	0 (0%)	3 (60%)	0 (0%)	3 (21%)
Total	26 (15%)	24 (29%)	13 (81%)	63 (23%)

Size Category Small = 0 - 10,000 acres
 Size Category Medium = 10,000 - 200,000 acres
 Size Category Large = > 200,000 acres

* The percentages included in this table represent the number in a given category (i.e. Small Army installations) as a percentage of the number in the same category for installations on the CRM List.

Installations with Interactions

Through an analysis of the three existing mail surveys, the *Access Survey*, and the *Follow-Up Survey*, 63 installations in the DoD were identified as having cultural resource related interactions with a Native American group (see Appendix G, Interaction List). A map showing the location of these installations is provided in Figure 6.2. These 63 installations are analyzed in relation to the eight variables described above. Three of these variables, level of interaction, type of cultural resource, and basis of interaction, serve as the foci of analysis.

A breakdown by branch of service of all the DoD installations on the Interaction List is provided in Table 6.10. Of the 63 installations with interactions, 51 percent are within the Army, 25 percent are part of the Air Force, 19 percent are within the Navy and five percent are within the Marine Corps. The Army contains just over half of the DoD installations that have cultural resource related interactions with a Native American group.

Figure 6.2 Installations with Interactions



Table 6.10 Installations on the Interaction List by Branch of Service

Branch of Service				
Army	Navy	Air Force	Marine Corps	Total
32 (51%)	12 (19%)	16 (25%)	3 (5%)	63 (100%)

Levels of Interaction

Installations were categorized into one of four different levels of interaction. These four levels were divided into two main categories: (1) those that have formal policies with Native American groups; and (2) those without formal policies with Native American groups. Within these two categories, each installation was further categorized according to the frequency of interactions, either limited or sustained, between the DoD installation and a Native American group. Installations with cultural resource related interactions with a Native American group were categorized by level of interactions and then cross-tabulated with five other variables (Branch of Service, Size, Region, Type of Cultural Resource, Basis of Interaction).

Formal policies are installation level policies that are specific to particular Native American groups. Policies that were considered "formal" were therefore above and beyond any command, DoD, or Federal policy that would govern relationships between the installation and a Native American group. Formal policies include Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), Programmatic Agreement (PA), and Cultural Resource Management Plans (CRMP). For example, the CRMP at the Naval Air Station, Fallon states:

For actions on NAS Fallon, its training ranges B-16, B-17, and B-20, the proposed EW Range and the Shoal Sites, and those lands owned in fee in Dixie Valley, *the Chairman of the Fallon Paiute-Shoshone Tribes must be contacted*. With respect to undertakings affecting such properties on B-19, *the Chairman of the Walker River Paiute Tribe must be contacted*.

A policy was not considered as formal unless it had been signed by all parties and placed in effect. There were a number of installations that had general policies regarding Native American cultural resources but that were not with or specific to a particular Native American group. For example, the Historic Preservation Plan (HPP) at Holloman Air Force Base includes a section on how to handle issues arising over Native American cultural resources, but does not mention a specific Native American group. Policies like this often reiterate requirements specified by laws like NAGPRA and AIRFA but do not provide additional guidance to installation personnel regarding which tribes to contact and how to proceed with consultation. Some installations indicated that they were in the process of developing policies that would govern relationships with Native American groups. Such installations were not included as having formal policies.

All those installations that had interactions with Native American groups were asked directly during the *Legacy Follow-Up Survey* about the frequency of their interactions with Native American groups. Installations that had "limited interactions consisting of one or two contacts over a period of several years" were classified as having limited interactions with Native American groups. Installations that had "sustained interactions consisting of many contacts over a period of several years" were classified as having sustained interactions with Native American groups.

All 63 installations on the Interaction List were cross-tabulated by the presence (or absence) of formal policies and by frequency of interactions (see Table 6.11). Twenty-four percent of the total number of installations on the Interaction List have formal policies with or specific to a Native American group. On the other hand, 76 percent of the total number of installations on the Interaction List do not have formal policies. In other words, there is a 1 to 3 ratio of installations with formal policies to installations without formal policies. Only five percent of the DoD installations that have limited interactions with a Native American group also have formal policies (see Table 6.11). In comparison, DoD installations with sustained interactions were equally split between those installations with and without formal policies.

Table 6.11 Installations on the Interaction List by Presence of Formal Policies and Frequency of Interactions

Frequency of Interactions	Presence of Formal Policies		
	With Formal Policies	Without Formal Policies	Total
Limited Interactions	2 (5%)	35 (95%)	37 (100%)
Sustained Interactions	13 (50%)	13 (50%)	26 (100%)
Total	15 (24%)	48 (76%)	63 (100%)

Table 6.12 Installations on the Interaction List by Frequency of Interactions and Presence of Formal Policies

Presence of Formal Policies	Frequency of Interactions		
	Limited	Sustained	Total
With Formal Policies	2 (13%)	13 (87%)	15 (100%)
Without Formal Policies	35 (73%)	13 (27%)	48 (100%)
Total	37 (59%)	26 (41%)	63 (100%)

Table 6.12 switches the variables used in table 5.11 so that the number of installations on the Interaction List could be calculated in relation to the frequency of interactions. Fifty-nine percent of the installations have limited interactions while 41 percent have sustained interactions. In other words, there is a 3 to 2 ratio of installations with limited interactions to installations with sustained interactions.

Eighty-seven percent of the installations with formal policies have sustained interactions (see Table 6.12). In comparison, only 26 percent of the installations without formal policies have sustained interactions.

By Branch

The first variable to be cross-tabulated with level of interaction was branch of service (see table 6.13). The largest percentage of installations in the Army, Navy, and Air Force are without formal policies and have limited interactions with a Native American group. Installations that do have formal policies in these same three services are most likely to have sustained interactions. On the other hand, installations without formal policies are more likely to have limited interactions.

Table 6.13 Installations on the Interaction List by Branch of Service and Level of Interaction

Level of Interaction		Branch of Service				
		Army	Navy	Air Force	Marines	Total
With Formal Policies	limited	1 (3%)	0 (0%)	1 (6%)	0 (0%)	2 (3%)
	sustained	7 (22%)	3 (25%)	3 (19%)	0 (0%)	13 (21%)
Without Formal Policies	limited	20 (63%)	5 (42%)	9 (56%)	1 (33%)	35 (56%)
	sustained	4 (13%)	4 (33%)	3 (19%)	2 (67%)	13 (20%)
Total		32 (100%)	12 (100%)	16 (100%)	3 (100%)	63 (100%)

Table 6.14 cross-tabulates the presence (or absence) of formal policies with each branch of service. This table clearly illustrates the 1 to 3 ratio of installations with formal policies to those without formal policies that exists not only for the DoD but also within each branch of service. The Marine Corps is an exception because it does not have any installations with formal policies.

Table 6.14 Installations on the Interaction List by Presence of Formal Policies and Branch of Service

Presence of Formal Policies	Branch of Service				
	Army	Navy	Air Force	Marines	Total
With Formal Policies	8 (25%)	3 (25%)	4 (25%)	0 (0%)	15 (24%)
Without Formal Policies	24 (75%)	9 (75%)	12 (75%)	3 (100%)	48 (76%)
Total	32 (100%)	12 (100%)	16 (100%)	3 (100%)	63 (100%)

By Size

The 63 DoD installations on the Interaction List were cross-tabulated by level of interaction and size category (see Table 6.15). This table illustrates the affect that size has on level of interaction. A discussion of the table is included below.

Table 6.15 Number of Installations on the Interaction List by Size Category and Level of Interaction

Level of Interactions		Size Category			
		Small	Medium	Large	Total
With Formal Policies	limited	0 (0%)	1 (4%)	1 (8%)	2 (3%)
	sustained	4 (15%)	5 (21%)	4 (31%)	13 (21%)
Without Formal Policies	limited	16 (62%)	13 (54%)	6 (46%)	35 (56%)
	sustained	6 (23%)	5 (21%)	2 (15%)	13 (20%)
Total		26 (100%)	24 (100%)	13 (100%)	63 (100%)

Size Category Small = 0 - 10,000 acres
 Size Category Medium = 10,000 - 200,000 acres
 Size Category Large = > 200,000 acres

There is a higher percentage of large installations (31%) that have formal policies and sustained interactions than either medium (21%) or small (15%) installations with the same level of interaction (see Table 6.15). At the same time, the number of installations with formal policies

and sustained interactions is equally distributed between the three size categories. In comparison, the majority of installations without formal policies in all three size categories have limited interactions. In fact, 62 percent of the small installations were without formal policies and had limited interactions. This is compared to 54 percent of the medium installations and 46 percent of the large installations.

Table 6.16 cross-tabulates presence (or absence) of formal policies with the three size categories. The 1 to 3 ratio that exists for installations in each branch of service also exists for medium sized installations. However, this is not the case for small and large sized installations. Almost 40 percent of the large installations have formal policies while only 15 percent of the small installations have formal policies. Clearly, the larger the installation the more likely it is to have interactions.

Table 6.16 Number of Installations on the Interaction List by Presence of Formal Policies and Size Category

Presence of Formal Policies	Size Category			
	Small	Medium	Large	Total
With Formal Policies	4 (15%)	6 (25%)	5 (39%)	15 (24%)
Without Formal Policies	22 (85%)	18 (75%)	8 (61%)	48 (76%)
Total	26 (100%)	24 (100%)	13 (100%)	63 (100%)

Size Category Small = 0 - 10,000 acres
 Size Category Medium = 10,000 - 200,000 acres
 Size Category Large = > 200,000 acres

Within each size category, the ratio of installations with limited interactions to installations with sustained interactions is approximately 3 to 2. This is the same overall ratio that exists for installations that have interactions. Therefore, the size of a given installation does not significantly impact the frequency of interactions.

By Region

Installations that were categorized by level of interaction were also analyzed by region (see Table 6.17). The vast majority of DoD installations in the Northeast, Southeast, and Midwest were without formal policies and had limited interactions with a Native American group. Half of the DoD installations in the West were without formal policies and had limited interactions. In comparison, only 36 percent of the DoD installations in the Alaska/Pacific region fell under this category. In fact, installations in the Alaska/Pacific region were the most equally

distributed between the four levels of interaction. DoD installations that had formal policies were likely to have sustained interactions regardless of region.

Table 6.17 Number of Installations on the Interaction List by Region and Level of Interaction

Level of Interaction		Region					
		Northeast	Southeast	Midwest	West	Alaska/Pacific	Total
With Formal Policies	limited	0 (0%)	0 (0%)	0 (0%)	2 (6%)	0 (0%)	2 (3%)
	sustained	0 (0%)	1 (17%)	2 (22%)	7 (21%)	3 (28%)	13 (21%)
Without Formal Policies	limited	4 (100%)	5 (83%)	6 (67%)	16 (49%)	4 (36%)	35 (56%)
	sustained	0 (0%)	0 (0%)	1 (11%)	8 (24%)	4 (36%)	13 (20%)
Total (%)		4 (100%)	6 (100%)	9 (100%)	33 (100%)	11 (100%)	63 (100%)

Table 6.18 cross-tabulates region with the presence of formal policies. This table indicates that, for installations in the West, the Alaska/Pacific, and Midwest regions, there is a 1 to 3 ratio of installations with formal policies to those without formal policies. This ratio is not present in the Northeast because there are no installations with formal policies in that region. This ratio is also not represented by installations in the Southeast, because there is a higher percentage of installations in this region without formal policies (83 percent) than the overall percentage of installations without formal policies (75%). Clearly, the region in which a DoD installation is located is related to whether formal policies exist at that DoD installation.

Table 6.18 Number of Installations on the Interaction List by Region and Presence of Formal Policies

Presence of Formal Policies	Region					
	Northeast	Southeast	Midwest	West	Alaska/Pacific	Total
With Formal Policies	0 (0%)	1 (17%)	2 (22%)	9 (27%)	3 (28%)	15 (24%)
Without Formal Policies	4 (100%)	5 (83%)	7 (78%)	24 (73%)	8 (72%)	48 (76%)
Total	4 (100%)	6 (100%)	9 (100%)	33 (100%)	11 (100%)	63 (100%)

Within each regional category, the ratio of DoD installations with limited interactions to those with sustained interactions is not the same as the overall ratio of 3 to 2 (see Table 6.19). One hundred percent of the installations in the Northeast have limited interactions. In the Southeast and the Midwest, there is a greater percentage of installations with limited interactions (83 and 67 percent respectively) than the overall percentage of installations with limited interactions (59 percent). In the West, there are a relatively equal number of installations with limited interactions compared to those with sustained interactions. In contrast, there are more installation in the Alaska/Pacific region with sustained interactions than those with limited interactions. Clearly, the region in which an installation is located is related to the frequency of interactions the installation has with Native American groups.

Table 6.19 Number of Installations on the Interaction List by Region and Frequency of Interactions

Frequency of Interactions	Region					
	Northeast	Southeast	Midwest	West	Alaska/ Pacific	Total
Limited	4 (100%)	5 (83%)	6 (67%)	18 (55%)	4 (36%)	37 (59%)
Sustained	0 (0%)	1 (17%)	3 (23%)	15 (45%)	7 (64%)	26 (41%)
Total	4 (100%)	6 (100%)	9 (100%)	33 (100%)	11 (100%)	63 (100%)

Type of Cultural Resource

The type of cultural resources found on DoD installations that have cultural resource related interactions with a Native American group were analyzed in relation to level of interaction, branch of service, and region. Installations were categorized by the type of Native American cultural resource(s) they contain in Table 6.20. Not all the installations that contain a particular type of cultural resource have relationships with a Native American group regarding that resource. Over 80 percent of the installations on the Interaction List contain archaeological or historic resources. A little over half of the installations on the Interaction List contain Native American burials. Thirty-five percent contain a Native American sacred site. Native American animal resources are found at seventeen percent of the installations while Native American plants are found at nineteen percent. Native American cultural resources that did not fit into these categories are found at sixteen percent of the installations.

Table 6.20 Number of Installations on the Interaction List by Type of Cultural Resource *

Number of Installations with Interactions (n=63)	Type of Cultural Resource					
	Arch/Hist	Burials	Plants	Animals	Sacred	Other
	52 (83%)	33 (52%)	12 (19%)	11 (17%)	22 (35%)	10 (16%)

* Installations may contain more than one type of cultural resource.

The type of cultural resources found at DoD installations is cross-tabulated with level of interaction in Table 6.21. DoD installations with any of the six types of Native American cultural resources are unlikely to have both formal policies and limited interactions. However, DoD installations that contained Native American cultural resources were fairly well distributed between the other three levels of interaction. There were two exceptions to this distribution. The majority of the installations with Native American archaeological or historical resources are without formal policies and have limited interactions. On the other hand, over 50 percent of the installations with sacred sites have both formal policies and sustained interactions. Clearly, the type of cultural resources that exist at DoD installations is related to the level of interaction that occurs between the installation and Native American groups.

Table 6.21 Number of Installations on the Interaction List by Level of Interaction and Type of Cultural Resource

Level of Interaction		Type of Cultural Resource					
		Arch/Hist	Burials	Plants	Animals	Sacred	Other
With Formal Policies	limited	2 (4%)	1 (3%)	0 (0%)	0 (0%)	0 (0%)	2 (20%)
	sustained	13 (25%)	11 (33%)	5 (42%)	3 (28%)	12 (54%)	4 (40%)
Without Formal Policies	limited	27 (52%)	13 (39%)	5 (42%)	4 (36%)	5 (23%)	3 (30%)
	sustained	10 (19%)	8 (24%)	2 (16%)	4 (36%)	5 (23%)	1 (10%)
Total (%)		52 (100%)	33 (100%)	12 (100%)	11 (100%)	22 (100%)	10 (100%)

Installations on the Interaction List are cross-tabulated by type of cultural resource and the presence of formal policies in table 6.22. The 1 to 3 ratio that exists for the total number of DoD installations on the Interaction List is represented by installations that contain either Native

American archaeological or Native American animal resources. In other words, 25 percent of these installations have formal policies. However, this ratio does not exist for installations with any of the four other types of Native American cultural resources. Thirty-six percent of the installations with Native American burials have formal policies. Installations with Native American plant resources were even more likely to have formal policies, although the majority were still without them. Installations with Native American sacred sites were equally distributed between those with and without formal policies. In comparison, 60 percent of the installations with Native American cultural resources included in the "other" category have a formal policy. Clearly, the type of Native American cultural resources found at an installation is related to whether that installation has a formal policy.

Table 6.22 Installations on the Interaction List by Type of Cultural Resource and Presence of Formal Policies

Presence of Formal Policies	Type of Cultural Resource					
	Arch/Hist	Burials	Plants	Animals	Sacred	Other
With Formal Policies	15 (29%)	12 (36%)	5 (42%)	3 (27%)	12 (55%)	6 (60%)
Without Formal Policies	37 (71%)	21 (64%)	7 (58%)	8 (73%)	10 (45%)	4 (40%)
Total	52 (100%)	33 (100%)	12 (100%)	11 (100%)	22 (100%)	10(100%)

Type of cultural resource was also cross-tabulated with frequency of interactions (see Table 6.23). Just under half of the installations with Native American archaeological resources have sustained interactions. Fifty-eight percent of the installations that contained Native American burial or plant resources also have sustained interactions. In comparison, 64 percent of the installations with Native American animal resources and 77 percent of the installations with Native American sacred sites have sustained interactions. Installations with Native American sacred sites were, therefore, the most likely to have sustained interactions. Clearly, the type of cultural resource found at an installations is related to the frequency of interactions that the installation has with Native American groups.

Installations on the Interaction List were also cross-tabulated by type of cultural resource and branch of service (see Table 6.24). This table describes how many installations within a given branch of service have a particular type of cultural resource. Ninety-one percent of the Army's installations have Native American archaeological or historic resources. Approximately two-fifths of the installations in the Army have either Native American burials or Native American sacred sites. A quarter of the Army's installations have Native American plant resources and sixteen percent have Native American animal resources. Over 50 percent of the Navy's installations have either Native American archaeological resources or Native American burials. Forty-two percent of these installations have Native American sacred sites and 33

percent have Native American animal resources. Only eight percent of the Navy's installations have Native American plant resources.

Table 6.23 Installations on the Interaction List by Type of Cultural Resource and Frequency of Interactions

Frequency of Interactions	Type of Cultural Resource					
	Arch/Hist	Burials	Plants	Animals	Sacred	Other
Limited	29 (56%)	14 (42%)	5 (42%)	4 (36%)	5 (23%)	5 (50%)
Sustained	23 (44%)	19 (58%)	7 (58%)	7 (64%)	17 (77%)	5 (50%)
Total	52 (100%)	33 (100%)	12 (100%)	11 (100%)	22 (100%)	10 (100%)

Seventy-five percent of the Air Force's installations have Native American archaeological or historic resources (Table 6.24). Over 60 percent of the installations in the Air Force have Native American burials while a quarter have Native American sacred sites. Nineteen percent of the Air Force's installations contain Native American plant resources while only six percent have Native American animal resources. All three of the Marine Corps installations that have interactions, contain Native American archaeological resources. Sixty-seven percent of these installations have Native American burials. A third of them have either Native American animal resources or Native American sacred sites. Clearly, the types of Native American cultural resources found at DoD installations varies within each branch of service.

Table 6.24 Number of Installations on the Interaction List by Type of Cultural Resource and Branch of Service *

Branch of Service	Type of Cultural Resource					
	Arch/Hist	Burial	Plants	Animals	Sacred	Other
Army (n=32)	29 (91%)	14 (44%)	8 (25%)	5 (16%)	12 (38%)	5 (16%)
Navy (n=12)	8 (67%)	7 (58%)	1 (8%)	4 (33%)	5 (42%)	3 (25%)
Air Force (n=16)	12 (75%)	10 (63%)	3 (19%)	1 (6%)	4 (25%)	2 (13%)
Marine Corps (n=3)	3 (100%)	2 (67%)	0 (0%)	1 (33%)	1 (33%)	0 (0%)
Total (n=63)	52 (83%)	33 (52%)	12 (19%)	11 (17%)	22 (35%)	10 (16%)

* Percentages are out of the total number of installations within the appropriate service.

DoD installations that have cultural resource related interactions with a Native American group were cross-tabulated by type of cultural resource and region (see Table 6.25). Almost half of the installations with archaeological/historical resources were located in the West. Nineteen percent were found in the Alaska/Pacific region and fifteen percent were found in the Midwest. An additional ten percent of the installations with archaeological/historical resources were located in the Southeast. Installations in the Northeast made up only eight percent of these installations. Installations with Native American burials were more evenly divided between the five regions, although the largest percentage of installations with this type of cultural resource (49 percent) were located in the West. Twenty-one percent were found in the Alaska/Pacific region. Fifteen percent of the installations with this type of cultural resource were found in the Southeast while nine percent were located in the Midwest. Only six percent of the installations with Native American burials were found in the Northeast.

Almost 70 percent of the installations with Native American plant resources were found in the West (see Table 6.25). Seventeen percent of the installations with this resource were located in the Southeast while the remaining sixteen percent were split between the Northeast and the Midwest. Fifty-five percent of the installations with Native American animal resources were found in the West, while the remaining forty-five percent were found in the Alaska/Pacific region. There were no installation with this type of cultural resource found in any of the other three regions. Over half of the installations with Native American sacred sites were found in the West. Thirty-six percent of these installations were located in the Alaska/Pacific region. Only nine percent of the installations with Native American sacred sites were found in the Midwest. As this table illustrates, the types of Native American cultural resources contained at DoD installations with cultural resource related interactions with a Native American group is related to the region in which the installation is located.

Basis of Interactions

Interactions with Native American groups were based on two sets of issues: (1) cultural resources; and (2) other issues. There were four different kinds of interactions that occurred over Native American cultural resources (see below). In addition, there were other issues that were related to, but not directly regarding, Native American cultural resources. Five types of these "other issues" were identified among the DoD installations with interactions. These are also described in more detail below.

Cultural Resource Issues

There were four different types of interactions based on cultural resources. These were: (1) consultation/monitoring over cultural resources (not human burials); (2) consultation and or monitoring over human burials; (3) access to sacred sites; (4) access to cultural resources (other than sacred sites). Sites were considered sacred if they were identified as such by installation

respondents (see Appendix E). The remaining sites may be sacred to Native American people, but the respondents did not have that information. The number and percentages of installations

Table 6.25 Number of Installations on the Interaction List by Type of Cultural Resource and Region

Region	Type of Cultural Resource					
	Arch/Hist	Burials	Plants	Animals	Sacred	Other
Northeast	4 (8%)	2 (6%)	1 (8%)	0 (0%)	0 (0%)	0 (0%)
Southeast	5 (10%)	5 (15%)	2 (17%)	0 (0%)	0 (0%)	0 (0%)
Midwest	8 (15%)	3 (9%)	1 (8%)	0 (0%)	2 (9%)	0 (0%)
West	25 (48%)	16 (49%)	8 (67%)	6 (55%)	12 (55%)	6 (60%)
Alaska/Pacific	10 (19%)	7 (21%)	0 (0%)	5 (45%)	8 (36%)	4 (40%)
Total	52 (100%)	33 (100%)	12 (100%)	11 (100%)	22 (100%)	10 (100%)

within each of these four different categories is included in Table 6.26. Eighty-one percent of the installations on the Interaction List have consulted with a Native American group over cultural resources. Just over half of the installations on the Interaction List have consulted with a Native American group over human burials. Only fourteen percent of the installations have interacted with a Native American group regarding access to a sacred site. However, 33 percent of the installations interacted with a Native American group regarding access to cultural resources other than sacred sites.

Table 6.26 Number and Percentage of Installations by Basis of Interactions *

Number of Installations w/ Interactions (n=63)	Basis of Interactions			
	Consultation/Monitoring-Cultural Resources	Consultation/Monitoring-Human Burials	Access to Sacred Sites	Access to Cultural Resources
	51 (81%)	32 (51%)	9 (14%)	21 (33%)

* Installations can be included in more than one category

These four different kinds of interactions were cross-tabulated with level of interaction in Table 6.27. A little over half of the installations that have consulted with a Native American group over non-burial related cultural resources are without a formal policy and have limited interactions. In addition, 25 percent of these installations have both a formal policy and sustained interactions. On the other hand, 38 percent of the installations that have consulted with a Native American group regarding human burials are without a formal policy and have limited interactions. Yet, 31 percent of these same installations have both formal policies and sustained interactions. Forty-three percent of the installations that have allowed Native Americans access to cultural resources (not identified as sacred) are without formal policies and have limited interactions. Twenty-eight percent of these installations have both a formal policy and sustained interactions. In contrast, 67 percent of the installations that have allowed Native Americans access to sacred sites have both a formal policy and sustained interactions. Clearly, the basis of interaction is related to the level of interaction that occurs between a DoD installation and a Native American group.

Table 6.27 Number of Installations on the Interaction List by Level of Interaction and Basis of Interactions *

Level of Interaction		Basis of Interactions			
		Consultation/ Monitoring- Cultural Resources	Consultation/ Monitoring- Human Burials	Access to Sacred Sites	Access to Cultural Resources
With Formal Policies	limited	2 (4%)	1 (3%)	0 (0%)	1 (5%)
	sustained	13 (25%)	10 (31%)	6 (67%)	6 (28%)
Without Formal Policies	limited	28 (55%)	12 (38%)	1 (11%)	9 (43%)
	sustained	8 (16%)	9 (28%)	2 (22%)	5 (24%)
Total (n=63)		51 (100%)	32 (100%)	9 (100%)	21 (100%)

* Percentages are out of the total number of installations within the appropriate Level of Interaction (n=) category.

The basis of interaction for each installation was also related to the presence of formal policies (see Table 6.28). Out of the 51 installations that have consulted with a Native American group regarding non-burial related cultural resources, 29 percent have a formal policy. Thirty-four percent of the installations that have consulted with a Native American group regarding human burials also have a formal policy. Installations that have consulted with Native American groups over cultural resources are more likely to have a formal policy than the overall percentage of installations with formal policies (25%).

Installations that have allowed Native Americans access to sacred sites are the most likely to have formal policies (Table 6.28). In fact, 67 percent of these installations have a

Table 6.28 Number of Installations on the Interaction List by Basis of Interaction and Presence of Formal Policies

Presence of Formal Policies	Basis of Interaction			
	Consultation/ Monitoring- Cultural Resources	Consultation/ Monitoring- Human Burials	Access to Sacred Sites	Access to Cultural Resources
With Formal Policies	15 (29%)	11 (34%)	6 (67%)	7 (33%)
Without Formal Policies	36 (71%)	21 (66%)	3 (33%)	14 (67%)
Total	51 (100%)	32 (100%)	9 (100%)	21 (100%)

formal policy with or specific to a Native American group. Thirty-three percent of the installations on the Interaction List that have allowed a Native American group access to other cultural resources also have a formal policy.

The types of interactions that occur between installations and Native American groups are also related to the frequency of interactions (see Table 6.29). Forty-one percent of the installations that have consulted with a Native American group regarding non-burial related cultural resources have sustained interactions. This is very similar to the overall percentage of installations with sustained interactions (40 percent). Almost 60 percent of the installations that have consulted with a Native American group regarding human burials also have sustained interactions. This is nearly twenty percent higher than the overall percentage of installations with sustained interactions. The biggest difference from the overall percentage exists among installations that have allowed Native Americans access to sacred sites. Eighty-nine percent of these installations have sustained interactions. This is more than twice as many as the overall percentage (40%). Installations that have allowed Native Americans access to other cultural resources were equally divided among the two frequency categories.

Table 6.29 Number of Installations on the Interaction List by Basis of Interaction and Frequency of Interactions

Frequency of Interactions	Basis of Interaction			
	Consultation/ Monitoring- Cultural Resources	Consultation/ Monitoring- Human Burials	Access to Sacred Sites	Access to Cultural Resources
Limited	30 (59%)	13 (41%)	1 (11%)	10 (48%)
Sustained	21 (41%)	19 (59%)	8 (89%)	11 (52%)
Total	51 (100%)	32 (100%)	9 (100%)	21 (100%)

The basis of interaction for each DoD installation that has cultural resources-related interactions with a Native American group was also cross-tabulated with branch of service and region (see Tables 6.30 and 6.31). Eighty-eight percent of the Army installations have consulted with a Native American group regarding non-burial related cultural resources. Forty-four percent of the Army installations on the Interaction List have consulted with a Native American group concerning Native American burials while 41 percent have allowed Native Americans access to cultural resources. Thirteen percent of the Army's installations have allowed Native Americans access to sacred sites. Fifty-eight percent of the Navy's installations have consulted with a Native American group regarding non-burial related cultural resources and 50 percent have interacted regarding Native American burials. A third of the Navy installations have allowed Native Americans access to sacred sites. However, only 17 percent have allowed Native Americans access to other cultural resources.

Eighty-one percent of the Air Force's installations have consulted with a Native American group regarding Native American archaeological resources (see Table 6.30). Over 60 percent of the Air Force installations have consulted with a Native American group concerning Native American burials. However, only six percent of these installations have allowed Native Americans access to sacred sites. In comparison, 25 percent have allowed Native Americans access to other types of cultural resources. Sixty-seven percent of the Marine Corps installations (this equals 2 installations) have interacted with a Native American group concerning either Native American burials or access to Native American cultural resources. All three of the Marine Corps installations with interactions have consulted with a Native American group regarding non-burial related cultural resources.

Table 6.30 Number of Installations on the Interaction List by Branch of Service and Basis of Interactions *

Branch of Service	Basis of Interactions			
	Consultation/ Monitoring- Cultural Resources	Consultation/ Monitoring- Human Burials	Access to Sacred Sites	Access to Cultural Resources
Army (n=32)	28 (88%)	14 (44%)	4 (13%)	13 (41%)
Navy (n=12)	7 (58%)	6 (50%)	4 (33%)	2 (17%)
Air Force (n=16)	13 (81%)	10 (63%)	1 (6%)	4 (25%)
Marine Corps (n=3)	3 (100%)	2 (67%)	0 (0%)	2 (67%)
Total (n=63)	51 (81%)	32 (51%)	9 (14%)	21 (33%)

* Percentages are out of the total number of installations within the appropriate Level of Interaction (n=) category.

Over half of the installations that have consulted with a Native American group regarding non-burial related cultural resources are located in the West (see Table 6.31). Fifteen percent of these installations are located in the Midwest and fourteen percent are found in the Alaska/Pacific region. Both the Northeast and Southeast region contained less than ten percent of these installations. Similarly, 53 percent of the installations that have consulted with a Native American group regarding human burials were also located in the West. Nineteen percent of these installations were found in the Alaska/Pacific region. An additional sixteen percent were located in the Southeast. Installations that allowed Native Americans access to sacred sites were found in either the Midwestern, Western, or Alaska/Pacific regions. Forty-five percent of these installations were found in the Western region while 33 and 22 percent were located in the Alaska/Pacific and Midwestern regions respectively. Forty-eight percent of the installations that have allowed Native American access to other cultural resources are located in the West. The Alaska/Pacific region contains 19 percent of these installations while the Midwest and the Southeast contain fourteen percent each. When comparing across regions, the West had by far the largest percentage of installations under each Basis of Interaction category. The basis of interaction is clearly related to the region in which a given installation is located.

Table 6.31 Number of Installations on the Interaction List by Region and Basis of Interactions *

Region	Basis of Interactions			
	Consultation/ Monitoring- Cultural Resources	Consultation/ Monitoring- Human Burials	Access to Sacred Sites	Access to Cultural Resources
Northeast	4 (8%)	1 (3%)	0 (0%)	1 (5%)
Southeast	4 (8%)	5 (16%)	0 (0%)	3 (14%)
Midwest	8 (15%)	3 (9%)	2 (22%)	3 (14%)
West	28 (55%)	17 (53%)	4 (45%)	10 (48%)
Alaska/Pacific	7 (14%)	6 (19%)	3 (33%)	4 (19%)
Total	51 (100%)	32 (100%)	9 (100%)	21 (100%)

Other Issues

A number of issues of concern to Native American groups were not directly related to cultural resources but instead were extensions of these issues. The majority of these issues were related to the land and natural resources under the jurisdiction of a given installation. There were five kinds of "other issues" included in this analysis. These issues included: land transfers, historic education programs, commercial leases of DoD property, cooperative resource management between Native American groups and DoD installations, and other. There were four installations where land transfers were an issue. At the Yakima Training Center, the Yakama Nation has acquired land on the installation. At Fort Jonathan Wainwright in Alaska, a member of a Native Alaskan group was able to get a native claim allotment on the installation. There were two other cases in which land was transferred from an installation to another government agency regarding a landholding of concern to a Native American group.

There were two installations that had historic education programs. At both of these installations, Native American groups participated in programs concerning Native American history at the installation. There was one installation, Fort Lewis, where a Native American group had commercially leased property from the DoD. The Nisqually Indian Community has leased property on Fort Lewis for the purposes of constructing a fish hatchery. There were also two installations that were cooperatively managing the installation's resources with a Native American group. The Stillaguamish Indian Tribe has signed a MOU with the Naval Radio Station (T), Jim Creek for the purposes of cooperatively managing a fish hatchery on the installation and for the purposes of restoring salmonid habitats. The other installation, Fort

Lewis, assists in the management of resources that are essential to the proper functioning of the Nisqually Indian Communities fish hatchery.

The "other" category includes the following installations: two Air Force installations in which a Native American group was consulted regarding aircraft flyovers; one Army installation where a Native Hawaiian group claimed part of the installation's land; one Army installation in which a Native American group filed an amicus lawsuit on the Army's behalf regarding a right of way through the installation; and one Navy installation in which ordinance from the installation contaminated an adjacent Indian reservation.

Additional Concerns

The analysis of DoD installations that have interactions with Native American groups provided a window into some other issues of concern that were not specifically addressed in this study. These issues are discussed below.

Native American Involvement in the BRAC Process

The Base Realignment and Closure (BRAC) process has produced many situations that require DoD installations to interact with Native American groups. Many of these installations slated for BRAC have conducted Environmental Impact Statements (EIS) to assess the impact of realignment and closure on the natural and social environments. Consequently, some of the installations have interacted with Native American groups concerning cultural resources found at their installations. For example, the Naval Construction Battalion Center, Davisville in Rhode Island initiated interactions with Native American groups because of BRAC. This installation hired the Naragansett tribe to consult on required archaeological surveys. Some installations slated for closure under BRAC have interacted with Native Americans, not concerning cultural resources, but instead because a Native American group had submitted a reuse plan for the installation. At least nine installations undergoing BRAC have encountered this situation. For example, the Muckleshoot Tribe of Washington state submitted a reuse plan for the Puget Sound Naval Station. However, a systematic survey of BRAC installations was never conducted for this study. Installations such as this, where interactions were not related in some way to cultural resources, were therefore not included in the analysis. A policy regarding Native American acquisition of property under BRAC is being developed at the national level.

There were also some installations in which interactions with Native American groups were based on non-BRAC EISs. For example, the White Sands Missile Range has sent letters to Native American tribes in compliance with the American Indian Religious Freedom Act (AIRFA). These letters were sent as part of EISs prepared for large scale projects conducted at the installation.

Project Specific Concerns

Another issue of concern that was highlighted by this study was the prominence of project specific surveys. Surveys conducted solely for a specific project, almost always lead to project specific interactions with Native American groups. Many of the installations have interacted with Native American groups solely due to specific projects. For example, the Badger Army Ammunition Plant in Wisconsin interacted with the Winnebago Indian Tribe concerning the Superconducting Magnetic Energy Storage project. The contact at this installations indicated that the Plant "[did] not have a real interactive ongoing relationship" with any Native American group. The interaction occurred solely as a result of the project. The Advisory Council on Historic Preservation's report, *Defense Department Compliance with the National Historic Preservation Act: Section 202(a)(6) Evaluation Report (March 1994)*, indicated that a large portion of survey work has, in fact, been project driven. DoD installations should conduct comprehensive surveys and consult with culturally affiliated Native American groups as part of the overall management of cultural resources on the installation. Installations that have developed an ongoing relationship with a Native American group prior to a project requiring surveys will avoid possible conflicts in the future. For a more detailed discussion of this process see Chapter Eight.

Not only are the majority of surveys project driven, they are also primarily archaeological in nature. There are many other types of Native American cultural resources, such as plants, animals, and sacred sites, that are not identifiable through archaeological surveys. For example, archaeological surveys at Fort Ord in California did not reveal any sites of concern to Native American groups. However, through consultation with culturally affiliated Native American groups, botanical and burial sites of concern were identified. As the ACHP's March 1994 reports indicates, DoD personnel responsible for cultural resource management at the installation level have "a very limited perception of what constitutes a historic property or other cultural resources" (ACHP 1994:49). Cultural resource surveys have, for the most part, included buildings, structures, and archaeological sites (ACHP 1994:49). The only way to appropriately identify non-archaeological Native American cultural resources is through consultation with culturally affiliated Native American groups. Not only will consultation help to develop good working relationships between the DoD and Native American groups, but it is essential if the DoD wants to fully comply with laws such as the National Historic Preservation Act (NHPA), AIRFA, and NAGPRA. The 1992 amendments to the NHPA specifically address the issue of non-tangible historic resources by including "traditional cultural properties" as a kind of historic resource. However, NHPA still focuses on "properties" with boundaries that need to be evaluated through determination of eligibility for listing in the National Register.

NAGPRA Concerns

Many installations either began or continued developing a relationship with a Native American group because of the Native American Graves Protection and Repatriation Act (NAGPRA). For example, Fort Drum in New York has been more pro-active in this relationship with Native American groups since it began to develop policies to comply with NAGPRA. Some installations had consulted with a Native American group regarding human burials on their installation before NAGPRA took affect. However, because the stipulations of this law are very specific, some of the DoD installations that contain Native American burials, have had to develop formal policies regarding human remains in order to comply with NAGPRA. A detailed discussion of DoD installations with human burial policies is included in Chapter Eight.

Summary of Analysis

Twenty-three percent of the installations on the CRM List have cultural resource related interactions with a Native American group. Thirty-six percent of the Army's installations have cultural resource related interactions with Native Americans, the highest percentage of the four services of the DoD. At fourteen percent, the Navy has the lowest percentage of installations with cultural resource related interactions with a Native American group. The size (in acres) of DoD installations is also a relevant factor regarding cultural resource related interactions that these installations have with Native American groups. Although there are more small and medium DoD installations that have cultural resource related interactions with Native Americans, installations over 200,000 acres are the most likely to have interactions with a Native American group.

The number of DoD installations within each regional category on the CRM List was fairly well distributed. However, 51 percent of the installations on the Interaction List are found in the West. At the same time, 80 percent of the installations with formal policies are found in either the West or the Alaska/Pacific regions.

The types of Native American cultural resources that exist at DoD installations on the Interaction List are related to the region in which these installations are located. For example, 91 percent of the installations with known sacred sites are found in either the West or Alaska/Pacific regions. Seventy percent of the installations with known Native American burials are also located in these same two regions. The type of Native American cultural resources contained at a particular DoD installation varies, not only by region, but also by Branch of Service.

Installations with formal policies with or specific to a Native American group are better prepared to interact with the Native American groups mentioned in the policy. These policies also provide other installations with a guideline for developing their own relationships with Native American groups. Yet, only 24 percent of the installations with cultural resource related interactions with a Native American group have such a formal policy.

The existence of formal policies at DoD installations on the Interaction List is related to the types of Native American cultural resources contained at these installations. Just over 50 percent of the installations on the Interaction List that contain Native American sacred sites have formal policies with Native American groups. This is the highest percentage for any type of cultural resource. In contrast, only 29 percent of the installations with either Native American archaeological resources or Native American animal resources have formal policies.

DoD installations that have cultural resource related interactions with a Native American group were more likely to have consulted with a Native American group regarding cultural resources that to have allowed a Native American group access to cultural resources. The majority of installations on the Interaction List have consulted with a Native American group over non-burial related cultural resources. Half of the installations on the Interaction List have consulted with a Native American group over burials. In contrast, only fourteen percent of the installations on the Interaction List have allowed Native Americans access to sacred sites. However, 33 percent of the installations on the Interaction List have allowed Native Americans access to other types of Native American cultural resources.

At the core of many of the issues discussed in this chapter is the need for more consistent research regarding Native American cultural resources on DoD installations. Systematic and complete cultural resource surveys would be a positive step in developing relationships with Native American groups. In addition, the identification of Native American groups that are culturally affiliated to a given installation is essential to the consultation process. A number of survey respondents indicated that more research of this kind would lead to more Native American issues on DoD installations. As research in this direction increases, there will be corresponding changes in the level, type, and number of interactions between DoD installations and Native American groups.

CHAPTER SEVEN

CASE STUDY OF EXEMPLARY CULTURAL RESOURCE PROGRAM: FORT HOOD, TEXAS

Diane E. Austin

The consultation model described in Chapter Five was developed to respond to the need for Department of Defense (DoD) to comply with Federal laws regarding cultural resource management and to establish government-to-government relationships with Native American tribes (see Chapter Two). Each step of the proposed consultation model as it relates to the DoD will be reviewed in Chapter Eight. Few DoD installations have well-developed Native American cultural resource programs, and none of them were developed according to the proposed model. Nevertheless, many DoD installations began interacting with Native Americans prior to the passage of the existing Federal laws and regulations. Those installations must adapt existing relationships and form new ones to meet the requirements of Federal laws. The purpose of this case study is to describe the evolution of a relationship between a DoD installation and the American Indian tribes and groups with cultural affiliation to the land and resources under the jurisdiction of that installation.

The U.S. Army installation at Fort Hood, Texas was selected for this case study because the installation personnel responsible for cultural resources management and the American Indian people with interests there have demonstrated a willingness and ability to modify and expand existing relationships to begin to establish government-to-government relationships between Fort Hood and recognized tribes. The installation was established for tank destroyer training at its present site in central Texas in 1940. The story of the evolution of the relationship between Fort Hood and American Indians regarding cultural resources is a story of individual people. Yet, from that story emerge principles that govern successful interactions between the U.S. government and Native Americans in the special context of the Department of Defense.

This case study was conducted using document reviews, phone and in-person interviews, and participant observation at ceremonies and meetings. Three phone interviews and twenty-one face-to-face meetings were conducted with Fort Hood personnel, contract archaeologists who excavated the Leon River Medicine Wheel located on the post, members of the American Indian Resource and Education Coalition (AIREC), and the representatives of the Comanche, Caddo, Alabama-Coushatta, Wichita, and Tigua tribes who visited Fort Hood during the week of May

16, 1994 to take part in the Medicine Wheel renewal ceremony. Written notes were taken of all interviews, and interviews were recorded on tape when allowed by the interviewee. Participants were guaranteed anonymity, according to standard anthropological practice, to encourage candid and forthright responses. All key participants were given the opportunity to review the case study report. Their comments have been incorporated in this draft.

The results of the case study are presented in this chapter. The chapter begins with a brief review of the history of the area now occupied by Fort Hood to provide a context and basis for the present relationships at Fort Hood. Unless otherwise noted, the information on American Indian history in Texas was taken from Newcomb (1990) and Schott (1993). The evolution of the present relationship between Fort Hood and American Indians is described in the second section of this chapter. References to written materials and documents are included in the text. The remainder of the information was taken from the phone interviews and the in-person interviews conducted the week of May 16, 1994 so no explicit references are provided. The third section discusses the interactions that have taken place between Fort Hood personnel and American Indian people in the context of the consultation model that was presented in Chapter Five. Conclusions are presented in the final section of the chapter.

History

Native Americans

The land occupied by Fort Hood is a limestone plain located in a transition zone between the North American High Plains to the northwest and the Black and Grand Prairies to the east. Ridges, hills and escarpments cover the land that is drained by the Cowhouse and Owl Creeks and their tributaries as they flow into the Leon River (Faulk and Faulk 1990).

The region has been a cultural as well as geographical transition zone since the eighteenth century. It has been inhabited by many groups since humans first appeared there at least ten thousand years ago. The modern American Indians of Texas have been grouped into four different cultural traditions that are regionally distinctive (Newcomb 1990). Fort Hood lies within the region of central Texas that was home to scattered bands of Tonkawan peoples who were the probable descendants of Archaic cultures that occupied central Texas since 5000 BC. Continued Euroamerican contact with the Tonkawans began around 1690, and, by the nineteenth century, the remnants of the various Tonkawan bands had joined together to a single tribe.

North of the Tonkawans lived the ancestors of the Lipan Apaches from whom originate much of the ethnohistoric Native American Plains culture in the region. Prior to and during the sixteenth and seventeenth centuries the eastern Apaches, including the Lipan, Jicarilla, and Kiowa Apaches, were among the dominant groups of the southern plains. In the eighteenth century, the eastern Apaches began to engage in warfare against the Spanish from the south, the Comanches from the north, and the Wichitas from the northeast.

In eastern and northeastern Texas, two dozen tribes of Caddo people were organized in confederacies. South of those tribes lived the Atakapa. To the west, the land was occupied by individuals of whom little is known but who are believed to have been members of the Puebloan culture. Those people were invaded from the north around 1700 by groups of Native Americans known today as the Wichitas. The Wichita language is one of the five languages of Caddoan stock (Arikara, Pawnee, Wichita, Caddo, Kichai). The Wichitas originated near Kansas and, by the middle of the 1700s, had migrated into central Texas.

After 1700, additional Plains tribes, including the Comanches, the Kiowas, and the Kiowa Apaches, moved into the region. The Comanches had acquired horses and begun moving south and east of their Colorado and Wyoming homeland by the seventeenth century. They had achieved military control of much of the southern plains by the mid-1700s. The Comanches were organized into bands with no tribal political structure. The largest and best known band, the Pentekas or Honey-Eaters, led the advance into the southern plains. The Comanches conquered the Tonkawas, eastern Apaches, and other original residents of the southern Plains. By 1790, the Kiowas had made peace with the Comanches and joined them in warfare. These groups battled at various times the Spanish, Mexicans, Texans and U.S. citizens until the tribes were finally removed from the region in 1875. This time marks the point when the U.S. Army successfully forced the Comanche and Kiowa raiders to stay on reservations north of the Red River.

By the middle 1800s, additional tribes entered Texas as they were forced out of the eastern United States. "Indians of tribes representative of all the major patterns of living in the eastern half of the United States ventured into Texas at one time or another" (Newcomb 1990: 24). These groups include the Delawares, Shawnees, Kickapoos, Cherokees, Creek, Chickasaw, Choctaw, and Seminoles (Gibson 1963, Newcomb 1990). They established villages and participated in various tribal alliances from the early 1800s until they were pushed out in 1839 by the continual arrival of United States settlers and the policies created by Texas. After Texas established independence from Mexico, policies were designed to "force these tribes to return to the U.S." (Gibson 1963: 150).

Despite the presence of many American Indian groups with diverse backgrounds and histories, the Comanches occupy a dominant role in the perceptions of many Texan writers. By the time they reached Texas, the Comanches were masters of warfare. They engaged in numerous battles and skirmishes with settlers. Because of these conflicts, hostile Native Americans became the focus of State of Texas aggressive termination and removal policies.

Texas declared independence from the Republic of Mexico in 1836. The Republic of Texas negotiated for ten years for annexation to the United States and retained ownership of its public lands when it became a state on December 29, 1845 (Webb 1952). The state government passed a bill in 1854 setting aside land for Indian reservations (Koch 1925-1926). The reservations reverted to the state when the Native Americans were removed to Indian Territory in 1859. As a result of those policies, no indigenous tribes of Texas have reservations within the state. Nevertheless, three reservations were created by the U.S. Federal government for Indian

people who immigrated to Texas after other Indian ethnic groups were forced to move (Schott 1993). These U.S. Federal reservations include: (1) the Alabama-Coushatta reservation in east Texas; (2) the Kickapoo Traditional Tribe of Texas reservation in south Texas; and (3) the Ysleta del Sur pueblo at El Paso, Texas. The tribes are briefly described in the following paragraphs.

The Alabama-Coushatta Tribe consists of individuals of Muskogean heritage who came from woodlands tribes of Alabama and Mississippi whose members retreated from those areas in response to French cession of the region to Great Britain and Spain in 1763. Tribal members first entered Texas in the 1780s after the area was opened for trade by the Spanish. Additional Alabamas and Coushattas migrated to east Texas as the U.S. frontier expanded. By the 1830s, two thousand individuals were farming, hunting, gathering, and trading with Mexican and U.S. citizens. Some tribal members aided Texans in the Texas War for Independence, so the tribes suffered less than most tribes from Texas' harsh termination and removal policies. The Congress of the Republic of Texas attempted to allocate land to the tribes beginning in 1890, but white occupation of the area prevented land transfer. The Alabama-Coushatta reservation in east Texas' Polk County was initially established in 1854 by a separate legislative act and forms the core of the present reservation. The land was conveyed to the State of Texas in 1954 when the tribe was terminated by the U.S. government. The present reservation was established in 1987 when the Federal recognition of the Alabama-Coushatta tribe was restored.

The Kickapoo Traditional Tribe of Texas occupied land in Michigan at the time of European contact in the 17th century. The Kickapoo Tribe faced hostilities from other tribes and began moving south, developing a reputation as an aggressive group along the way. After years of continued resettlement and war, the tribe was settled on the Missouri River near St. Louis. The tribe became separated into several distinct bands, one of which settled in Spanish Texas in the 1800s. The Kickapoos were allowed to remain in Texas and promised title to their lands when Mexico became independent from Spain in 1824. They sided with the Mexicans during the Texas War for Independence and their hostilities toward Texas influenced the removal and termination policies of the state. By the early 1840s, the Kickapoos had fled south into Mexico and were granted territory in the state of Coahuila. Although continuing to migrate across the U.S.-Mexico border several times, the group became known as the Mexican Kickapoo. Migration changed form in the 1940s when the Kickapoos began to enter the U.S. as migrant farm workers. The Texas Kickapoo acquired land in south Texas and became a recognized tribe by the U.S. government in 1989.

The Tigua Indians of Ysleta del Sur pueblo fled the pueblo of Ysleta in what is now central New Mexico during the pueblo revolt against the Spanish in the 1680s and constructed pueblos near what is now the city of El Paso, Texas. Additional Tiguas were forced by the Spanish to move to the pueblos in 1681. The Ysleta del Sur pueblo was established on its present site at El Paso in 1684. The land its members effectively cultivated and occupied at the new site belonged to the pueblo under Spanish law. Despite occasional boundary disputes and Mexican independence from Spain, the pueblo continued with few changes until 1850 when Ysleta and

neighboring pueblos were assigned to the state of Texas and the arrival of U.S. citizens seriously disrupted village life. A legislative act of 1871 incorporated the town of Ysleta and provided for the sale and taxation of property within the township. Much of the land that had been held in common had been conveyed to private ownership by the late 1870s. The tribe faced severe economic and cultural threats but was able to maintain its traditional form of government. State recognition of the tribe was approved by Congress in 1968, and Federal recognition was achieved in 1987.

Today, Texas has 68,565 American Indian residents, representing 3.7 percent of the American Indian citizens of the U.S. (US Bureau of the Census 1992). However, the state's early destruction and removal policies and many Texans' negative attitudes toward American Indians have hindered the adoption of proactive policies. The Texas Indian Commission was formed in 1965, it became the Texas Indian Affairs Commission in 1988, and it was abolished by Texas' Sunset Commission in 1989 (Kingston 1994). As a result, Native American residents who had worked with the state government began to organize themselves privately. The American Indian Resource and Education Coalition (AIREC) was incorporated in 1991 as a private non-profit agency to provide education about Native Americans to the people of Texas. AIREC works with tribal governments whenever possible to gather and provide information of concern to Native Americans presently living in Texas and whose ancestors resided there.

Fort Hood

The Fort Hood site was selected by the U.S. Army on January 10, 1942 as the home of its new Tank Destroyer Technical and Firing Center (Faulk and Faulk 1990). The Army acquired the land needed for the post by purchase and immediate dispossession of landowners under the *Second War Powers Act* that gave the Secretary of War the power to take property for war purposes. Construction of South Camp Hood began in 1942 and North Camp Hood, located 17 miles to the north, was established soon thereafter. A U.S. Air Force Base and airfield were operated west of Camp Hood by the Air Force from 1947 to 1952.

South Camp Hood was renamed Fort Hood in 1951, and North Camp Hood became North Fort Hood. North Fort Hood is presently used for the training of Army Reserve and National Guard units. The Air Force facilities were run by the Army from 1952 until 1969, and became part of Fort Hood in 1969. Fort Hood now occupies 339 square miles in central Texas midway between Waco and Austin.

Present Relationship

Focus of Native American Concerns at Fort Hood

The present relationship between the U.S. Army at Fort Hood and Native American people regarding cultural resources takes place primarily through the Directorate of Engineering and Housing (DEH) and began in 1989 when a new post archaeologist was hired. One of the

archaeologist's early tasks was to seek to repatriate human remains to Native Americans. At the time there was no U.S. Federal law governing the treatment of the remains. The majority of the remains had come from an individual who discovered a badly looted site on private land near Fort Hood. The individual had collected the remains and brought them to the installation where they had been stored in the archaeology laboratory. The Director of Engineering and Housing contacted the state archaeologist who at the time had a committee working with the Texas Indian Affairs Commission to draft legislation regarding human burials (Harris 1989). The archaeologist requested advice about the proper disposition of the remains and offered to turn them over to any Native American group deemed appropriate. However, the Texas Indian Affairs Commission was abolished in 1989, and no state law regarding human remains was ever passed.

On February 20, 1990, an archaeological survey party reported a potentially important discovery in an environmental set-aside area on North Fort Hood (Jackson 1990). Environmental set-aside areas are defined in Fort Hood's cultural resource management plan (Jackson 1994:6). The site was visited by the post archaeologist and archaeologists from Texas A&M University and the Texas SHPO. The discovery was identified as the Leon River Medicine Wheel, and the post archaeologist sought to have the site protected so that further studies and site visits would be possible.

Origin of the Relationship

In April 1990, an American Indian who worked in civil service at Fort Hood was sent to the archaeologist to inquire if he could be of any assistance with Earth Day celebrations that year. The archaeologist told that individual about the human remains and requested his help. These two people, the post attorney, and other interested persons met several times. In addition, meetings with representatives from tribes with prehistoric and historic ties to the region were held. One conclusion of those meetings was that virtually all the tribes buried their people where they died and that the American Indians would prefer that any human remains be reburied as close as possible to the place from which they came. Ninety-five percent of the land in Texas is under private ownership, so reburial at the place of origin was perceived to be very problematic. As a result, the participants decided to pursue the creation of a cemetery for reburial purposes. The post archaeologist sent out letters to a dozen tribal governments and American Indian groups that had prehistoric or historic ties to the area informing them of the interest in creating a cemetery and asking if they wanted to claim the human remains. The archaeologist received no responses to those letters.

Recognizing that contact with the tribes would require more than a letter, personnel from Fort Hood's DEH began to work with AIREC members who were living and working in central Texas. Through an informal agreement, members of AIREC's Reburial Committee, including the individual working on the post, began contacting tribal governments by fax and phone to request their assistance with the reburial cemetery. AIREC members contacted many tribes and were unable to interest any tribe in becoming involved in the project. Finally, because there was some indication that the remains from the looted site included Comanche youths, the Comanche tribal

government put an AIREC representative in touch with members of the Comanche Cemetery Committee. The committee members supported the creation of a reburial cemetery at Fort Hood and requested that a site be chosen that had not been vandalized and that could be protected from vandals (McGinnis 1991).

The Leon River Medicine Wheel was mapped by participants in Texas A&M University's archaeological field school during the summer of 1990 (Carlson 1993). Medicine wheels are sacred sites traditionally of Northern Plains origin that are significant to many Native Americans today. They are governed by the American Indian Religious Freedom Act (AIRFA; see Chapter One). During that same field school, the participants excavated a rockshelter that included the remains of six persons. Those remains were stored at Texas A&M University.

The Native American Graves Protection and Repatriation Act (NAGPRA) was passed on November 16, 1990. This Act includes restrictions on the excavation of Native American burials. In order to be in compliance with this Act, the post archaeologist instituted a policy prohibiting the disturbance of human remains that might be uncovered during excavations on the post. That policy was included in the Fort Hood's Cultural Resources Management Plan and archaeological services contract (Jackson 1994). By that time, a small amount of bone from a rockshelter site on Army Corps of Engineers land near Lake Belton had been added to Fort Hood's collection of human remains.

Establishment of the Reburial Cemetery

The Directorate of Environment and Housing (DEH) at Fort Hood proceeded with the plans for a reburial cemetery on the post (McGinnis 1991). The Comanche tribal government paid for elders from the Comanche Cemetery Committee to travel to Fort Hood. Together with the post archaeologist and members of AIREC's Reburial Committee, those individuals visited North Fort Hood to identify a suitable site for the cemetery location. A site was selected by the Comanche representatives and approved by the Comanche Tribal Council. The Native Americans also visited the Medicine Wheel site during that trip, and they believed that it was good for the cemetery site to be near the Medicine Wheel. No recommendations were made regarding the Medicine Wheel at that time.

The use of installation land for a cemetery would preclude future use of the area and required a formal agreement for the Army to provide an appropriate location for the cemetery. In June 1991, the DEH sought official approval for the dedication of five acres of land within the 55 acre parcel containing the Medicine Wheel for a reburial cemetery (McGinnis 1991). A Memorandum of Understanding (MOU) was drawn up among the Comanche Tribal Council, AIREC, and the U.S. Army at Fort Hood (see Appendix H). The agreement set aside five acres of land for the purpose of the appropriate reburial of human remains and stipulates that the Army is obligated under the law to protect and maintain the reburial site, regardless of the status of the formal agreement (see Appendix H). The Army retains formal ownership of the lands to ensure that the reburial site is protected under Federal statute. The agreement also permits the

Comanche and other Native American groups to use the designated site for the interment of repatriated human remains from other locations and specifies that access to the cemetery will be afforded to the Native American groups. The MOU also allows the Comanche Tribe and AIREC to authorize individuals to visit the Medicine Wheel site. The Army retains the authority to exclude or eject visitors at its discretion. Soon after the agreement was signed, Native Americans began to visit the Medicine Wheel regularly to pray and leave prayer bundles.

Maintenance and Use of the Site

A barbed wire fence was installed around the 55 acre site in the fall of 1991. In addition, a dirt road was built to the site. The first reburial ceremony was held at Fort Hood in November 1991. At that time the human remains taken from the looted site near the post were reburied under the direction of a Comanche medicine man. The Vice Chairman of the Comanche Tribe was present to officially name the cemetery the Comanche National Indian Cemetery. The Vice Chairman read a letter of support from the governor of Texas. The Cemetery received the Comanche name because the Comanche Tribe was the only recognized tribe that participated in the formal agreement, but it can be used to rebury the repatriated remains of any Native American person. For example, a Puebloan skull from a private collection had been offered to AIREC for reburial. The skull had been purchased near Taos, New Mexico. A representative of AIREC's reburial committee contacted the Eight Northern Indian Pueblos Council of New Mexico, a body that represents the northern Puebloan governments, to request guidance on the proper disposition of the remains. He sent the tribes a facsimile copy of a letter written by the scientist who had held the remains. The letter provided all the information that was available regarding provenance and details of the acquisition. The representative was instructed by phone to rebury the remains in the Comanche National Indian Cemetery at Fort Hood. He was instructed in the proper treatment of the remains and carried out the reburial as requested. The Puebloan people were pleased that the Cemetery had been opened, but they could not attend the reburial ceremony because they had limited money and resources. Instead, they held a prayer vigil in New Mexico at the same time the reburial ceremony was taking place in Texas.

For the reburial ceremony, AIREC members provided money to pay the expenses of the medicine man and to supply food for the participants. The Army provided a barracks for use during the ceremony. AIREC members also collected contributions and purchased a bronze marker and individual monuments for the Cemetery. The Native Americans requested that a separate fence be placed around the Cemetery (Rodriguez 1992). Due to difficulties getting money for that purpose, the fence was not completed by the Army until the spring of 1992. In addition, the Army provided a sign and a flagpole for the Cemetery (Figure 7.1). Native Americans also visited the Medicine Wheel site during their stay at Fort Hood.

Two additional reburial ceremonies were held in November 1992 and November 1993. Those ceremonies involved human remains taken from private collections, including some that had been held on display in a bar near the post. After being identified, the remains had been offered to AIREC for reburial. The 1992 reburial ceremony was held under the direction of a Kiowa medicine man. Members of the Kiowa Black Leggings Warrior Society helped with the ceremony. AIREC provided money to pay for their expenses and for food for all participants. The Four Winds Association, a Native American organization from Killeen, Texas, prepared the food. The Army provided a barracks for use during the ceremony. The Medicine Wheel was visited by the participants but received no special attention.

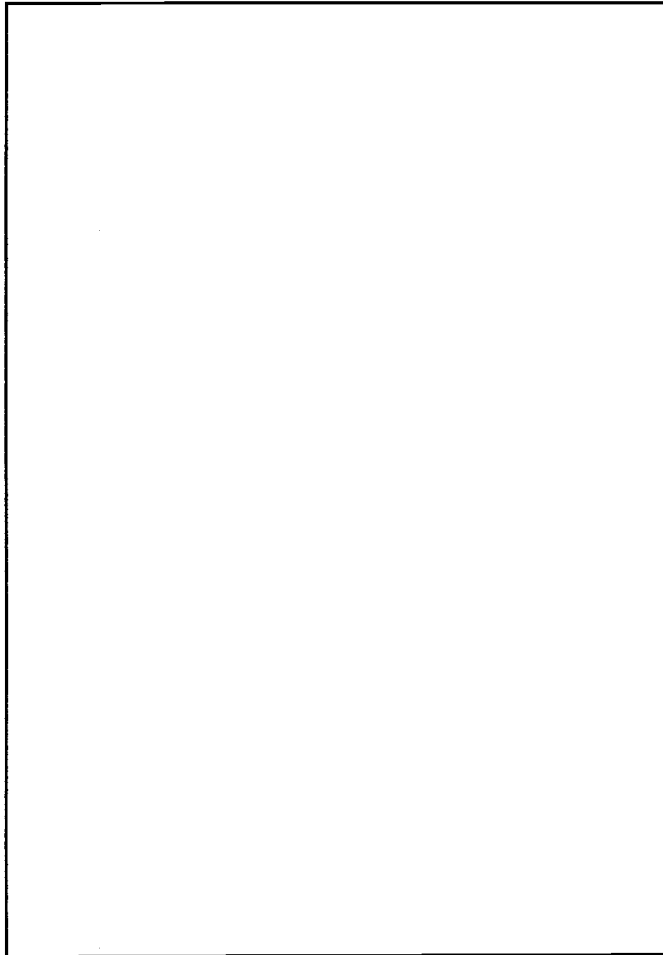


Figure 7.1. Comanche National Indian Cemetery

In 1993, a Northern Cheyenne medicine man conducted the next reburial ceremony. Additional Puebloan remains that had been recovered from a private collection and offered to AIREC for repatriation were reburied at the Cemetery. Although the remains were said to have come from a cave near Taos, New Mexico, there was no documentation to accompany them. Representatives of the San Juan and Santa Clara Pueblos were contacted by phone, but they did not want the remains because of the lack of information about their origin. AIREC again provided money for travel expenses and food, and the Army supplied a barracks for use during the ceremony. The Four Winds Association again prepared the food. At that time, the medicine man also visited the Medicine Wheel site and stated that the Medicine Wheel should be renewed the following spring. AIREC members began to work with the post archaeologist and the Medicine Wheel Alliance of Montana to plan a renewal ceremony. The archaeologist submitted a proposal to the DoD for Legacy funds (Legacy Project #PR94-0759) to support a full archaeological investigation of the site, ethnohistorical and ethnographic research regarding the

site, and involvement by AIREC to get the people and materials necessary to conduct the renewal ceremony in a traditional manner.

Further Interactions

On January 11, 1994, as required by NAGPRA, the Director of Engineering and Housing sent an official letter regarding the human remains excavated from Fort Hood and a report of Archeological Investigations at Fort Hood to the governments of the Caddo, Tonkawa, Wichita, Comanche, Apache, and Kiowa Tribes (see Appendix I). The tribes had been previously identified during the planing of the reburial cemetery, and were named in a list sent to the post by the Texas SHPO (Bruseth and Perttula 1993). The letter included a short reply form to facilitate tribal response (see Appendix I). No responses were received.

The Leon River Medicine Wheel was renewed and restored under the direction of representatives of the North American Medicine Wheel Alliance in May 1994. The Medicine Wheel Alliance had been asked by the Native Americans to participate in the renewal ceremony to ensure that a proper ceremony was conducted. The Army used its contract with a private environmental firm, and that firm provided a subcontract to AIREC. Complete archaeological investigations at the site were conducted prior to the renewal. Ethnohistoric and ethnographic research on the Medicine Wheel was conducted both prior to and during the renewal period (Lippert 1994). All major decisions about the renewal ceremony, such as who to invite and how the ceremony would proceed, were left to members of AIREC in consultation with the members of the Medicine Wheel Alliance. AIREC members contacted the tribal governments of the Comanche Tribe, Kiowa Tribe, Tonkawa Tribe, Wichita and Affiliated Tribes, Fort Sill Apache, Apache Tribe of Oklahoma, Cheyenne-Arapaho Tribe, and Caddo Tribe of Oklahoma, the Alabama-Coushatta and Kickapoo Tribes of Texas, and the Tigua people of the Ysleta del Sur Pueblo. They also acquired the materials needed for the preparation of the site and the ceremony and paid for the travel expenses, food and lodging of the ceremony participants.

The renewal of the Medicine Wheel began with the construction of a sweat lodge and removal of brush and vegetation from the Medicine Wheel site one week prior to the renewal ceremony. AIREC members, representatives of the Four Winds Association, and members of the Medicine Wheel Alliance prepared the site for the ceremony. The ceremony was hosted by AIREC on May 18. The Army supplied a barracks for use during the ceremony. Representatives of the Comanche Tribe, Wichita and Affiliated Tribes, Alabama-Coushatta Tribe, Caddo Tribe, and Tigua people attended. The Cheyenne-Arapaho Tribe and Apache Tribe of Oklahoma had submitted the names of official tribal representatives who were to attend, but those individuals were not present at the ceremony due to scheduling conflicts that arose. Additional participants included the original signatories of the MOU from the Comanche Tribal Cemetery Committee, the post archaeologist and his assistant, representatives, officers and general members of AIREC's Board of Trustees, members of the Native American Student Association at the University of Texas at Austin, and other invited guests. As requested by the Native Americans,

there were no public announcements of the ceremony, and there was no media coverage of the event.

Elements of a Successful Relationship

The relationship between Fort Hood and Native American groups has developed because of the presence of the Comanche National Indian Cemetery and the Leon River Medicine Wheel at Fort Hood. Many people attribute the success of the relationship to the particular individuals involved. Although several individuals have been instrumental in getting the relationship to work, people from both groups act in a planned and coordinated fashion to maintain the relationship and ensure that interactions are successful. The purpose of this section is to describe the elements of the relationship that contribute to its success.

Fort Hood personnel have faced many challenges as they have worked to improve poor or nonexistent relations with American Indian people. Problems have included working in a larger social climate where Native Americans continue to experience discrimination and attempting to develop and maintain relationships with tribal governments who are geographically distant from the installation as well as with the American Indian people who live nearby. The personnel at Fort Hood and the American Indian people with whom they have interacted have successfully used the Comanche National Indian Cemetery and the Leon River Medicine Wheel as focal points for increasing the confidence of the Native American groups and for establishing a positive basis for future interactions. In addition to having established the reburial cemetery, supported the renewal of a sacred site, and instituted a positive relationship, the participants have laid the groundwork for the creation of a long term partnership between the Army and the Native American community. The following sections discuss the interactions that have taken place at Fort Hood in light of the proposed model for consultation.

Determining Cultural Affiliation

American Indian groups have been identified for potential involvement at Fort Hood due to the reburial cemetery and repatriation of human remains, and to the Leon River Medicine Wheel. The repatriation of human remains from U.S. Federal land is governed by NAGPRA. The Act requires consultation with Federally recognized tribes that are culturally affiliated with the remains. The repatriation of remains from private lands in Texas is not governed by Federal or state law and remains the prerogative of individuals involved in the process. Central Texas was the home and transportation corridor for many Native American people in both prehistoric and historic times. The large-scale extermination and removal of indigenous tribes and the widespread pothunting and looting of archaeological sites in the region have made it very difficult for archaeologists and American Indian people to be conclusive about the cultural affiliation of particular human remains. Therefore, personnel at Fort Hood have included as many groups as possible to ensure that all tribes with potential cultural affiliation to the human remains of central Texas were identified. These groups were identified by literature searches, phone

interviews with archaeologists, and contact with the Texas SHPO and regional office of the National Park Service to gather lists of tribes.

The presence of the Leon River Medicine Wheel at Fort Hood presents a different challenge in cultural resource management. Governed by the AIRFA, access to the Medicine Wheel is afforded to any Native American for religious purposes. Native American involvement at the Medicine Wheel is not based on cultural affiliation to Fort Hood but is instead tied to particular religious beliefs. AIREC has been given a central role in disseminating information about and managing the Medicine Wheel site. AIREC members contacted the Medicine Wheel Alliance for guidance and instruction regarding the proper treatment of the Medicine Wheel.

Contacting the Tribes

Personnel at Fort Hood officially contacted American Indians when the human remains and Medicine Wheel were discovered. The Comanche National Indian Cemetery was created to accept repatriated remains from any source, so efforts were made to locate any groups with an interest in the region. A dozen tribes were contacted by mail. Mail contacts have proven to be ineffective in getting tribal response, so AIREC members were incorporated to make personal phone contacts with each tribal office. Many of the tribes were unable to become involved at Fort Hood due to competing demands on their financial and human resources. The persistent efforts of those individuals resulted in the involvement of the Comanche tribal government in the establishment of the reburial cemetery.

The human remains taken from Fort Hood were handled separately from the other reburial issues as required under NAGPRA. Six tribes were identified as having potential cultural affiliation to the remains and were contacted by mail in early 1994. Tribes have been recently inundated with NAGPRA notifications, so post personnel recognize that they will need to make additional efforts to communicate with the tribes. Several tribes that had not previously shown interest in cultural resource issues at Fort Hood sent representatives to the recent Medicine Wheel ceremony. It is anticipated that the tribes will continue to become more involved in issues at Fort Hood. The members of AIREC expressed their desire to encourage greater involvement by the tribal governments.

Orientation Meeting and Site Visit

Several orientation meetings and site visits were held prior to the creation of the Comanche National Indian Cemetery. Representatives and leaders of Native American organizations traveled to Fort Hood to discuss the treatment of human remains in general and the location of a reburial cemetery in particular. Native American representatives assisted in the selection of the site for the reburial cemetery, requested the site be fenced and protected, and conducted the reburial ceremonies there. After the Comanche Cemetery Committee chose to participate in the creation of the cemetery, representatives of that committee and of AIREC's Reburial Committee met at Fort Hood with the post archaeologist to select a site. The Comanche

tribe and AIREC funded those trips. The individuals also met with an attorney at the post to discuss the creation of a formal agreement.

Several Native Americans have suggested that in future interactions with the tribes the DoD arrange to go to the tribes and that meetings be held with both traditional tribal elders and the tribal governments. The lack of financial resources has been a barrier to some tribes who have been unable to send representatives to the ceremonies. AIREC has helped support the medicine men and others who have traveled to lead the reburial ceremonies.

Decisions about the Leon River Medicine Wheel were made after Native American representatives had visited Fort Hood and consulted with installation personnel about what should be done and how it should take place. Native Americans visited the Medicine Wheel site, determined that it should be renewed, and led the renewal process. They have recently begun discussions with installation personnel regarding the best way to protect the renewed Medicine Wheel and still allow access to the site. The DoD Legacy grant made it possible for AIREC to ensure that the proper participants and materials were available for the ceremony and to see that the ceremony was carried out in an appropriate manner.

Forming Native American Consultation Committee and Procedures

Representatives of Comanche Cemetery Committee and of AIREC's Reburial Committee met at Fort Hood with the post attorney and archaeologist to negotiate the Memorandum of Understanding (see Figure 7.1). The MOU describes the status of the land upon which the Cemetery and Medicine Wheel sit. The agreement also outlines the procedures and guidelines for future visitation by Native Americans to these places. Members of the two Native American committees also established a working relationship that enabled them to coordinate their efforts to plan and carry out annual reburial ceremonies at the Cemetery.

Further Site Visits and Inventory of Cultural Resources

The rockshelters containing human remains and the Leon River Medicine Wheel were identified during archaeological fieldwork on the post. The Comanche National Indian Cemetery was established near the site to meet the need for individuals and agencies in Texas to have a place to rebury Native American human remains as close to their place of origin as possible. The medicine man who led the 1993 reburial ceremony also visited the Medicine Wheel site and determined that the Medicine Wheel should be renewed. Following that decision, additional visits were made to Fort Hood by Native Americans to prepare the site for the renewal ceremony. The present significance of the site was fully explored through additional archaeological surveys funded through the Legacy Resource Management Program in connection with the Medicine Wheel. These surveys were accompanied by ethnohistoric and ethnographic research including: (1) literature searches and telephone interviews to investigate the medicine wheel site; and (2) phone and in-person interviews with participants in the Medicine Wheel renewal ceremony.

In meetings following the renewal ceremony, several Native American individuals remarked that they would be interested in additional cultural resources at Fort Hood, including primarily plants that are needed for the ceremonies. As one individual said, "We have to travel a long distance to get sage and sweet grass. We are having to purchase it now for a sacrament and that is not right." A traditional elder said that he had seen some of the ceremonial plants growing near the Medicine Wheel and suggested that ethnobotanical studies be conducted at Fort Hood.

Mitigation Recommendations

The relationship between Fort Hood and Native American people is governed by one formal agreement, the MOU regarding the Comanche National Cemetery and Medicine Wheel site. The interactions between the Native Americans and personnel at Fort Hood generated mitigation recommendations at several steps during the process. For example, in response to Native American concerns and the passage of NAGPRA, the post archaeologist instituted a policy of nondisturbance of human burials. According to NAGPRA, in the case of an inadvertent discovery of Native American remains and objects on Federal lands, "the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice " (104 Stat. 3051 Sec. 3.d.). Although the Act allows the activity to resume after 30 days of certification that notification has been received, the decision to avoid further disturbance whenever possible is preferable to most Native Americans (see Chapter Eight). The reburial cemetery at Fort Hood was established because of the recommendations by the Native American people to have the human remains reburied near the place they were discovered. The location of the cemetery, the fencing of the property, and the reburial ceremonies were all decided by the Native Americans as well.

The renewal of the Leon River Medicine Wheel was also performed in response to specific recommendations by the Native Americans. Native Americans determined that the Medicine Wheel should be renewed, the protocol and timing of the renewal ceremony, and that the ceremony should not be publicized. Native Americans *in consultation with post personnel* determined that the site of the Medicine Wheel should be kept secret, that a policy should be established to govern visitation to the site, and that a Native American should be maintained as caretaker of the Medicine Wheel. Individuals from the Native American groups and from Fort Hood have recognized a need to establish a more formal set of recommendations for the proper treatment and protection of the Medicine Wheel have indicated a desire to rewrite the MOU to take into account changes in the relationship resulting from the renewal of the Medicine Wheel.

Monitoring and Ongoing Interactions

Since the MOU was signed, Native American visits to Fort Hood have been made to conduct reburial ceremonies and to offer prayers at the Medicine Wheel. The dedication of land at Fort Hood for the Comanche National Cemetery and the renewal of the Leon River Medicine Wheel have set the stage for long term relationships between Fort Hood and Native Americans. The reburial ceremonies will continue, and the Medicine Wheel must be renewed regularly. As

one individual said regarding the Medicine Wheel, "That place wants someone to take care of it and it will take care of us."

At Fort Hood, monitoring and maintaining the relationship between the American Indian groups and the installation has been successful because of the planned and coordinated efforts of many individuals. Contact between these groups and the DEH occurs at least once a week, primarily between the Medicine Wheel caretaker and the post archaeologist.

American Indian Efforts

American Indian people have spent many hours in conversation with the installation personnel helping them to understand the culture of the affiliated American Indian people. As one Fort Hood employee commented, "They've taught me, in a very patient manner, why this is of importance to them or that is of importance... I think I'm better able to be of assistance since they've taught me what they have." In addition, American Indians have donated their time, labor, and financial resources to carry out the tasks necessary for the success of religious ceremonies held at the post.

AIREC has appointed an individual to serve as caretaker of the Medicine Wheel site. That individual has responsibility for monitoring the site and providing an orientation for visitors. He presently works on a volunteer basis, but individuals from the Army and the American Indian groups have expressed a desire to see that the work become legitimized by the creation of at least a part time paid position with a formal job description. In the words of one individual, "there's a lifetime of work out there, with every post." At Fort Hood, the Medicine Wheel caretaker also serves as a liaison between the tribal governments and the post. The American Indians stressed that they view letters to be an impersonal means of communication, so the liaison requires access to phones and travel to allow for meaningful communication with the tribal governments with interests at the post. The liaison is critical to the success of interactions. For example, AIREC members contacted the tribes and personally invited them to send representatives to the ceremony. They also took responsibility for preparing the non-Indian local community as well as the personnel at Fort Hood for the arrival of a large group of Native Americans. They made arrangements for service at a local motel and restaurant and advised the management of those facilities what they needed. They also established a hospitality room at the motel and maintained a point of contact for all individuals so they could help when problems arose. Consequently, when more than thirty Native Americans arrived in the small town of Gatesville, Texas, they were greeted warmly and respectfully. Their visit went very well.

The officers and members of AIREC maintain contact with the tribes with cultural affiliation with Fort Hood. Their persistent efforts have helped inform the tribes about the activities taking place at the post, have raised their concern for those activities, and have encouraged the tribes to participate in them. Given the many competing demands faced by the tribes and the distance of the tribes from the post, the efforts of AIREC members have been critical to the involvement of tribal governments at Fort Hood. The tribes' lack of response to

contacts from Fort Hood personnel have been a major concern to AIREC members, and the organization has made it a priority to follow up and find out why there has been little response. Still, AIREC members expressed a strong desire to minimize conflicts regarding the conduct of the ceremonies. The success of the program to this point was attributed to the willingness of all involved individuals and groups to work together. The involved persons believed that the necessity for cooperation must be emphasized to all new participants from the outset.

AIREC has also maintained the relationship with personnel at Fort Hood. Members' efforts include regular phone and face-to-face meetings with the post archaeologist, letters of commendation to the appropriate officers at Fort Hood acknowledging their support, and meetings with post personnel regarding specific concerns that arise at Fort Hood. AIREC officers have also written to a commanding officer when agreements, such as the construction of the fence surrounding the Cemetery, were not met. The Native American medicine man was able to influence the management of the Medicine Wheel site by prohibiting the use of insecticides there. He explained that the insects are part of the site and may hold spirits. The efforts to inform and educate the installation personnel have helped to preserve and strengthen the relationship between the Army and Native American people.

DoD Personnel Efforts

The success of the relationship also requires planned and organized actions by the installation personnel. Individuals at the post have supported the participation of the Native American people by helping them understand and master the post's bureaucratic procedures, working within the Army rules and regulations to ensure that activities and policies can be supported, scheduling meetings with the appropriate installation representatives, and providing building facilities for their visits. The post archaeologist has instituted a number of procedures that ensure the protection of both the identified sites and ones that may exist but are not now known, and the continued success of interactions with post personnel. The post's nondisturbance policy regarding human remains has been incorporated in Fort Hood's Cultural Resources Management Plan (CRMP) and archaeological services contracts to ensure its continuance. In addition, the archaeologist has created a digging permit process whereby anyone digging on the post must submit a clear map overlay of proposed sites. The archaeologist maintains the record of all archaeology sites and determines for the permittee whether or not the proposed activity will be allowed. The procedure allows the sites to be protected without disclosing their exact locations. The digging permit procedures are described in the post's CRMP. The permit process is also included in a chapter in Fort Hood's Environmental Instructions, which are issued by the Commanding General and have the status of Army Regulations. The permit process currently applies to the archaeological resources on the post, but it could be expanded to include the botanical and other cultural resources that may be identified by Native Americans in future investigations.

The post archaeologist also maintains regular contact with the commanding officer at Fort Hood by submitting to him brief, one page memos regarding activities involving the Native

Americans on the post (see Appendix I). He facilitates the participation of other individuals within the DEH for activities such as maintenance of the road to the site.

Barriers and Efforts to Overcome Them

The persistent efforts of both Native Americans and Army personnel regarding Fort Hood have opened a dialogue between Native Americans and the Army that can serve as the basis for further consultation and interaction between the involved groups. As one Native American individual said, "It is good they have opened their doors." Individuals expressed few frustrations with the existing relationship between Fort Hood and Native Americans, but there are inevitable challenges to any relationship. The greatest frustration for those involved is the cultural gap between the Army and Native Americans. Some major aspects of that gap and efforts to bridge it are discussed below.

Time

One issue recognized by individuals in both groups is the difference in the perception of time among members of the groups. Whereas Army personnel require specific beginning and ending times for events and meetings, Native American ceremonies and activities operate on a more flexible open-ended time schedule. These conflicts have been addressed at Fort Hood by providing broad windows, such as "in the afternoon" to schedule events.

Time has also been a key barrier to the successful participation of Native American people in the decision making at Fort Hood. For example, tribes and Native American groups with limited resources have difficulty responding quickly to requests for providing information or engaging in consultation. In the hurried efforts to secure funding for the Medicine Wheel ceremony, representatives of AIREC were required to sign a contract without having time to consult an attorney or the Board of Trustees. Though the individuals involved fully trusted the contractor, they were acting on behalf of the organization and wanted to study and review the contract carefully. The establishment of long term relationships and regular opportunities for consultation will help prevent similar situations from recurring.

Recognition of Good Efforts and Programs

A significant source of frustration for the Native American people has been their inability to appropriately recognize and thank the individuals who work for Fort Hood. For example, the individuals who blade the road to the Medicine Wheel site and who maintain the grounds at the Cemetery should be recognized along with the more obvious participants such as the post archaeologist. Sharing gifts is a central part of Native American culture, but the receipt of gifts for work performed "in the line of duty" is considered unethical for Federal employees and officers. As one Native American individual said, "We need support for trying to support each other." One suggestion was that the Army officially recognize and reward post personnel who do

their jobs well and with positive attitudes. AIREC has sent letters to post commanders asking that they recognize the individuals who support the efforts described in this chapter.

Another cultural conflict lies in the desire for publicity and public acknowledgment of activities. Publication of successful interactions benefits military leaders seeking additional funding for their programs and encourages others to adopt good practices. However, Native American people do not wish to have their religious ceremonies become public spectacle and want site locations kept secret. Protection of the Medicine Wheel and Cemetery are of central concern to both the Native Americans and Army personnel. Fort Hood is an open base and control of visitors is problematic. The best way to protect these sites has been discussed. At this time, the decision has been made to keep the location of these places as obscure as possible and provide information on a "need to know" basis only. There remains concern about how to allow visitation by Native American people while controlling general access to the sites. In the words of one Native American individual, "You can't set a policy on spirituality."

Need for Resources

Another source of frustration is the lack of money available for cultural resources management. A key element in the success of Fort Hood's program has been the activities that were supported, with money and volunteers, by AIREC and other American Indian organizations. Both tribes and military installations require human and financial resources to successfully manage the cultural resources on the land under the jurisdiction of the DoD.

Some of the tribal representatives expressed concern that their tribes did not have official policies for repatriation or cultural resource issues. The lack of resources for infrastructure development within the tribes that are trying to survive economically is perceived to be a principal cause of this shortcoming. In contrast, some tribes, such as the Caddo, have developed reburial policies that they submit to Federal and state agencies with which they have concerns (see Appendix I). Installation personnel also described the lack of resources required to carry out their programs. The large projects require outside resources, such as the funding through the Legacy program. Smaller projects, such as the maintenance of the Medicine Wheel site and provision of materials for construction of the fence, were handled with installation resources.

Conclusion

The relationship between the Native Americans and Fort Hood personnel is based primarily on trust. One individual commented, "We have a working relationship, a mutual understanding. We wouldn't violate the treaties and we know they wouldn't." However, that trust is placed in *individuals* rather than institutions. The question about how to ensure the relationship continues beyond the specific individuals involved in it now remains unanswered. The need for formal policies was certainly recognized by all participants, but many emphasized that the success of those policies is nevertheless dependent upon the attitudes and efforts of the individuals who are responsible for carrying them out. In the words of a Native American elder,

"You can't teach someone to have a heart." Yet, steps can be taken to create a situation where all parties to a relationship can learn from one another.

First, relationships require time and energy. Communication across cultural barriers requires special efforts. "Writing a letter is okay... If you make personal contact [by phone] that's better. If you can go up there and take in a meeting with the officials, that's the best. It's not enough to FAX a letter. You have to call them, too... The main thing is making the personal contact. [We] called some of the people at home."

Persistence is also required, as is communicating with the person with authority to make decisions. "Make sure you talk with a tribal official. "If nobody's there, call them back." Individuals from AIREC and from Fort Hood discussed the importance of liaisons to act both inside their own organizations and as interpreters when the groups come together. For example, within the Native American communities, individuals are needed who can listen to and understand the perspectives of the elders as well as the tribal officials. In the Army, individuals must work with the

archaeologists, the attorneys, the military commanders, and the other installation personnel. In addition, individuals are needed who can bring the groups together to make decisions. Finding such individuals can be challenging, especially when tribes are far from the site. Including Native Americans who work at the installation and have concerns about the issues is one means of beginning

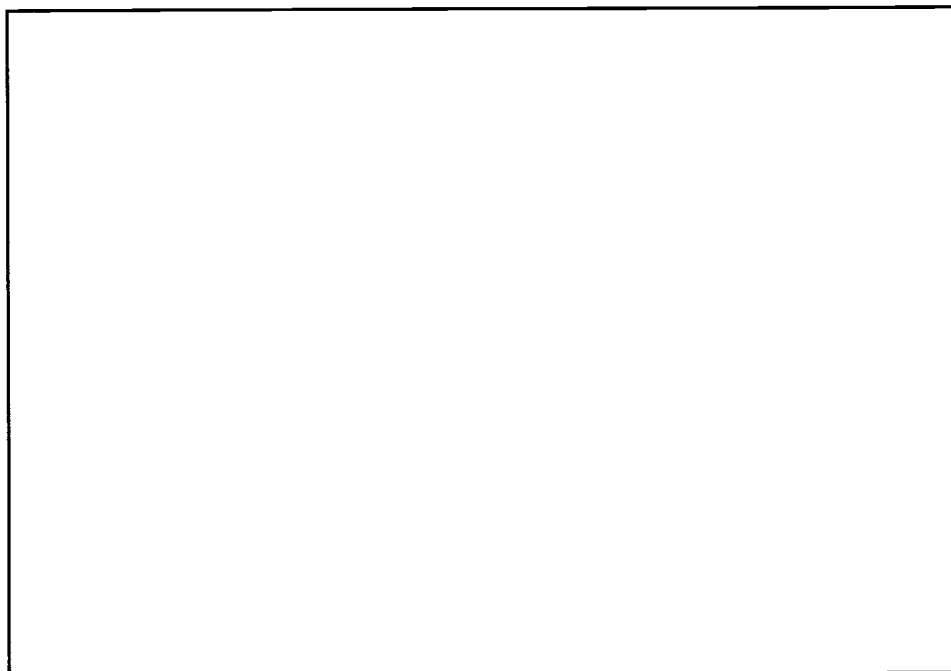


Figure 7.2 Comanche National Indian Cemetery

interactions. The individuals who serve as liaisons must be prepared in advance for their jobs and must be supported by the members of all involved groups. At the same time, the Native American people stressed the need to prevent anyone from attributing the success of the relationship to an individual's efforts. "It takes a whole group. That's why I feel like this has been really successful." Representatives from all groups also stressed that no one should promise more than they can deliver. Setting up expectations and then being unable to deliver damages a relationship severely. The adage that people's actions speak louder than words was quoted by at least one participant.

The relationship between Fort Hood and AIREC requires constant attention. Individuals from both groups described the dedication of the cemetery and renewal of the Medicine Wheel as an opportunity for healing. The Medicine Wheel is a place for bringing people together. The prayers of individuals throughout Texas and beyond can be directed toward the Medicine Wheel from any location and thereby unify individuals who have been separated from each other physically. Outside the Visitor's Center at Fort Hood's Main Gate sits a sign commemorating the 300 non-Indian families who resided in the area before relinquishing their land to the army. The Comanche National Indian Cemetery and Medicine Wheel site now serve to acknowledge and celebrate the former and continued presence of Native Americans in the region as well.

CHAPTER EIGHT

THE CONSULTATION PROCESS IN THE DOD

Diane E. Austin and Brian K. Fulfrost

As outlined in Chapter One, consultation between Native Americans and Department of Defense (DoD) installations occurs under the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), the Archaeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA), and the Native American Graves Protection and Repatriation Act (NAGPRA). For example, at Fort Benning, Georgia, Native American consultants have identified important plant resources on the post. At Fort Huachuca, Arizona, Native American consultants visited sites and worked with personnel to provide information about the sacredness of specific places on the post. In many cases, such as at Vandenberg Air Force Base, DoD installations establish lasting relationships with Native American groups. In other cases, specific consultation regarding cultural resources issues occurs. For example, at Fort Irwin, California, Native American consultants determined that a place that had been identified as a possible cremation site was not actually such a site. In recent years, the Native American Graves Protection and Repatriation Act (NAGPRA) has had a significant effect on the activities at installations that have human remains or Native American artifacts in their possession. According to information collected in the follow-up interviews described in Chapter Six, several DoD installations have begun interactions with Native Americans or increased their involvement with tribes in their efforts to comply with that Act. Many of those interactions will be discussed in this chapter. Nevertheless, it is important to remember that NAGPRA is only one of several Federal laws that require consultation with Native Americans.

Chapter Seven provides an example of how one relationship between Native Americans and a DoD installation has developed. However, the results of the phone and mail surveys discussed in Chapter Six demonstrate that DoD installations interact with Native Americans for many reasons and under a wide range of circumstances. This chapter has been included to illustrate a broad scope of activities that occur during Native American consultation at DoD installations. The experiences of the personnel at DoD installations where consultation has occurred and of the Native Americans with whom those individuals work have generated a significant body of knowledge from which future programs can be developed.

The DoD-Native American consultation model described in Chapter Five presents the steps that would be followed in an ideal situation. DoD installations have not generally developed programs that include all steps in the model. Instead, installations that have interacted

with Native Americans have frequently done so in response to specific project concerns. Problems related to the project-specific focus of cultural resource management within the DoD have been identified (ACHP 1994). One result of that focus has been that consultation relationships with Native Americans have developed in a piecemeal fashion. For example, cultural affiliation has been sought for specific artifacts or sites, consultation committees have been organized to respond to particular concerns such as the Peacekeeper Missile Program, and mitigation recommendations have been developed for activities at particular locations on the installation (UofA Database 1994). In general within the DoD, attention has been paid primarily to sites with archaeological or engineering significance with the result that "this practice can often bypass cultural resources that are less obvious, such as a Native American religious site, a sacred mountain peak or range, a burial site, a traditional hunting or fishing area, a cultural landscape formed by historic farming, logging, or mining practices, or a gathering place that may now be located on land controlled by DoD" (ACHP 1994: 46). Yet, sacred resources and traditional cultural properties (TCPs) can only be identified, and their significance determined, through consultation (see Chapter One).

In this chapter each step of the consultation model is reviewed as it relates to DoD installations. Because no installations have developed programs that have achieved the objectives of each step with equal success, each step was considered separately and the DoD installations with programs that best illustrate the goals of that step were identified. Special attention was given to installations with programs that had successfully overcome the barriers that had been identified in any of the five national surveys described in Chapter Six. From the list of DoD installations with Native American relationships regarding cultural resources that were identified, quality programs were selected as mini-case studies. Where possible, the mini-case studies were chosen to reflect the distribution of installations within each service and region, as shown in Table 8.1. No Marine Corps installations were selected as mini-case studies because only three Marine Corps installations have relationships with Native Americans regarding cultural resources. A disproportionately large number of Air Force installations were selected as mini-case studies because of the generally high quality of many Air Force Native American cultural resource programs.

DoD installations with successful interactions with Native Americans were identified in all five of the regions described in Chapter Six. However, in follow-up interviews the circumstances of Native Alaskan, Native Hawaiian, and Chamorran people regarding the installations with which they interact were found to differ significantly from those circumstances surrounding American Indian people and installations within the continental United States. Therefore, with the exception of the inclusion of the reburial policy at Fort Kamehameha, Hawaii, no programs of installations from Alaska, Hawaii, or the Pacific were selected as case studies here. Those geographic areas and the relationships between the DoD installations and native people living there could not be covered in the present report and require additional study (see also Executive Summary).

Table 8.1 Comparison of Distribution of Installations Selected as Mini-Case Studies to Distribution of Installations with Relationships with Native Americans

	Percent of installations with relationships with Native Americans (N=63)	Percent of installations selected as mini-case studies (n=11)
Service		
Army	51%	38%
Navy	19%	15%
Marine Corps	5%	0%
Air Force	25%	46%
Region		
Northeast	6%	8%
Southeast	10%	8%
Midwest	14%	8%
West	52%	69%
Alaska/Pacific	17%	8%

The installations that were selected as mini-case studies and the basis for their inclusion in this chapter are shown in Table 8.2. One goal of a consultation relationship is to establish cultural resource management guidelines and policies. Many installations have developed effective policies and written agreements through consultation with Native Americans. The section of this chapter, "Mitigation Recommendations and Formal Policies," includes extensive detail about these policies and agreements to provide models for DoD installations and Native American groups.

Information about each program selected for study was gathered from DoD installation personnel and, where possible, Native American individuals who have participated in those programs. Interviews were conducted by phone, and written documents were acquired by mail. Participants were asked to discuss the successes and challenges they faced in meeting their responsibilities and were asked to provide recommendations for other individuals in similar situations. Though the mini-case studies were selected to provide illustrations of the particular steps with which they are identified in Table 8.2, they are also included as examples elsewhere in this chapter where appropriate. Participant comments and recommendations have been included in the chapter summary as well. Information gained from the responses to the five surveys described in Chapter Six has also been included where relevant. Written documents and the survey databases are referenced in the text. Information collected through oral interviews is incorporated into this chapter but is not specifically referenced to protect participant anonymity.

The participants were given the opportunity to review this chapter and respond formally to the information it contains. Seven individuals reviewed and commented on this chapter. The cover letters that accompanied reviewers comments are included in Appendix J. Anonymity of the individuals who provided oral interviews is retained.

Table 8.2 Mini-Case Studies and the Basis for their Selection

		Step in the Consultation Model							
Installation	Region	Cultural Affiliation	Contacting the Tribes	Orientation Meeting	Consultation Committee	Site Visits	Mitigation Recommendations	Monitoring & Ongoing Interaction	Installation Closure/Termination
Army									
Fort Drum, NY	Northeast		X						
Fort Hood, TX	Midwest		X				X		
Fort Kamehameha, HI	Alaska/Pacific						X		
Fort Lewis, WA	West							X	
Fort Ord, CA	West								X
Navy									
NAS Fallon, NV	West						X		
NWS China Lake, CA	West				X		X		
Air Force									
Edwards AFB, CA	West	X							
Hill AFB, UT	West			X					
Mountain Home AFB, ID	West		X						
Robins AFB, GA	Southeast							X	
Vandenberg AFB, CA	West					X		X	
Williams AFB, AZ	West						X		

Cultural Affiliation

Native American groups with cultural or historic ties to an installation or the lands affected by its activities may wish to enter consultation relationships regarding the cultural resources on those lands. In addition, laws such as NEPA, NHPA, ARPA, and NAGPRA *require* that DoD installations consult with Native Americans (see Introduction). NAGPRA defines cultural affiliation as:

... a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group (25 U.S.C. § 3001(2)).

According to NAGPRA, evidence of cultural affiliation can include geographical, kinship, biological, archaeological, anthropological, linguistic, folklore, historic, or other relevant information, oral tradition, or expert opinion. The presence of Federally recognized Native American tribes in a region and the number of tribes that might have cultural and historic ties to that area are not identical. Tribes may have ties to land and resources in states in which they no longer have an official presence.

The identification of Native American groups with cultural or historic ties to the land area affected by an installation's activities is one of the most important steps in the consultation process. Effective consultation depends on the appropriate identification of all the Native American groups that have some type of cultural affiliation to the installation. As described in Chapter Five, cultural resource studies assimilate evidence from many and diverse sources. Researchers gather oral tradition, linguistic, and ethnographic evidence to move from modern groups back to ancient peoples and gather archaeological and historical evidence to work forward from ancient peoples to modern tribes. Individuals who conduct cultural affiliation studies require: (1) ethnographic competence with the Native American people who will be asked to contribute their expertise to the study; (2) skills in archival research; and (3) competence in archaeological interpretation. Cultural affiliation studies may identify both Native American groups that are presently recognized Indian tribes and those that are not. Many Native American people who are descendants of groups that once lived in an area are not members of Federally recognized tribes (see Chapters One and Five).

Although Federal laws do not specifically require studies of cultural affiliation to Federal lands, such studies are necessary prior to consultation with Native American groups. In addition, although many shortcuts to cultural affiliation studies have been proposed, a failure to appropriately identify the culturally affiliated tribes at the beginning of a consultation process can lead to serious disruption in the process in the future and even complete breakdown of the process. Both the exclusion of tribes who should be involved and the inclusion of tribes who should not create potential problems for the future. Though at least one DoD respondent expressed the desire for a list of "every individual and tribal council that may have concerns on this" (UofA Database 1994), those lists are installation specific and depend on both the geographic location and history of the installation. A full cultural affiliation study at a DoD

installation must include all the Native American groups that used the land and resources in the past, insofar as it is possible to know or identify those groups. Some installations have worked hard to identify the groups who have cultural or historic ties with particular archaeological features or human remains discovered at the installation, but few have conducted complete cultural affiliation studies.

An example of a cultural affiliation study conducted for a DoD installation is the 1980-1981 ethnohistoric and ethnographic study of the area occupied by Edwards AFB, California (Bean and Vane 1981) In the introduction to that report, the authors identified maps that assign land areas to cultural groups but state that "[t]he maps must be accepted with some reservations" (Bean and Vane 1981: 190).

Like the maps in the *Handbook of North American Indians* (an example volume is Heizer 1978) that are referred to in the report, many maps assign only one Native American group to each area. Others, such as the map, "Indian Land Areas Judicially Established 1978" (ICC 1978), which portrays the results of the U.S. Indian Claims Commission settlements, shows no Native American groups associated with lands that were multiple use areas and therefore claimed by more than one tribe in the claims process.

Consequently, the Indian Claims Commission map shows no tribes occupying the land upon which Edwards AFB now sits. The 1980-1981 study was conducted to identify tribes with cultural and historic ties to the base and the cultural resource use of those groups. The study involved nine steps, as outlined in Table 8.3.

Several problems were encountered in the efforts to obtain information about cultural affiliation and cultural resources at Edwards AFB. The area was apparently a borderland where the boundaries of several groups may have come together, and most of the information available in the literature was about groups whose territories surrounded the area.

The researchers also had difficulty finding descendants of the Native Americans most likely to have used the area traditionally. Only one recognized tribe and scattered descendants were identified. The report authors concluded that more work was needed, particularly to allow both the inclusion of written documents that are only available in unpublished collections and further interviews with Native Americans.

The authors also concluded that a full archaeological survey, a study of climatic variation over time, pollen analysis, plotting of floral and faunal habitats, and careful correlation with ethnographic data might reveal the human use pattern in considerable detail. Personnel at Edwards AFB have sought funding through the Legacy Program to do additional ethnographic work and a Native American oral history project in the area.

These efforts will supplement the existing about Native Americans with culturally affiliation at Edwards AFB and provide information that is needed by installation personnel who must contact those people for cultural resource consultation.

Table 8.3. Steps in the Ethnographic Study of Edwards AFB, California (Bean and Vane, 1981)

1.	Bibliography of ethnographies of the western Mojave Desert compiled
2.	Literature review conducted of the most significant items in the bibliography
3.	Archaeology site records and lists of plants found in the study area studied
4.	Archaeological sites, artifact assemblages and plant communities mapped on U.S.G.S. topological maps
5.	Maps compared with other works on the ethnobotany of California and anthropological field notes of the area
6.	Table showing possible plant use in the study area assembled
7.	Interviews conducted with individual members of the recognized tribe affiliated with the area
8.	Interviews with descendants who are not part of a recognized tribe who have used the resources of the western Mojave Desert for at least three generations
9.	Report produced

Two major problems at DoD installations have impeded the completion of cultural affiliation studies: (1) cultural resources work there has involved primarily archaeology; and (2) due to the allocation of DoD resources, this work has been project-specific (UofA Database 1994). Names of tribes have frequently been acquired from a State Historic Preservation Office (SHPO) or other source, and those tribes are then notified when surveys take place (UofA Database 1994). These contacts have generally been made to fulfill the requirements of Section 106 of the National Historic Preservation Act (NHPA) and have not provided much guidance in determining cultural affiliation.

Many respondents to both the ACHP and Legacy surveys described in Chapter Six indicated that the lack of financial and staff resources has been an impediment to cultural resources management (UofA Database 1994). Cultural affiliation studies at a DoD installation must precede cultural resource surveys so that the appropriate individuals can be consulted on issues such as the identification of Traditional Cultural Properties (TCPs; see Chapter One). Full-scale cultural affiliation studies that involve archival research and extensive interviewing are expensive. The lack of resources to conduct more comprehensive cultural resource studies, including the identification of cultural affiliation, has been identified elsewhere (see ACHP 1994). At Edwards AFB, the ethnographic work was funded as part of the cultural resources overview for the installation. Fort Riley, Kansas has recently hired an outside consultant to determine the Native American groups with potential prehistoric and historic cultural affiliation to the post. The consultant will then contact the appropriate groups to assess their interest in the

Fort Riley area, develop Standard Operating Procedures (SOPs) for cultural resource personnel who will consult with Native Americans and for installation staff who encounter cultural resources in carrying out their activities. The consultant will also help develop agreements with the appropriate Native American groups to provide consistent compliance with NAGPRA and AIRFA (see Chapter One). That project is being funded with money that became available at the end of fiscal year 1994 and is supported by the staff archaeologist at Fort Riley and the cultural resources program manager for Forces Command.

Contacting the Tribes

The key to DoD-Native American consultation regarding cultural resources is communication. In the words of one Army archaeologist who participated in a phone interview, "Without communication you will have mistrust. There are lots of reasons for American Indians to mistrust Anglos." To be effective, DoD personnel who communicate with Native American tribes must be aware of the cultures of the people with whom they interact and be sensitive to differences between those cultures and their own. Communication begins with the initial contact to the Native American tribe or organization. The outcome of that initial contact is very important to the success of a consultation relationship and will be discussed in some detail here.

Method of Contact

Tribes that are culturally affiliated to the land on which a DoD installation is currently sited, or to lands affected by DoD activities, are contacted by mail, phone, and in person to initiate consultation regarding cultural resources. Both DoD personnel and Native Americans identified some of the advantages and disadvantages of each method of contact. These are discussed in the following sections.

Mail

Initial contact from a DoD installation to a Native American group is often made in writing. Sending an official letter of introduction to a tribe from a DoD official with authority at the installation is an appropriate way to begin consultation. For example, after review of the archaeological collections at Fort Drum, New York, in response to NAGPRA, the Director of Public Works (PW) sent a letter to all Iroquois Nations regarding associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony held in their collections (see Appendix I). Several tribes that received the letter responded in writing with requests for an inventory of the materials held there. The Public Works, Environmental Division personnel are compiling that inventory and will send it to the tribes as soon as it is complete. Similarly, as was discussed in Chapter Seven, the Directorate of Environment and Housing (DEH) at Fort Hood sent a letter to the tribes with potential cultural affiliation to the human remains held there to notify them of the presence of the remains (see Appendix I). The letter from Fort Hood was accompanied by the report of Archaeological Investigations at Fort Hood and the numbers of the particular pages that were likely to be of interest were specified.

A chief concern for a DoD correspondent to a Native American tribe is to provide enough information to be useful but to avoid overwhelming the recipient with written documentation. The letters from Fort Drum and Fort Hood provide information to the tribes about: (1) why the letter is being sent; (2) what items or human remains are located at the installation; (3) when and where those objects or remains were found; (4) how to obtain further information or respond to the information in the letter; and (5) what other Native American groups have been contacted in the present effort. The letters are straightforward and offer brief descriptions of the items or remains held at the installation.

Written communication accomplishes the legal requirements of notification that are specified in the laws described in Chapter One and provides both the sender and recipient a record of that contact. However, it has been perceived by both DoD personnel and Native Americans to be a very formal means of communication and only one aspect of a relationship between DoD installations and Native American groups regarding cultural resources. At Naval Air Weapons Station China Lake, California, for example, personnel at the installation have developed positive working relationships with Native Americans over a period of many years, particularly with regard to access to a sacred site on the installation property (see "Cultural and Natural Resource Policies" below). In 1992, Naval Air Weapon Station personnel sponsored several meetings regarding NAGPRA.

During those meetings, the Native Americans began a process of organizing to meet the challenges of NAGPRA consultation. In the midst of that process, they received an official letter with the NAGPRA summary lists from NAWWS China Lake. Representatives of several of the tribes called the installation asking whether that letter meant their meetings were being canceled. One of the personnel at NWS China Lake commented in a phone interview, "The letter was very formal. It half way panicked the ordinary people. It is interesting to see it play out how you talk to Indians versus how the bureaucratic process says it should happen. If that's all some agencies are doing, it falls well below the mark of the spirit of NAGPRA." Clearly, even within the context of existing interactions, written communication can only meet some of the needs of an long-term relationship.

Phone

DoD personnel who have ongoing relationships with Native Americans have identified written contact with tribes to be a necessary but insufficient step in tribal consultation. In many cases, as at Fort Hood, DoD installation personnel receive no response from Native American groups to written communication about cultural resources. Some DoD personnel who have sent out letters regarding NAGPRA issues have been notified that the tribes they have contacted are presently inundated with correspondence related to NAGPRA, so their lack of response does not indicate a lack of interest. In other cases, tribes may be faced with letters requesting comments on archaeological surveys or environmental impact statements at a time they do not have the personnel to undertake such reviews.

Phone contacts serve as a means of ensuring that written communication was received, of establishing the potential interests and concerns of Native American groups, and of gathering additional information. For example, during a cultural resources survey at Fort Ord, California, six Native American groups were sent letters of notification requesting their participation in the Section 106 process of the NHPA (see Chapter One) for the post. Representatives of all six groups were also contacted by phone and asked to name other groups they thought might be interested in participating in the process. Appointments for in-person meetings were also arranged for each group.

In Person

Sensitive issues such as the identification of sacred items or the treatment of human remains require careful discussion. As one individual said in a phone interview, "I think it's a wise thing to bring the tribes out and talk about it." Also, Native American representatives may not be familiar with procedures such as the Section 106 process mentioned above. Face-to-face meetings are preferable for describing complex issues and ensuring that all participants understand one another. For example, to identify tribes that wanted to participate in consultation at Williams AFB, Arizona, Air Force personnel and contractors traveled to meet individually with the representatives of tribes that had cultural and historic ties to the property at Williams AFB.

Similarly, at Hill AFB, Utah the cultural resource manager has met with tribal representatives at meetings of the Intertribal Council, has met face-to-face with representatives in tribal offices, and has met with representatives at Hill AFB and the Utah Test and Training Range. Those initial efforts demonstrated to the tribes that the DoD installation personnel were serious about wanting Native American participation in their cultural resource programs and established the basis for developing government-to-government relationships between the DoD installations and the tribes.

Method of Contact Summary

Written communication is one means to initiate interactions between DoD installations and Native American groups. However, tribal offices receive written communication from multiple Federal agencies regarding numerous projects and programs. DoD installations that develop successful relationships with Native American groups despite the competing demands those groups face do so because DoD personnel personally communicate by phone and visit with designated representatives. When these groups recognize that the DoD installation intends to develop a long term consultation relationship with them, they may be more likely to invest energy and resources in the process.

One problem identified by DoD installation personnel was the lack of a standard procedure by which they can obtain contact information for the tribes, once they have been identified. The National Park Service, as lead agency in the implementation of NAGPRA, has created a list of all Federally recognized tribes that includes the names and addresses of tribal

government officials and contact people (Michael Evans, personal communication April 5, 1994). That list provides one means by which installation personnel can obtain the names and address of present tribal government leaders. DoD installation personnel can also obtain the names and addresses of contact people through State Historic Preservation Offices and specialized agencies such as California's Native American Heritage Commission (UofA Database 1994).

Use of Liaisons

There are many differences between DoD installations and Native American governments, such as organization, interests, and culture. One effective means of overcoming those differences is by including liaisons in the consultation process. DoD installations have used civilian and military personnel and third party actors as liaisons. In all cases, the involvement of the liaison from the time of first contact with the Native Americans has proven to be important for the development of the relationship. To be effective, the liaison should be directly involved in virtually all interactions between the installation and Native Americans. The development of mutual trust is fundamental to an effective liaison relationship, so one important criterion in the selection of the liaison is the ability for that individual to maintain continuity.

At Mountain Home AFB, Idaho for example, the commanding general named the AFB's staff judge advocate as liaison for the local American Indian tribes. Although legal training may be helpful to the liaison, the selection should be based on the professional and personal skills of the individual, rather than the need for any particular expertise (Alis 1994). The Mountain Home liaison is responsible for establishing and maintaining regular communication with the tribes that have ties to the base on all issues of mutual concern, including aircraft operations, logistical support, and provision of medical care.

This approach prevents unnecessary fragmentation and bureaucratization of the communications process (Alis 1994). The AFB's creation of an official liaison and the desire to develop formal agreements with the tribes has grown out of concern about the transience of military personnel and the need to establish a framework that will persist despite the transfers of DoD personnel or election of new tribal leaders.

Without clearly identified points of contact and relationships characterized by candor and trust, neither Mountain Home AFB nor the affected American Indian groups had been able to effectively communicate their concerns. The liaison program at Mountain Home AFB has opened a line of communication between concerned tribes and the installation. The program enjoys a great deal of credibility with both the Mountain Home personnel and the tribes who participate because the liaison officer reports directly to the installation's commanding general. By listening to the concerns of the tribes and then acting upon these concerns in a timely manner, the installation liaison provides an effective way of mediating problems that could arise in the future.

Installation personnel from Mountain Home AFB, including the commanding general, have visited the Duck Valley Indian Reservation to listen to their concerns. In addition, the commander and his liaison traveled to a sacred site to experience firsthand the spiritual nature of Native American concerns. This personal contact was a vital part of the trust-building efforts. Many tribal members at Duck Valley are concerned with low altitude flight operations over reservation lands. Consequently, training routes over the reservation have been modified, and procedures for certain categories of flight operations have been changed (Alis 1994). These changes have had minimal impact on the quality of flying operations, but they have been of great importance to the American Indians. As demonstrated at Mountain Home, such concerns can be effectively mediated once the issues are identified and workable solutions are developed.

For example, if members of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation want to visit a sacred site that falls beneath a military operating area (MOA) used for aircrew training, they call the liaison officer at Mountain Home. Planes from the base are then routed to avoid the area if at all possible. The liaison program at Mountain Home AFB has not only led to an effective working relationship with Native American groups on a broad spectrum of issues but also the development of a draft memorandum of understanding (MOU) that outlines the structure for a continuing dialogue (Alis 1994).

In some cases, individuals outside the DoD, such as representatives of other U.S. Federal government agencies, who have existing relationships with Native American tribes have been able to facilitate communication between those tribes and DoD personnel. For example, personnel from NAS Fallon, Nevada had sent several letters to a neighboring tribe asking if the tribe would be impacted by a proposed shift in a flight lane. After receiving no response for more than a year, an individual from NAS Fallon was able to enlist the help of a representative of the Bureau of Indian Affairs who had a good relationship with the tribal council. That individual scheduled a face-to-face meeting with tribal representatives and installation personnel to discuss the issue. The installation received an official tribal response within three months.

Orientation Meeting and Site Visit

Prior to DoD consultation or negotiation of agreements with Native American groups about cultural resource management issues, Native American groups must be made aware of the purpose for such interaction. Native American groups are often asked to provide their response to isolated DoD project plans or decisions without having information about the context of those activities. At most DoD installations, there are multiple Native American tribes with cultural and historic ties to the land and resources under DoD jurisdiction. Although each DoD installation must develop a relationship with each tribe, coordinating efforts can improve resource management and facilitate the implementation of policies regarding the resources of concern.

After DoD personnel initiate communication with each Native American tribe regarding the purpose of the interaction, several tribes can be invited as a group for a DoD-sponsored orientation meeting and site visit. At that time, information can be shared among all participants. For example, installation personnel at Hill AFB, Utah have worked for more than a year to

contact eight tribes by mail, phone, and in person. Representatives of some of the tribes have visited the installation individually.

As part of the DoD cultural resource compliance program and in preparation for long term partnerships and formal agreements governing the protection of significant areas and resources, the tribes will be participating in a tour of the Utah Test and Training Range (UTTR). The UTTR is a one million acre range on Utah's west desert. The visit will allow the tribes to review the range and the resources there in preparation for greater involvement in cultural resource management decisions regarding the range. In addition, the visit will orient the tribes to the Air Force's mission there, the activities that take place on the range, and the efforts that are presently being taken to protect the range's cultural and natural resources in light of its mission.

The Native American UTTR orientation meeting at Hill AFB is being undertaken to initiate compliance with NAGPRA and NEPA. Therefore, it was programmed into the AFB cultural resources budget as consultation with tribes. The Native American tribes are being asked to send both a tribal official and spiritual leader to the orientation visit. Those individuals will be put on the Air Force's standard Invitational Tour of Duty orders that are extended to invited guests so that their travel, food, and lodging expenses will be covered by the Air Force. The orientation will provide current tribal leaders and their cultural resource managers an opportunity to gather information that will make them better prepared to comment on proposed actions on the range in the future.

Similarly, personnel at Luke AFB, Arizona take leaders of the Tohono O'odham Nation on orientation flights every year to show them what activities are taking place at the base and why they are being done. Military training flights in the Sells Military Operating Area cross land on the Tohono O'odham and White Mountain Apache reservations, and the interactions at Luke have been focused on those overflights.

Tribal Consultation Committee

The relationship between any DoD installation and Native American groups is carried out by representatives of those organizations. The selection of representatives is key to the success of the consultation process. A consistent group of individuals should be included as much as possible to ensure continuity in the relationship. When multiple Native American groups or additional entities, such as state and Federal agencies, have an interest in an installation, it becomes necessary to determine an organizational structure so that all parties with relevant interests can be included. Examples of the processes by which multiple groups were included in consultation processes are included in this section.

At NWS China Lake, for example, a collections inventory was conducted by the St. Louis District of the U.S. Army Corps of Engineers under an existing MOU between the District and NWS China Lake (see Appendix K). Native American tribes with potential cultural affiliation to the objects in the collection were identified by the NWS personnel. After two initial meetings with the Navy regarding the NAGPRA compliance program, the representatives of the

culturally affiliated Native American tribes chose to return to their tribes to solicit nominations to a consultation committee. Representatives from the involved tribes met again and recognized a need to meet individually with each tribe to explain the NAGPRA program and purpose of the committee. The Navy provided the Native Americans with: (1) copies of the law and the draft regulations (2) guidance documentation and discussion related to NAGPRA; and (3) information about grants and sources of funding. The committee was organized specifically to handle NAGPRA consultation; however, the tribes have expressed an interest in expanding their role in the cultural resources management at the installation. If the committee approach is successful at NWS China Lake, DoD personnel and Native Americans have anticipated that its role may be extended to other matters.

Similarly, initial coordination among the Native American groups has facilitated the development of a relationship among Air Force personnel and five tribes in connection with Williams Air Force Base, Arizona. In southern Arizona, for example, four tribes, the Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, and the Tohono O'odham Indian Nation, created an intertribal agreement in 1989 to coordinate their interactions with Federal agencies. As part of that agreement, one tribe takes the lead on each interaction. Representatives of the four tribes worked with representatives of the Hopi Tribe and personnel from Williams AFB regarding the treatment of human remains and associated materials discovered during archaeological testing at the base (see "Mitigation Recommendations and Formal Policies" in this chapter). The intertribal agreement was beneficial to both the U.S. Air Force and the tribes in the process of negotiating an MOU.

In some cases state and Federal agencies outside the DoD become involved in the consultation relationships among DoD installations and Native American tribes. The NHPA requires consultation with the SHPOs, so installations may include the SHPO as a regular participant in their consultation process. Other agencies are included as necessary to meet the needs of the particular situation.

For example, at NAS Fallon an agreement regarding human remains found at Fallon includes the Nevada State Historic Preservation Officer, the Nevada State Museum, the U.S. Fish and Wildlife Service (USFWS), and the Fallon Paiute-Shoshone Tribes because the excavated human remains are placed in temporary storage at the Nevada State Museum and then reinterred at the Stillwater Wildlife Refuge under the jurisdiction of the USFWS (see Appendix L). The agreement was developed through a series of negotiations involving all the signatories.

Site Visits and Inventory of Cultural Resources

Although extensive archaeological survey work has been done at some DoD installations, few of those installations have included Native American participation in their cultural resource surveys. Several installations have gathered ethnographic data regarding the practices and concerns of Native American people relative to installation lands. The ethnographic research conducted at Edwards AFB was described in the section, "Determining Cultural Affiliation,"

earlier in this chapter. Cultural resources surveys at Vandenberg AFB began in 1969 with a limited National Park Service (NPS) funded reconnaissance of some of the coastal Chumash sites. An archaeological survey and inventory were conducted in 1974 during the first phase of development of the Space Transportation System Facilities Project.

The Santa Ynez Reservation was the recognized representative of the Chumash people in the region. The NPS and USAF sought out and met with all known Chumash groups in and around Santa Barbara County prior to the data recovery phase of the project. In 1978, the NPS, acting as archaeological contracts administrator and cultural resources advisor to the Air Force, signed a contract with the Santa Ynez Reservation, providing reimbursement for the services of Native American coordinators, field monitors, and report reviewers for the Space Transportation System Facilities Project (Dunbar 1994). Under an August 1978 MOU between the Air Force Strategic Air Command, the Space and Missile Systems Organization, and the Santa Ynez Reservation, the Santa Ynez was responsible for appointing a representative to be the tribal point of contact for the archaeological activities, notified and coordinated the Native Americans, and helped develop a plan for the participation of proper Native American representatives. The MOU also formalized base visitation to allow tribal members to collect plants. In 1981, ethnographic work was done as part of the MX Missile Testing Program (Muñoz 1981).

This study identified the Chumash people as the Native Americans with cultural affiliation to the Vandenberg AFB area. The study identified many contemporary Chumash groups but only one, the Santa Ynez Band of Mission Indians, that is Federally recognized (see Chapter One). A second study was conducted in 1987 (Tetra Tech, Inc. 1988). No additional Native American groups were identified in that study. Furthermore, meetings, both at the Santa Ynez Reservation and as part of a tour of the San Antonio Demonstration National Register District of Vandenberg AFB during 1988, provided additional opportunities for members of the Santa Ynez Band of Mission Indians to provide input regarding the identification and protection of Native American resources at Vandenberg AFB.

Tribal representatives from the Santa Ynez Band identified a sacred waterfall, plant gathering sites, and sites where religious activities took place and requested that those areas not be disturbed. Other than archaeological sites, only one of the areas identified as important by the contemporary Native Americans had been identified by previous investigations (Tetra Tech, Inc. 1988).

The Santa Ynez Band and other Chumash people consider any residential or village site having cemeteries to be sacred. There are more than 80 such locations on Vandenberg AFB (Spanne 1994). In addition, the seven known rock art sites, four shrines, and the sacred peak, *Alul* (Conspicuous), presently known as Mt. Tranquillon, are also considered sacred by the Chumash people. Likewise, Point Conception of *Humqag'* (The Raven Comes), which was recently discovered to be part of Vandenberg property, also served as a shrine and an entry point to the Chumash afterworld. A draft ethnographic/ethnohistoric document evaluating Chumash

concerns about Point Conception and its viewshed was prepared in June 1994 but is not yet available in final form for distribution (Spanne 1994).

Vandenberg AFB is also preparing an ethnographic/ethnohistoric overview of American Indian resources for the entire base that will include a genealogical study and inventory of sacred and traditional use sites of the Chumash. That study should be completed in 1995 or early 1996 and will be a separate volume in Vandenberg's eight-volume Cultural Resource Management Plan (CRMP) that is in preparation (Spanne 1994). Policies have been developed at Vandenberg AFB to provide tribal members access to important sites (see Appendix M and "Mitigation Recommendations and Formal Policies" in this chapter).

Mitigation Recommendations and Formal Policies

According to the criteria described in Chapter Six, fifteen DoD installations have developed formal policies with Native American groups, often in response to recommendations of those groups. However, most of those policies have been developed on a project-specific basis to cover only the activities related to a single planned activity. The consultation model outlined in Chapter Five suggests that general installation policies and recommendations be developed whenever possible and that subsequent project-specific modifications can be put in place as needed. Both the Native American groups and the DoD installation must determine the most appropriate means of formalizing their relationships. For example, at NAS Fallon, the installation has entered into tribal-specific agreements (see Appendix L). In contrast, at Williams AFB a single agreement was written to include five tribes and the USAF (see Appendix N). These agreements are discussed in greater detail in the next section.

NAGPRA has had a special effect on cultural resources management. As a result, comprehensive policies regarding the treatment and reburial of human remains have been developed at several installations. The following sections consider general cultural resource policies first and then policies specifically governing human remains.

Cultural and Natural Resource Policies

Few of the formal policies identified during this study govern general cultural and natural resource issues. This section will review the agreements at Fort Hood, Texas and NWS China Lake, California. These agreements provide Native Americans with access to sacred sites at those installations for the purpose of visiting and conducting ceremonies. The changing circumstances at the Leon River Medicine Wheel at Fort Hood and the restructuring of NAWWS China Lake have prompted individuals at those locations to note that the agreements will need to be renegotiated. Nevertheless, the existing agreements at those installations are reviewed here because they are examples of existing policies at DoD installations.

The agreements at Fort Lewis, Washington govern additional concerns and are briefly reviewed here. In addition, several installations have incorporated policies and guidelines

specific to the tribes with which they interact directly into their Cultural Resource Management Plans (CRMPs) and Historic Preservation Plans (HPPs). For example, the CRMP at NAS Fallon specifies when personnel must contact the Fallon Paiute-Shoshone Tribes and the Walker River Paiute Tribe. The HPP at Vandenberg AFB incorporates the concerns of the Santa Ynez Band of Mission Indians and specifies policies for notifying the tribe, tribal monitoring, and tribal access to the base. Those plans are discussed in this section where relevant.

Evolution of the Policies

As described in Chapters One and Two, it is the policy of the U.S. Federal Government to protect access to sacred sites that are required for ceremonial use by Native Americans and are necessary to continue their religious practices. The policies at Fort Hood and NWS China Lake provide access to sacred sites. Agreements were written to specify the conditions under which access would be granted to Native Americans to visit the sites for ceremonial and other purposes. The Leon River Medicine Wheel site was described in Chapter Seven and the Memorandum of Agreement governing Native American access to the site is included in Appendix H. The property at NWS China Lake includes Coso Hot Springs, a geothermal spring that is a sacred healing site (see Chapter Four). Access to the site was blocked during the Vietnam War. Subsequently, a Memorandum of Agreement between the Commander of Naval Weapons Center, China Lake and the Coso Ad Hoc Committee, Owens Valley Paiute-Shoshone Band of Indians was signed in 1979 to reopen access to the Native Americans of Owens Valley and Kern Valley (see Appendix P).

Access to DoD installations is also granted for other purposes. For example, Fort Lewis, Washington has formal policies to provide access to Fort Lewis and the Yakima Training Center for traditional use as well as ceremonial purposes. Agreements were written to recognize the treaty rights of the Yakama Indian Nation and the Nisqually Tribe and to specify the conditions under which access to the installation is granted. They were written between 1987 and 1992 in response to the specific needs of those tribes. Installations that provide access as part of their ongoing relationships with Native Americans will be discussed in the next section.

Content of the Policies

The written agreements that set the installation policies governing access to sacred sites at Fort Hood and NWS China Lake were reviewed. Eight elements were identified through content analysis, (see Table 8.4). Those elements are described in greater detail in the following paragraphs.

As shown in the table, there are many elements that are common to both the Fort Hood and NWS China Lake cultural resource management agreements that govern Native American access to sacred sites on DoD lands. Both agreements include provisions for scheduled and unscheduled visits by the signatories to the agreements, and also for visits by Native Americans not covered by the agreement. At NWS China Lake, the frequency and duration of scheduled visits are specified. Unscheduled visits by signatories to the agreement are considered on a case-

by-case basis and require a request in writing to the Commander by the Chairperson of the Coso Ad Hoc Committee.

In addition, requests from Native American groups other than the Owens Valley Paiute-Shoshone Band of Indians or those from the Kern Valley Indian Community will be considered by the Commander on a case-by-case basis. At Fort Hood, all individuals must be authorized by the Comanche Tribal Council or American Indian Resource and Education Coalition prior to visiting the Leon River Medicine Wheel. Large ceremonies involving more than twenty-five people must be arranged in advance in writing. Individual visits of groups of less than 25 persons require only that a letter of permission be presented to the Directorate of Environment and Housing's (DEH) point of contact.

Both the Fort Hood and NWS China Lake cultural resource management agreements specify that the sacred sites that are the subject of the agreements and the associated artifacts found there must be left undisturbed by all people visiting or using the sites. Both agreements give the DoD installation the authority to screen visitors, cancel visits, and exclude or eject individuals. At China Lake, visits are subject to cancellation "in the event the mission of the Naval Weapons Center requires use of its ranges." According to the MOU at Fort Hood, "the Army at its sole discretion may exclude or eject any person from this Federal property", although the Army must have a cause to do so. The MOA at China Lake specifies that the Naval installation will provide sanitary facilities.

The MOA also requires that Assumption of Risk forms be signed by each adult individual desiring to enter the installation under provisions of the agreement. Although neither of those issues is specified in the MOU regarding Fort Hood, the Army provides sanitary facilities for each major ceremony held there. In addition, participants in the Medicine Wheel renewal ceremony signed waivers before taking part in the activities on the installation. Finally, the agreements at both China Lake and Fort Hood state that the signatories will continue to work together for future management of the sacred sites.

Human Remains and Reburials

Personnel at DoD installations interacted with Native Americans regarding human remains and reburials long before NAGPRA was passed. For example, the treatment of human remains was one of the subjects discussed during the 1983 consultations with Native Americans regarding the Peacekeeper program. The results of the Peacekeeper Conference were published in 1985 (USAF 1985) and led to U.S. Air Force *Guidelines for Consulting with Native Americans* with a section entitled "Reburial of Human Remains" (USAF 1994). The Air Force Guidelines include: (1) recognition of Native American rights to determine how burials will be treated; (2) acknowledgment of Native American and Air Force interests; (3) attribution of

reburial costs to the proponents of whatever project resulted in discovery of the burials; and (4) recognition of the need for installations to follow applicable state and local laws (USAF 1994).

Table 8.4. Elements of Policies Governing Access to Sacred Sites

Element	NAWS China Lake	Fort Hood
Procedures for scheduled visits for large groups	X	X
Procedures for unscheduled visits, small groups	X	X
Authorization of visitors, involvement of Native Americans not covered by agreement	X	X
Restrictions on alteration, permanent disturbance of site	X	X
Provisions for exclusion or ejection of visitors	X	X
Provisions for sanitary supplies, trash management	X	
Written forms for Assumption of Risk	X	
Future cooperation on management of site, determination of scope of permissible activities	X	X

All interactions between the DoD and Native Americans regarding human remains and reburials are now covered by NAGPRA. NAGPRA was the catalyst for some installations to develop formal reburial policies. However, others had developed their own reburial policies prior to the passage of NAGPRA and adjusted their programs to comply with the new law. This section will describe and analyze both the evolution and content of the formal reburial policies at three DoD installations. These policies were selected for analysis because of their comprehensiveness. Additional reburial policies are included in the Appendices and discussed in this section where relevant.

The Evolution of Reburial Policies

The three installations whose human reburial policies were analyzed are Naval Air Station Fallon, Nevada, Fort Kamehameha, Hawaii, and Williams Air Force Base, Arizona. The policy at NAS Fallon is governed by a Memorandum of Understanding (MOU) between NAS Fallon, the Fallon Paiute-Shoshone Tribes, Nevada SHPO, U.S. Fish and Wildlife Service, and the Nevada State Museum. The formal policy regarding the treatment of Native American human remains discovered on lands managed by NAS Fallon began with the establishment of an MOU between the NAS Fallon, U.S. Fish and Wildlife Service, Nevada State Historic Preservation

Officer, and Fallon Paiute-Shoshone Tribes in October 1988. That policy was developed from an existing agreement between the Fallon Paiute-Shoshone Tribe and the U.S. Fish and Wildlife Service. The 1988 policy was revised to comply with NAGPRA and replaced by the present MOU in August 1991. A copy of the MOU is included in Appendix L.

The policy at Fort Kamehameha Army Base is outlined in a Burial Treatment Plan (The Plan) that was implemented by a Memorandum of Agreement (MOA) between the Navy, the Hawaii SHPO, and the ACHP, with the Office of Hawaiian Affairs (OHA) and Hui Malama I Na Kupuna O Hawaii Nei (Hui Malama) as consulting parties. The Plan was developed in 1992 in response to consultations in compliance with NHPA and NAGPRA. The Plan was developed for archaeological subsurface testing and data recovery at the Fort Kamehameha Wastewater Treatment Plant because human remains of probable Native Hawaiian origin were discovered in November 1991 during the U.S. Navy's archaeological monitoring of construction excavations at the Wastewater Treatment Plant. A copy of the Plan is included in Appendix Q.

Williams AFB policy was created because human remains and associated materials were discovered during subsurface archaeological testing. Testing was done when the base was closed as part of the Base Closure and Realignment (BRAC) process (see "Installation Closure and Termination of the Relationship" in this chapter). It is governed by a MOU between the U.S. Air Force, the Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, the Tohono O'odham Indian Nation, and the Hopi Tribe. A copy of the MOU is included in Appendix N.

Content of Native American Human Reburial Policies

The human reburial policies of NAS Fallon, Fort Kamehameha, and Williams AFB were reviewed because of the comprehensiveness of each of these. Sixteen policy elements present in one or more of these agreements were identified through content analysis (see Table 8.5). These elements are presented in the general order in which they would arise when human remains are discovered. Each element is discussed in turn in the following paragraphs.

A central feature of all three reviewed policies is a provision for the protection of human remains. NAGPRA requires that a reasonable effort be made to protect human remains that may be discovered on U.S. Federal lands. The three written policies specify protection at two levels: (1) the preferred initial response to discovery of human remains; and (2) how to proceed in cases where burials may be most appropriately protected through excavation and removal. Both the Fallon and the Williams policies give preference to protecting and preserving the burials in place without further disturbance. The Fort Kamehameha policy specifies that identified human remains be preliminarily investigated, stabilized, and marked for later removal or in-place protection. The determination of the most appropriate treatment of remains that have been identified through analysis to be Native Hawaiian will then be made in consultation with Hickam Air Force Base, OHA, and the SHPO.

Table 8.5. Elements of Reburial Policies

	NAS Fallon	Fort Kamehameha	Williams AFB
Protection of Remains	X	X	X
Notification and Consultation After Inadvertent Discovery	X	X	X
Consultation Prior to Archaeological Excavation	X	X	X
Religious Ceremonies Prior to Excavation		X	
Native Monitoring During Excavation	X		X
Standards for Archaeological Data Recovery	X	X	X
Reporting Results	X	X	X
Temporary Curation		X	
Display of Remains, Photography	X	X	X
Scientific Analysis	X	X	X
Reinterment	X	X	X
Religious Ceremonies Upon Interment			X
Access To Reburial Site	X		
Confidentiality	X		X
Payment of Expenses	X		
Procedures for Dispute Resolution			X

The MOU between Vandenberg AFB, the Santa Ynez Band of Mission Indians, and the Elders Council regarding human remains has been included in Appendix M. According to Vandenberg AFB policy, human remains are stabilized or reburied in place whenever possible. However, when the remains are threatened by external factors such as erosion, vandalism, or

illicit collection, they are recovered and identified by a physical anthropologist. When the remains are of a Native American individual, the Chair of the Santa Ynez Band and the SHPO are contacted, and they are reburied at the direction of the Santa Ynez Chair (Spanne 1994).

NAGPRA stipulates that the Secretary of the Interior, agency head, or Native American tribe must be notified, in writing, when Native American remains are inadvertently discovered on U.S. Federal or tribal lands. The policy at NAS Fallon is most explicit regarding when and in what form consultation with Native Americans must occur. Two examples are: (1) consultation with the Fallon Paiute-Shoshone Tribal Chairman is required prior to the initiation of any excavation that may encounter Native American burials; and (2) removal of a Native American burial or human skeletal material from temporary curation at the Nevada State Museum requires written approval of the Chairman of the Fallon Paiute-Shoshone Tribes. The Kamehameha Plan is written for a specific recovery program and does not address inadvertent discoveries. At Williams AFB, the MOU states that the procedures set forth in the agreement shall be implemented after consultation and in accordance with Tribal policies and guidelines.

NAGPRA requires that human remains can only be intentionally removed from Federal or tribal lands after consultation with, or the consent of, the appropriate Native American tribe. The three reburial policies reviewed specifically include notification and consultation prior to archaeological excavation. The Kamehameha policy also includes a provision that "(a)t the request of any of the consulting organizations, the Navy will arrange for a blessing ceremony before the commencement of Phase II data recovery."

The policies at NAS Fallon and Williams AFB, address issues of Native American monitoring of the excavation. The Fallon Paiute-Shoshone Tribal Chairman provides a monitor to oversee the recovery of any Native American burial if the Tribal Council wishes to be represented on the site. At Williams AFB, a Tribal Monitor chosen by the Tribes will be on-site at all times during excavations and subsurface testing to identify and monitor the treatment of human remains.

All three policies provide specific guidelines about the professional standards for data recovery that must be upheld in archaeological survey work. The MOU at NAS Fallon refers to the Advisory Council for Historic Preservation's *Treatment of Archeological Properties: A Handbook* (ACHP 1980) and the Secretary of the Interior's Standards and Guidelines for Historic Preservation Projects (USDI 1985). The MOU at Williams AFB refers to the "Standards of Research Performance of the Society of Professional Archaeologists" and the professional standards for archaeological data recovery as established in the Research Design and Plan of Work. The Plan at Fort Kamehameha states that the operation will be "archaeologically monitored" and describes the equipment to be used.

All three policies reviewed include instructions for reporting results of studies and surveys. The policy at NAS Fallon is most explicit regarding reporting information to the tribe:

The Navy shall provide to the Fallon Paiute-Shoshone Tribal Council copies of all scientific reports and publications resulting from the analysis and study of any Native American burials or fragments of skeletal material recovered from lands owned or controlled by NAS Fallon in the Lahontan Valley, Churchill County, Nevada and commissioned by the Navy. Included with each report the Navy will provide a summary written in non-technical language with appropriate graphics.

The policy for Williams AFB gives representatives of the Tribes the opportunity to review all artifacts records from the Class III Archaeological Survey and testing. The MOU also specifies that the Air Force shall submit a report documenting the discovery, treatment, and disposition of any remains to the Tribes.

The Kamehameha policy specifies that a temporary curation facility be provided and describes explicitly how the recovered human remains will be stored. All three policies prohibit public display of excavated Native American burials or collected human skeletal remains. The Kamehameha policy prohibits direct photography of individual burials but allows photographs of features in association with the remains to be taken at the discretion of the Navy Contractor. The policy at Williams prohibits the distribution and publication of photographs of the human remains.

Under the MOU at NAS Fallon, scientific analysis may be conducted on Native American burials and human skeletal remains prior to interment "using the appropriate research design approved by the Nevada SHPO and the Fallon Paiute-Shoshone Tribal Council, and under the supervision of the Curator of Anthropology of the Nevada State Museum" (see Appendix L). The Kamehameha Plan outlines in detail the osteological and other analyses that will be permitted and under what conditions they will occur (see Appendix Q). The policy at Williams AFB permits no destructive analyses.

A key provision of the reinterment practices in the policies reviewed here is the specification of the location where reinterments will occur. The MOU regarding NAS Fallon's reburial policy includes the U.S. Fish and Wildlife Service (USFWS) as a signatory because the Service manages a reinterment facility at the Stillwater National Wildlife Refuge. The Kamehameha Plan specifies that the "selection of a reburial location and the repatriation and reburial of Native Hawaiian sets of remains will be done as expeditiously as possible," and the OHA, Hui Malama, and the SHPO will be kept full informed of all actions regarding repatriation and reburial. Williams AFB is undergoing closure and the reuse plan for the installation is not complete.

Therefore, the MOU specifies particular tribal representatives who will be responsible for "the timely and expeditious treatment and disposition of the Remains." The agreement also states

that the representatives "shall be given an opportunity to carry out religious ceremonies/rituals attendant upon reinterments of the Remains."

At Fallon, the USFWS monitors the reinterment facility and provides security there. The policy at NAS Fallon explicitly provides for access to the reburial grounds designated by the installation. At Fallon, the Tribal Chairman or his or her representative will be provided access to Native American burial sites to inspect the sites upon sufficient notice to the Navy Public Works Officer to schedule the visit, providing it does not create a safety or security conflict for the Navy. The policies at NAS Fallon and Williams AFB specifically address confidentiality. The Fallon policy states that the location of the reinterment facility will be kept confidential to the extent possible. At Williams AFB the location of the discovery will be reported only to the appropriate Air Force land managers with immediate administrative responsibility and to designated representatives of the Tribes. According to the MOU, "(t)he specific location of the discovery of Remains shall be withheld from disclosure and protected to the fullest extent allowed by law."

Finally, Fallon's policy specifies that the DoD installation will bear the costs that accrue as a result of the policy including consultation, treatment, curation, and reinterment of human remains. The MOA between Vandenberg AFB, the Santa Ynez Band of Mission Indians, and the Elders Council, provides an example of a contrasting policy. Under the MOA, the Santa Ynez Reservation accepts full responsibility for all expenses related to the reburial of Native American remains (see Appendix M). The MOU at Williams AFB has a specific clause governing disputes over methods of treatment or disposition or claims of cultural affiliation.

Application of the Policies

The clear specification of DoD-Native American interaction procedures in formal agreements facilitates those interactions. For example, representatives from both the Air Force and the Gila River Indian Community agreed that the MOU governing the discovery and treatment of human remains has worked very well. The existence of the agreement does not preclude consultation when remains are actually discovered; the agreement specifies how consultation will take place. In the negotiation of the agreement, however, the parties had become acquainted with one another's concerns regarding the treatment of human remains. Subsequently, after a recent discovery of remains, consultation took place within a familiar environment, and the participants were able to confirm that their understanding of the agreement was accurate. During a phone interview, one individual described what happened, "Within 24 hours everyone, all five tribes and the Air Force, was notified... We knew what to do, who to contact, and we got a decision from the tribes within five days."

Although formal policies regarding access to sites may place some restrictions on Native Americans, several individuals who were interviewed for this project commented that they were willing to except those restrictions in exchange for the knowledge that the sites were protected from uncontrolled visitation and problems such as vandalism that have occurred in other places.

The challenge in the creation of all policies is to balance the need for specific procedures and guidelines with the need to be responsive to changing circumstances. Formal policies provide the framework within which interactions take place and activities are carried out. Nevertheless, no agreement can cover all the possibilities that may arise in a relationship. The inclusion of too many extraneous details makes an agreement cumbersome and difficult to implement. Therefore, informal agreements generally develop as relationships proceed.

As trust develops and individuals become more comfortable in a relationship, informal policies emerge to address issues not specified in formal agreements. A combination of formal and informal policies provides structure to the relationship while maintaining flexibility to respond to new circumstances. The MOU for Fort Hood, for example, states that "(t)he parties agree to further develop a mutually agreeable system for coordinating access to the sites and the scope of permissible activities" (see Appendix H). As the patterns of visitation change, the parties are free to develop specific policies to govern that visitation without having to renegotiate the agreement each time.

Monitoring and Ongoing Interactions

Several DoD installations reported positive relationships with Native Americans and ongoing interactions with both individuals and groups who visit the installation to hunt, gather plants, conduct ceremonies, or attend meetings. The Nisqually Indian Tribe and Yakama Indian Nation both signed treaties with the U.S. government in the 1800s. The 1854 treaty with the Nisqually and other neighboring tribes was the first of the "Stevens" treaties.

The treaty with the Yakama was signed in 1855. Fort Lewis, Washington and the Yakima Training Center (YTC) under its jurisdiction, occupy land governed by those treaties. In addition, the Wanapum People, who never signed any treaties with the U.S. government and who have not sought Federal recognition, but have historic ties to the land along the Columbia River on the eastern drainage of the YTC, have been recognized by the Army.

Those Native American groups and the Army have had significant ongoing relations regarding cultural and natural resource management. Their interactions are governed by formal policies including a MOA between the Army and the Nisqually Indian Community, a MOA between the Army and the Yakama Indian Nation, and a letter of agreement with the Wanapum People and Yakama Indian Nation, YTC Policy Number 92-08 (see Appendix O).

American Indian people have worked with personnel at Fort Lewis to determine the significance of the cultural sites and resources there. Cultural resource surveys are part of the ongoing investigations at the post. American Indians regularly visit the land at the YTC and Fort Lewis. The Wanapum can enter the YTC at will; Yakama people coordinate with Fort Lewis to obtain access there. The Nisqually can enter Fort Lewis and are provided with stickers for their cars for identification purposes. In addition, the Yakama and Wanapum have representatives on the cultural/natural resource committee of Fort Lewis and meet monthly.

The American Indians also serve on an advisory group that meets every two months. Tribal representatives have typically met with the garrison commander on a quarterly basis and with the commanding general at least twice a year. The YTC Range Officer calls a designated leader of the Wanapum People weekly to discuss safety and access information regarding the range. All three Native American groups are notified when major training events and activities take place.

At Vandenberg AFB, members of the Santa Ynez Band of Chumash Indians can obtain letters that permit them to visit the installation to gather plants (see Appendix M). A general policy regarding access to plants is included in the installation's Historic Preservation Plan. "Resource gathering areas containing traditionally used plants should be preserved and the Santa Ynez people should be allowed access to them" (Tetra Tech, Inc. 1988: 83). The letters are provided to individual tribal members as part of the ongoing relationship between the Vandenberg AFB and the Native Americans. Fort Huachuca, Arizona has a traditional but informal agreement with members of the San Carlos Apache tribe to allow individuals access to the installation to collect nuts (UofA Database 1994).

In addition to participating in the management and use of cultural and natural resources, tribes at several locations are involved in the education of installation personnel and members of specialized and general publics regarding tribal cultural heritage. With personnel from Vandenberg AFB, Native Americans have begun to participate in presentations at professional archaeological conferences. The Native Americans present their perspectives on the cultural resources work that is being done at the installation.

Robins AFB, Georgia is located on land that has been continuously occupied since approximately 4000 B.C. (UofA Database 1994). Archaeological investigations on the base unearthed a prehistoric village to which the Creek Nation has cultural ties. The cultural resource program at Robins AFB includes a museum and an educational video regarding archaeological investigations on the installation. Personnel at the base have arranged to have representatives of the Creek Nation assist in the design and production of the museum and to be reviewers of the video. The Office of Environmental Management, along with the Bibb County Board of Education and the National Park Service, sponsors workshops for teachers (see Appendix I). A Creek individual is among the presenters for the July 1994 workshop.

Installation Closure and Termination of the Relationship

The final step in the consultation relationship is termination. This step becomes necessary when one of the parties no longer exists. For the DoD, this is most likely to occur if the installation is closed and the property disposed of. A successful consultation relationship ensures that effective management of the resources at the installation continues even after the property is transferred to a new jurisdiction. Due to the 1855 Treaty rights of the Yakama Indian Nation (12 Stat. 951) to land and resources within the Yakima Training Center, the U.S. Army, I Corps, Fort

Lewis, Washington and the Yakama Indian Nation have signed a MOA regarding the land, air, water, fish, wildlife, cultural and archaeological resources (see Appendix O).

In the agreement, the Army commits to "designating, in the document of availability, transfer of Yakima Training Center lands to the Department of Interior for the primary use of the Yakama Indian Nation and the Wanapum People at that point when the lands are no longer required by the Army for brigade level training or comparable training activities." Such planned continuity is uncommon, however.

DoD installation closure has been accelerated since the Secretary of Defense's Commission on Base Realignment and Closure (BRAC) was chartered in May 1988. The purpose of the BRAC Commission was to conduct an independent study of domestic military base structure and to recommend installations for realignment and closure (US Army 1991). In 1988, with the passage of the Defense Authorization Amendments and Base Closure and Realignment Act (PL 100-526), the process of naming specific bases for realignment and closure began. The BRAC process has demonstrated the difficulty of termination of Native American relationships with the DoD. Those relationships were transferred to other agencies, especially at installations that did not have substantial relationships with Native American groups to help ensure the protection of cultural resources in the transition. Efforts to identify and evaluate the cultural resources at each installation were made outside of the context of long term relationships.

Sensitive information had to be gathered from individuals and groups when no relationships existed. In addition, few Native American groups became involved in the early stages of the BRAC process because they had no regular communication with the installations and were not aware of their potential role in the closure process. The late entrance of tribes in the BRAC process has stalled the process at several locations while their involvement is considered. For example, at Puget Sound Naval Station, the Department the Interior has submitted a reuse plan and property transfer for part of the installation under the Indian Self Determination Act (25 U.S.C. § 450 et seq.) on behalf of the Muckleshoot Tribe. DoD policy regarding claims under that Act is now being developed at the national level.

The Gila River Indian Community has expressed interest in purchasing land at Williams AFB that contains archaeological sites (Burke 1994). The Northern and Southern Arapaho and Cheyenne Tribes submitted a letter of intent to the Air Force Center for Environmental Excellence regarding the acquisition of U.S. Federal property at Lowrey AFB, Colorado and sought a grant from the Bureau of Indian Affairs to create a reuse plan for that base (Fisher 1994). The process of involving Native American people at Fort Ord, California is considered in greater detail here because the BRAC cultural resources team worked hard to include Native Americans, but they were involved late in the process and had no prior relationship with Fort Ord.

Problems arose for the contractor who was brought in to include Native Americans. Difficulties included identifying contact people, explaining the project, and collecting information about Native American interests in an environment that had become highly politicized locally due to the base closure. These problems could have been avoided had the post had a relationship with the Native American groups.

Fort Ord was among the military installations recommended for closure in the Defense Base Closure and Realignment Act of 1990 (PL 101-510). The recommendation was accepted October 2, 1991. Although the Act exempted the decision-making process from the provisions of NEPA (see McMillen 1993), the Department of the Army was nevertheless required to prepare an Environmental Impact Statement (EIS) to assess the environmental effects of property disposal and potential reuse after property disposal. The final EIS meets those requirements. However, no Native Americans were included in the scoping process for the EIS.

After learning that the base was to be closed, the Amah Mutsun Tribal Band contacted the U.S. Army Corps of Engineers Real Estate Division in Sacramento requesting property at Fort Ord. The Real Estate Division office was tasked to oversee the BRAC real estate transactions. Information was exchanged between the Amah Mutsun and the Real Estate Division office. The Amah Mutsun also sent copies of their request to the Secretary of the Interior, the National Park Service, the BRAC office at Fort Ord, and numerous elected government officials.

In contrast, the Esselen Nation first contacted their Congressional representative expressing their interest in the Fort Ord property. After receiving no assistance there, the Esselen Nation contacted the Fort Ord Reuse Group. The Reuse Group sent a copy of the Initial Base Reuse Plan to the Esselen Nation. Due to the correspondence by the Amah Mutsun and Esselen Nation, the Army's historic preservation officer at the Directorate of Environmental Programs determined that Native Americans should be included in the Section 106 review of Fort Ord that had been initiated due to closure under BRAC (see NHPA in Chapter One).

The cultural compliance effort related to closure was well under way by that time, and the EIS had been completed (1994). A contractor was directed to conduct consultation for the Section 106 process. The contractor contacted California's Native American Heritage Commission and was given the names of two individuals who had identified themselves to the Commission as the most likely Native American descendants from the area. Those individuals were members of the Rumsen and Watsonville Ohlone groups.

The contractor contacted ethnographers and ethnohistorians with experience in the area to identify all contemporary Native American groups with cultural and historic ties to the land and resources at Fort Ord. Six groups, the Amah-Mutsun, Muwekma, Esselen Nation, Pajaro Valley Ohlone Indian Council, Rumsen People, and Esselen Tribe of Monterey, were identified. None of the groups were Federally recognized as of October 1994, but four of the groups have initiated the Federal acknowledgment process (see Chapter One). The contractor sent letters of notification that a cultural resources survey was to be conducted at Fort Ord under Section 106 of

the NHPA and requesting their participation in the Section 106 review as "interested parties." Due to the lack of time, representatives of all six groups were contacted.

The American Indian groups contacted were asked to suggest the names of other people who might be interested in participating in the project. The Amah-Mutsun, Muwekma, and Esselen Nation requested a joint meeting; others met with the contractor individually. At the initial meetings, the contractor described the closure of Fort Ord and informed the participants about what constitutes a Section 106 cultural resources review. She explained what kind of information she was seeking and their potential role in the process. None of the American Indian groups had been aware of the Section 106 process, but five of the groups chose to participate. The Esselen Tribe of Monterey withdrew from the process because the area under review was far from their home and beyond their most significant concerns.

During the initial meetings, the American Indian groups requested the opportunity to visit Fort Ord. The installation was established in 1917 (UofA Database 1994), so the Native American groups had not had access to the land and resources for a long time. There were few individuals still alive in the American Indian communities who had been on the property, and the American Indian representatives wanted to see the area and consult with tribal elders. The Army arranged tours of the property and provided a vehicle and driver for each trip. The American Indians were able to go wherever they wanted. Although the Army had no formal knowledge of the historic presence of the American Indians in the area, some of the American Indians had worked at the installation in the past and were able to lead others to significant places.

The participants provided information about a possible cemetery, an archaeological site, and plant gathering areas. During one tour, the Army was made aware of the connection between members of the Esselen Nation and a family who had received a land grant from the Mexican government that included land in the southern portion of Fort Ord. The family had used the land for hunting and collecting plant resources. A horseback ride through Fort Ord was arranged when additional information was obtained about the property during tribal council meetings. The Army and members of the Esselen Nation contributed horses, and Army personnel, a representative of the Bureau of Land Management (BLM), and American Indians participated. The American Indians identified additional cultural resources during that trip.

A report is currently being prepared to document Native American concerns at Fort Ord. The Native Americans have had limited participation in the BRAC process at Fort Ord. The participating tribes are not Federally recognized, and the local community has been unwilling to allow the American Indians to participate as full partners in the reuse planning. Some of the land at Fort Ord is likely to be transferred to the BLM. The expressed interest of the American Indians in seeing that those agencies continue to work with Native American people, along with the early involvement of BLM representatives, has set the stage for ongoing interactions regarding the land and resources there.

Summary

The cultural resource management problems faced by DoD installations are significant and unlikely to disappear. As demonstrated by the installation programs discussed in this chapter, an effective DoD consultation program with Native American groups can help minimize the effect of those problems. Still, several concerns were frequently expressed by respondents to the DoD installation surveys. Those concerns will be identified and strategies to overcome obstacles will be provided.

Three specific concerns identified by the installation surveys with regard to inventories of cultural properties are (1) the lack of adequate resources, including knowledgeable personnel and funds for equipment and salaries, (2) the relationship of cultural resource surveys to other management efforts, and (3) the need to maintain relationships despite constantly changing personnel. These issues will be discussed in the following sections.

Resources

Staff and financial resources are required for the completion of inventories of cultural properties. Though personnel at several large DoD installations stated that they did not believe the entire installation property would ever be completely surveyed (UofA Database 1994), the inclusion of Native American people can help focus the cultural property surveys that are possible with available staff and funds. For example, through ethnographic studies and consultation with tribes, traditional use areas that are likely to have cultural materials located in them can be identified.

Native American tribes must have trust in DoD personnel before they will share information about their sacred resources. Such trust is more likely to develop in the context of long term relationships than in response to project-specific requests to identify areas with special significance. In the context of a long term relationship, issues such as the selection of the appropriate cultural resource experts for visits, careful timing of visits to accommodate the schedules of both the Native Americans and the DoD personnel, and topics for discussion can be worked out. Little information is shared and few participate when individuals feel rushed or pressured to meet deadlines.

Comprehensive cultural resource management planning outside of particular project deadlines allows for flexibility in scheduling so that meetings can be scheduled over a longer period of time. Although having established consultation relationships does not preclude the necessity to contact Native American groups regarding specific projects or discoveries, those contacts are much more effective in the context of the larger relationship.

Changes in Personnel

Dedicated DoD installation personnel and tribal representatives are a key to the success or failure of the interactions between them. Successful relationships are built upon two or more personalities and the sensitivity of the individuals involved. For example, trust is a key component of successful relationships. Trust develops over time as individuals demonstrate to one another that they are earnest in their efforts, consistent in their behavior, and likely to keep their word. In all relationships, circumstances arise that cause individuals to fail to fulfill their responsibilities to the relationship. Relationships are rarely maintained under such circumstances. In strong relationships, individuals generally recognize problems as aberrations of the normal course of events and are able to forgive transgressions.

Nevertheless, certain offenses are perceived to be so important that they can irreparably damage successful relationships. For example, individuals participating in DoD-Native American interactions will generate stronger relationships if the non-Native Americans are sensitive to the beliefs and cultural values of the Native American groups, and vice versa. This is especially important in the early stages of a relationship because initial interactions often form the basis for further interactions and individuals have little upon which to judge the others in the relationship.

Although the outcome of DoD-Native American interactions is ultimately the responsibility of the individuals involved in the relationships, institutional policies and procedures can significantly affect those relationships. For example, changes in the individuals involved may seriously threaten sustained relationships. As one respondent noted, one result of such changes is a disruption in communication. Changes within both the DoD and Native American groups result from: (1) an individual's decision to leave an organization; (2) reorganization of personnel within an organization; and (3) institutional transfer of individuals into and out of an organization. These potential causes of change require institutional strategies that allow the organization to respond effectively to the changes when they occur. Several of those strategies will be discussed in the following sections.

Include Individuals with the Experience and Attitudes Necessary for Making the Relationship Succeed

Individuals who are responsible for developing and maintaining interpersonal relationships must have both the skills and the desire to do so. One means of establishing communication between two disparate groups is to provide an interpreter, either linguistic or cultural, especially in the early stages of the relationship when individuals are learning about one another. Effective participants in the relationship become the interpreters and the negotiators for their organizations. Successful interpreters understand both the explicit and implicit languages and characteristics of all the groups for which they interpret. That understanding is built from experience.

Some installations, such as Frances E. Warren AFB, Wyoming have hired an outside ethnographer with experience with Native American tribes in the region to provide information to the installation personnel, make contact with the tribes, and write a Programmatic Agreement to govern interactions between the installation and the tribes. Such approaches are still fairly unique within the DoD. DoD installation managers have been quick to recognize when they cannot supply the experience necessary for handling tasks such as archeological surveys, but they have frequently overlooked the need to utilize trained individuals who are knowledgeable about Native Americans. In many cases, individuals are left to create programs with tribes with no additional training or experience.

The Army Environmental Center is presently initiating a work plan for NAGPRA compliance that includes technical support for Army installations for completion of collection summaries and inventories and for providing a list of Native American groups with potential cultural affiliation to the land and resources under the jurisdiction of the installations. The Army is also developing a Native American policy and guidance for Army installations and staff. The need for technical support for carrying out the consultation that is required under NAGPRA was expressed by personnel at several DoD installations (UofA Database 1994).

Responsibility to More Than One Individual

Changes are inevitable. One strategy to protect the relationship is to involve more than one person from each organization in the relationship. When one individual must leave, the others can maintain continuity. The remaining individuals are then responsible for interpreting behaviors, bringing newcomers up to date, and ensuring that informal as well as formal agreements are preserved. Organizational commitment to more than one individual signals others that the organization is serious about maintaining the relationship. Such commitment can be expressed in formal agreements to govern relations with Native American groups, such as MOUs, MOAs, or PAs, and in the development of procedures within Cultural Resource Management Plans (CRMPs) or in Standard Operating Procedures (SOPs) for installation personnel.

Respect the Significance of the Individuals

Individuals within any organization face a multitude of demands on their time and energy. Individuals in DoD-Native American relationships are representing their organizations. Sustained relationships require that administrators recognize the significance of the role their representatives are playing as interpreters and negotiators for their organization. Administrators cannot substitute unfamiliar individuals for the expected participants without affecting the relationship. Even when the new people are sensitive to the needs of the group, a change in individuals will disrupt an existing relationship. When a relationship is not successful, such changes may be desired; when the relationship is thriving, the changes will be unwelcome.

Individuals involved in a relationship between a DoD installation and Native Americans are likely to become responsible for sharing information and offering assistance to the others that extends beyond the initial purpose of their interactions. For example, at NWS China Lake, the NAGPRA technical advisor spent time assisting the Native American people organize a formally recognized committee so they could apply for grant money. At Fort Hood, the archaeologist regularly meets with tribal members to discuss issues that arise among the tribes or between a tribe and a Federal agency. DoD personnel can be successful only when their managers recognize the importance of those interactions and provide them with time and the resources to carry them out.

Minimize Changes, Create Buffers for Higher Level Reorganization

The U.S. and tribal governments often hold different concepts of authority. Authority in the U.S. is vested in institutional offices, but within many tribes it is vested in persons. "Authority is given consistently to the person who has demonstrated over and over again that he or she has the spiritual and physical well-being of the rest of the tribe at heart" (Holm 1982). Successful programs between DoD installations and Native Americans will acknowledge this difference and respond effectively. Individuals representing both groups must have the opportunity to interact with persons with decision making authority and the power to make things happen. At the same time, those individuals must have the personal qualities and skills necessary for successful human relationships. Both the DoD installations and tribes must incorporate policies and procedures to minimize disruption of successful relationships. Reorganization will occur within an organization, such as when top-level managers or tribal council members are replaced. Formal policies that specify the nature of the relationship between the installation and the tribe can create buffers for the individuals who interact and thereby minimize the effects of such reorganization on the relationship.

Relationship to Other Cultural Resource Management Efforts

Two key obstacles to excellence in cultural resources management within the DoD have been identified (ACHP 1994). These are: (1) the DoD's historical lack of commitment to natural and cultural resource programs; and (2) the DoD's failure to integrate resource management activities into many ongoing projects that have cultural resource management components or implications. The lack of integration of cultural resource management activities seriously hinders the ability of Native American tribes to work effectively with DoD installations.

Within the framework of a consultation relationship, the tribes' input can become part of resource management rather than a reaction to specific projects. Coordination will also help reduce the problems that arise when information is sought on a project-specific basis within narrowly specified timelines. A planned cultural resource program can provide mechanisms through which Native American input can be collected in a timely and effective manner and applied to decision making. Native American representatives can then be included in ongoing management efforts in meaningful ways.

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**APPENDIX A:
QUESTIONS FROM LEGACY SURVEYS THAT CONCERN DEPARTMENT OF
DEFENSE INSTALLATIONS, NATIVE AMERICANS, AND CULTURAL
RESOURCES**

Advisory Council for Historic Preservation Cultural Resource Management Survey (1991)

(1) - [Section I, Question t]

Users of installation property other than Military Service, such as:

- Other Federal agency
- State agencies
- Contractors
- Local agencies
- Civic Organizations
- Other (please specify)

(2) - [Section II, Question d]

What, if any, involvement does state or local governments, such as the State Historical Preservation Officer or landmarks commission, or interested organizations or parties, such as Indian tribes, have in cultural resource management at the Installation:

(3) - [Section III, Question b]

If yes [the installation has an up-to-date survey(s) of cultural resources], which surveys(s) has been started or completed:

	% complete	initial survey date	update date
Historic buildings and structures			
Archaeological Sites			
Designed Landscapes			
Natural Landscapes			
Traditional Cultural Properties			
Historic Objects and Artifacts			
Historic Documents and Records			
Other			

(4) - [Section III, Question c]

What percentage of the installation has been surveyed for archaeological resources?

(5) - [Section VI, Question b]

If yes [there has been public involvement in the identification, protection, or rehabilitation of cultural resources at the installation], has the involvement been on behalf of: (choose as many as apply) (please indicate the level of involvement - extensive, moderate, minimal)

- State Government
- Local Government
- Installation Staff
- Installation Organizations
- Preservation Groups
- Garden Clubs
- Civic Organizations
- Indian Tribes
- Individuals

(6) - [Section VI, Question s]

Has any communication been initiated between installations representatives and American Indian, Alaska Native, or Native Hawaiian groups concerning traditional places and archaeological sites: Yes ___ No ___ Don't Know ___

(7) - [Section VI, Question u]

Have specific groups or organizations of Native Americans, including Alaska Natives and Native Hawaiians, expressed concerns regarding installation activities related to cultural and natural resource management: Yes ___ No ___ Don't Know ___

(8) - [Section VI, Question v]

If yes, what specific cultural or natural resources were of concern to them:

(9) - [Section VI, Question w]

What issues have been brought up by Native Americans:

(10) - [Section VII, Question g]

Do you have cultural resource artifacts stored in-house or in non-DoD facilities that must meet summary and inventory requirements of the Native American Graves Protection and Repatriation Act?

(11) - [Section VII, Question h]

If yes to the above question, have specific Native American, Alaska Native or Native Hawaiian groups been contacted regarding the return of appropriate items to appropriate groups as specified in the Native American Graves Protection and Repatriation Act: Yes ___ No ___

(12) - [Section VII, Question I]

What challenges do you see in meeting Federal Curation Standards or provisions of the Native American Graves Protection and Repatriation Act:

Legacy National Survey of Cultural and Natural Resource Programs (1992)

Part I:

(1) Major Command: _____

(2) Acreage of Installation: _____

(3) Is the installation slated for closure under the Base Realignment and Closure Act?

Part II:

(1) - [Section B, Question 11]

Check the subjects that are included in the installation HPP (check as many as apply).

Archeological sites _____

Historic landscapes _____
 Historic buildings _____
 Historic objects _____
 Historic documents (records, films, books, etc. older than 50 years) _____
 Historic districts (archeological/structural) _____
 Traditional (Native American) religious or sacred sites _____
 Shipwrecks/Ships _____
 Human remains _____
 Curation _____
 Other(please list): _____

(2) - [Section B, Question 12]

Please indicate next to each of the following resources the situation (indicated by the numbers in the numbers [below]) that best describe any inventory of that resource (some may require more than one number):

1. completely inventoried and evaluated for the National Register of Historic Places (NRHP)
2. inventory and NRHP evaluation ongoing
3. construction or maintenance permits have required a project or area survey
4. do not know the inventory status

Archaeological sites	_____
Prehistoric cultural resources	_____
Historic landscapes	_____
Historic buildings	_____
Historic objects	_____
Historic documents	_____
Traditional (Native American) religious or sacred areas	_____
Shipwrecks/Ships	_____
Human remains	_____

(3) - [Section B, Question 13]

Give your opinion on the quality and representativeness of the above surveys (e.g., do the archaeological surveys meet Federal guidelines, and do they represent an accurate sampling of historic or prehistoric occupations? Are the historic buildings and structures (e.g., bridges and dams) recorded to adequate (HABS/HAER or SHPO) standards?).

(4) - [Section B, Question 15]

Is rock art (engravings or paintings on rock surfaces in caves/overhangs, on canyon walls, or on freestanding boulders) among the known cultural resources represented at the installation? Yes _____ No _____ Don't know _____

(5) - [Section C, Question 2]

Which of the laws listed [below] provide the most impetus for cultural resources management or historic preservation activities at the installation?

Abandoned Shipwreck Act, 1987
 American Indian Religious Freedom Act, 1978
 Archaeological and Historic Preservation Act, 1974
 Archaeological Resources Protection Act, 1979
 Executive Order 11593
 National Historic Preservation Act, 1966 and amendments

36 CFR 79 (curation standards)
National Environmental Policy Act, 1969
Native American Graves Protection and Repatriation Act, 1990
Public Buildings Cooperative Use Act, 1976
Records Management by Federal Agencies (44 USC 31 & 33)

(6) - [Section C, Question 2a]

Why?

(7) - [Section C, Question 5]

How does the CRM or equivalent become aware of installation projects/issues the might impact cultural resources? (i.e., How are the projects routed to your office? At what stage in the design process?)

(8) - [Section F, Question 1]

Is there a specific written installation policy which considers the American Indian Religious Freedom Act? Yes ___ No ___ Don't know ___

(9) - [Section F, Question 2]

Is there a specific written installation policy which considers the Native American Graves Protection and Repatriation Act? Yes ___ No ___ Don't know ___

(10) - [Section F, Question 3]

Is there a specific written installation policy which considers American Indian access issues? Yes ___ No ___ Don't know ___

(11) - [Section F, Question 4]

Have Native American, Alaskan Native, or Native Hawaiian groups, as appropriate, been contacted concerning installation traditional places and archeological sites?

Yes ___ No ___ Don't know ___

(12) - [Section F, Question 5]

Have any Native American groups contacted or expressed concerns regarding the status of cultural resources on the installation? Yes ___ No ___ Don't know ___

(13) - [Section F, Question 5a]

If yes, name the groups and describe their concerns.

(14) - [Section H, Question 3]

Does the installation provide public access to cultural properties or resources on a formalized basis? Yes ___ No ___

(15) - [Section H, Question 3a]

If yes, which of the following situations apply?

Access allowed to Native Americans for religious purposes
 Access allowed to Native Americans for other purposes
 (specify): _____
 Access to other historic sites for specific purposes (e.g., descendants visitation)
 Access for recreational purposes
 Other access rights:

United States Air Force Natural and Cultural Resources Management Survey (1992)

(1) - [Section A, Question 2]

Types of cultural resources present:

Type and Quantity	Significance

(2) - [Section A, Question 3]

If no resources are present, what instrument, policy, regulation, or method was used to determine that cultural resources are not present on the installation?

(3) - [Section E, Question 2]

If yes [your installation has a Cultural Resources Management Plan (CRM)], what is included in the CRM? (choose as many as apply)

- Architectural resources - structures, building, and districts
- Archeological resources - sites and districts
- Traditional cultural properties - such as Native American Religious Sites
- Historic Objects - such as military objects and archeological artifacts
- Historic documents and records
- Maintenance of cultural resources

(4) - [Section G, Question 2]

If yes [there has been public involvement in the identification, protection, or rehabilitation of cultural resources at the installation], has the involvement been on behalf of: (choose as many as apply) (please indicate the level of involvement - extensive, moderate, minimal)

- State government _____
- Local government _____
- Installation staff _____
- Installation organizations _____
- Preservation groups _____
- Garden clubs _____
- Civic organizations _____
- Indian tribes _____
- Individuals _____

**APPENDIX B:
INSTALLATIONS FOR WHICH CULTURAL RESOURCE MANAGEMENT
DATA WAS COLLECTED (CRM LIST)**

S = Sent Survey
R = Returned Survey
C = Contacted

UofA Code #	Name of Installation (n=279)	By Mail						By Phone	
		USAF		National		ACHP		Access	Follow Up
		S	R	S	R	S	R	C	C
NAVY (n=84)									
ALABAMA									
N1	Mobile Naval Station			*	*				
ALASKA									
N2	Adak Air Naval Station					*		*	*
CALIFORNIA									
N5	China Lake Naval Weapons Center			*	*	*	*	*	*
N6	Concord Naval Weapons Station			*	*				
N10	El Centro Naval Air Facility			*	*				
N12	Fleet Antisubmarine Warfare Training Center,			*	*				
N13	Fleet Combat Training Center, San Diego			*	*				
N16	Long Beach Naval Shipyard			*	*				
N17	Mare Island Naval Complex			*	*	*	*		
N18	Miramar Naval Air Station					*	*		
N20	Naval Amphibious School-Coronado			*	*				
N22	Naval Postgraduate School			*	*	*	*	*	*
N24	NCTS San Diego			*	*				
N25	North Island Naval Air Station					*	*		
N30	San Diego Naval Station			*	*				
N31	San Diego Naval Submarine Base			*	*				*
N33	San Diego Naval Training Center			*	*				
N36	Seal Beach Naval Weapons Station			*	*				
CONNECTICUT									
N40	Naval Undersea Warfare Center			*	*				
N41	New London Naval Submarine Base			*	*				
DISTRICT of COLUMBIA									
N44	Naval Research Laboratory			*	*				
N46	US Naval Observatory			*	*				
N47	Washington Naval Yard			*	*	*	*		
FLORIDA									
N48	Cecil Field Naval Air Station			*	*			*	*
N50	Corry Station Naval Technical Training Center			*	*				
N51	Jacksonville Naval Air Station			*	*			*	
N53	Mayport Naval Station			*	*				
N54	Coastal Systems Station			*	*				*
N57	Naval Training Systems Center, Orlando			*	*				
N58	Pensacola Naval Air Station			*	*			*	
N59	Whiting Field Naval Air Station			*	*				
GEORGIA									
N60	Atlanta Naval Air Station			*	*				
N61	Kings Bay Naval Submarine Base			*	*	*	*		*
HAWAII									
N68	Pacific Missile Range Facility, Hawaiian Area			*	*				*
N70	Pearl Harbor Naval Base					*	*		
N71	Pearl Harbor Naval Shipyard			*	*				
ILLINOIS									
N74	Glenview Naval Air Station			*	*				

N75	Naval Training Center, Great Lakes			*	*	*	*		
LOUISIANA									
N79	Naval Support Activity, New Orleans			*	*				
N81	New Orleans Naval Air Station			*	*				
MAINE									
N83	Brunswick Naval Air Station							*	
N86	NCTS Cutler			*	*				
MARYLAND									
N93	Naval Communication Unit, Washington			*	*				
N94	Naval Surface Warfare Center (NSWC),			*	*				
N95	Naval Surface Warfare Center (NSWC),			*	*				
N99	US Naval Academy			*	*				
MASSACHUSETTS									
N101	South Weymouth Naval Air Station			*	*				
MISSISSIPPI									
N104	Gulfport Naval Construction Battalion Center			*	*				
N105	Meridian Naval Air Station			*	*				
N106	Pascagoula Naval Station			*	*				
NEVADA									
N108	Fallon Naval Air Station							*	*
NEW HAMPSHIRE									
N110	Portsmouth Naval Shipyard			*	*				
NEW JERSEY									
N111	Colts Neck Naval Weapons Station			*	*				
NEW YORK									
N116	Naval Station, New York (Staten Island)			*	*				
PENNSYLVANIA									
N120	Philadelphia Naval Base			*	*				
N123	Willow Grove Naval Air Station			*	*				
RHODE ISLAND									
N124	Naval Construction Battalion Center, Davisville							*	*
N125	Naval Education and Training Center					*	*		
SOUTH CAROLINA									
N128	Charleston Naval Base			*	*	*	*		
N130	Naval Weapons Station, Goose Creek			*	*				
N131	Charleston Naval Shipyard			*	*				
TENNESSEE									
N132	Naval Air Station, Memphis			*	*				
TEXAS									
N135	Chase Field Naval Air Station							*	*
N136	Corpus Christi Naval Air Station			*	*	*	*		*
N138	Kingsville Naval Air Station			*	*				
N140	Naval Station, Ingleside			*	*				
VIRGINIA									
N141	Dam Neck, Fleet Combat Training Center			*	*				
N144	Naval Amphibious Base, Little Creek			*	*				
N146	Naval Surface Warfare Center, Dahlgreen			*	*				
N150	Norfolk Naval Shipyard			*	*	*	*		
N153	Oceana Naval Air Station			*	*				
WASHINGTON									
N155	Naval Submarine Base, Bangor								*
N156	Naval Undersea Warfare Engineering Station,			*	*				
N158	Naval Radio Station-T Jim Creek			*	*				*
N160	Puget Sound Naval Shipyard			*	*	*	*		*
N161	Puget Sound Naval Station								*
GUAM									
N167	COMNAV Marianas					*	*		*

PUERTO RICO									
N168	Naval Transmitter Facility- Fort Allen			*	*				
N169	Naval Radio Transmitter, Isabella			*	*				
N170	Naval Low Frequency Transmitter, Aguada			*	*				
N171	Naval Radio Receiver, Salinas			*	*				
N172	US Naval Station					*	*		
ADDITIONS									
N174	Kaho O'Lawe, Hawaii								*
N182	Navy Public Works Center, Pearl Harbor, HI			*	*				
ARMY (n=90)									
ALABAMA									
A2	Fort McCellan			*	*				
A4	Redstone Arsenal			*	*	*	*	*	*
ALASKA									
A6	Fort Greely							*	*
A7	Fort Richardson							*	*
A8	Fort Wainwright					*	*	*	*
ARIZONA									
A9	Fort Huachuca					*	*	*	*
A10	Navajo Army Depot							*	
A11	Yuma Proving Ground			*	*			*	*
ARKANSAS									
A12	Fort Chaffee			*	*				
A13	Pine Bluff Arsenal			*	*				
CALIFORNIA									
A17	Fort Irwin					*	*	*	*
A19	Fort Ord								*
A21	Oakland Army Base			*	*				
A23	Presidio of San Francisco					*		*	
A25	Sacramento Army Depot			*	*				
A27	Sierra Army Depot			*	*				*
COLORADO									
A28	Fort Carson			*	*	*	*	*	*
GEORGIA									
A32	Fort Benning					*	*	*	*
A36	Fort Stewart			*	*				
HAWAII									
A38	Fort DeRussy								*
A39	Fort Kamehameha								*
A41	Fort Shafter					*	*		*
A42	Pohakulua Training Area							*	*
A43	Schofield Army Barracks								*
A44	Waianae Army Recreation Center								*
ILLINOIS									
A45	Chris Melvin Price Support Center			*	*				
A46	Fort Sheridan					*	*	*	*
A47	Joliet Army Ammunition Plant			*	*				
A48	Rock Island Arsenal			*	*	*	*		*
A49	Savanna Army Depot Activity			*	*				
INDIANA									
A50	Fort Benjamin Harrison			*	*	*	*		*
A51	Indiana Army Ammunition			*	*				
A53	Newport Army Ammunition Plant			*	*				
IOWA									
A54	Iowa Army Ammunition Plant			*	*				*
KANSAS									
A56	Fort Leavenworth			*	*	*	*		

A57	Fort Riley					*	*		
A58	Kansas Army Ammunition Plant			*	*				
A59	Sunflower Army Ammunition Plant			*	*				
KENTUCKY									
A62	Lexington-Blue Grass Army Depot			*	*				
LOUISIANA									
A63	Fort Polk			*	*	*	*		
A64	Louisiana Army Ammunition Plant			*	*	*	*		
MARYLAND									
A66	Aberdeen Proving Ground			*	*	*	*	*	
A67	Adephi Laboratory Center					*	*		
A68	Fort Detrick			*	*				
MASSACHUSETTS									
A72	Army Natick Research, Development and			*	*				
A73	Fort Devens			*	*				*
MICHIGAN									
A75	Army Tank Automotive Command			*	*				
A76	Detroit Arsenal			*	*				
A77	Detroit Arsenal Tank Plant			*	*				
MINNESOTA									
A79	Twin Cities Army Ammunition Plant			*	*				
MISSISSIPPI									
A80	Mississippi Army Ammunition Plant			*	*				
MISSOURI									
A83	Lake City Army Ammunition Plant			*	*				
A84	Fort Leonard Wood					*	*		
NEVADA									
A87	Hawthorne Army Ammunition Plant			*	*				*
NEW JERSEY									
A92	Picatinny Arsenal			*	*				
NEW MEXICO									
A93	Fort Wingate Depot							*	
A94	White Sands Missile Range			*	*	*	*	*	*
NEW YORK									
A95	Fort Drum			*	*	*	*	*	*
A98	Seneca Army Depot			*	*				
A99	US Military Academy			*	*	*			
A100	Watervliet Arsenal					*	*		
NORTH CAROLINA									
A102	Sunny Point Military Ocean Terminal			*	*				
OHIO									
A105	Lima Army Tank Plant			*	*				
A106	Ravenna Army Ammunition Plant			*	*				
OKLAHOMA									
A107	Fort Sill			*	*	*		*	*
A108	McAlester Army Ammunition Plant			*	*				
PENNSYLVANIA									
A111	Carlisle Barracks					*	*		*
A114	Letterkenny Army Depot			*	*				
A116	Scranton Army Ammunition Plant			*	*				
A117	Tobyhanna Army Depot			*	*				
SOUTH CAROLINA									
A118	Fort Jackson			*	*				
TENNESSEE									
A122	Holston Army Ammunition Plant			*	*				
A123	Milan Army Ammunition Plant			*	*				
A124	Volunteer Army Ammunition Plant			*	*				

TEXAS									
A126	Fort Bliss					*	*	*	*
A127	Fort Hood			*	*	*	*	*	*
A128	Fort Sam Houston					*	*	*	*
A129	Lonestar Army Ammunition Plant			*	*				
A130	Longhorn Army Ammunition Plant			*	*				*
A131	Red River Army Depot			*	*				*
UTAH									
A133	Dugway Proving Ground			*	*			*	*
A136	Tooele Army Depot			*	*	*	*		*
VIRGINIA									
A139	Fort Belvoir			*	*	*	*		
A143	Fort Monroe			*	*	*	*	*	*
A147	Radford Army Ammunition Plant			*	*				
WASHINGTON									
A150	Fort Lewis			*	*			*	*
WISCONSIN									
A152	Badger Army Ammunition Plant			*	*				*
A153	Fort McCoy			*	*	*	*		*
PUERTO RICO									
A155	Fort Buchanan			*	*				
ADDITIONS									
A156	Kahuku Training Area, HI								*
AIR FORCE (n=91)									
ALABAMA									
AF2	Maxwell AFB	*	*	*	*	*	*		
ALASKA									
AF7	Clear AFS			*	*				
AF9	Eielson AFB	*	*	*	*				
AF10	Elmendorf AFB	*	*			*	*	*	
ARIZONA									
AF19	Davis-Monthan AFB	*	*					*	
AF21	Luke AFB	*						*	*
AF22	Williams AFB	*	*	*	*			*	*
ARKANSAS									
AF23	Eaker AFB	*							*
AF24	Little Rock AFB	*	*						
CALIFORNIA									
AF25	Beale AFB	*		*	*				
AF26	Castle AFB	*	*	*	*				
AF28	Edwards AFB	*	*			*	*	*	*
AF33	March AFB	*	*	*	*				
AF34	Mather AFB	*	*	*	*				
AF35	McClellan AFB	*	*	*	*				
AF38	Norton AFB	*	*	*	*			*	
AF39	Onizuka AFB			*	*				
AF43	Travis AFB	*		*	*			*	*
AF44	Vandenberg AFB	*		*	*			*	*
COLORADO									
AF45	Falcon AFB	*	*	*	*				
AF47	Lowry AFB	*	*	*	*			*	
AF48	Peterson AFB	*				*	*	*	
AF49	US Air Force Academy			*	*				
DELAWARE									
AF50	Dover AFB	*	*	*	*	*	*		
FLORIDA									
AF52	Avon Park Range	*	*	*	*				

AF56	Eglin AFB	*				*		*	*
AF57	Homestead AFB	*	*	*	*				
AF58	Hurlburt Field	*						*	*
AF59	Macdill AFB	*	*			*			
AF61	Patrick AFB	*				*	*	*	
AF63	Tyndall AFB	*	*	*	*				
GEORGIA									
AF64	Dobbins AFB	*	*						
AF65	Moody AFB	*	*	*	*				
AF66	Robins AFB	*	*			*	*	*	*
HAWAII									
AF69	Hickam AFB	*	*	*	*	*	*		*
IDAHO									
AF71	Mountain Home AFB	*	*	*	*	*	*	*	*
ILLINOIS									
AF73	Chanute AFB	*	*	*	*				
AF74	Scott AFB	*	*	*	*	*	*	*	
INDIANA									
AF75	Grissom AFB	*	*	*	*				*
KANSAS									
AF76	McConnell AFB	*	*	*	*				*
LOUISIANA									
AF78	Barksdale AFB	*		*	*				
MAINE									
AF81	Loring AFB	*						*	
MARYLAND									
AF83	Andrews AFB	*	*	*	*	*	*		
MASSACHUSETTS									
AF84	Cape Cod AFS			*	*				
AF85	Hanscom AFB	*	*						
AF88	Westover AFB	*						*	
MICHIGAN									
AF91	K.I. Sawyer AFB	*		*	*				
AF93	Wurtsmith AFB	*	*					*	
MISSISSIPPI									
AF94	Columbus AFB	*	*	*	*				
AF95	Keesler AFB	*	*						
MISSOURI									
AF96	Richards-Gebaur AFB	*	*	*	*				
AF97	Whiteman AFB	*	*	*	*				
NEBRASKA									
AF104	Offutt AFB	*				*	*		
NEVADA									
AF105	Nellis AFB	*	*					*	*
NEW HAMPSHIRE									
AF106	23rd Space Operations Squadron			*	*				
NEW JERSEY									
AF109	McGuire AFB	*	*						
NEW MEXICO									
AF111	Holloman AFB	*		*	*			*	*
AF112	Kirtland AFB	*	*	*	*	*	*	*	*
NEW YORK									
AF113	Griffiss AFB	*		*	*			*	
AF115	Plattsburgh AFB	*	*						
NORTH CAROLINA									
AF120	Pope AFB	*	*					*	
AF121	Seymour Johnson AFB	*						*	

NORTH DAKOTA									
AF126	Grand Forks AFB	*	*					*	
AF127	Minot AFB	*	*						
OHIO									
AF130	Newark AFB	*	*	*	*				
AF131	Wright-Patterson AFB	*	*	*	*	*	*	*	*
OKLAHOMA									
AF132	Altus AFB	*						*	
AF134	Tinker AFB	*	*	*	*			*	
AF135	Vance AFB	*	*	*	*			*	
PENNSYLVANIA									
AF141	Willow Grove Air Reserve Facility	*	*	*	*				
SOUTH CAROLINA									
AF143	Myrtle Beach AFB	*	*	*	*			*	*
SOUTH DAKOTA									
AF146	Ellsworth AFB	*	*	*	*	*	*	*	*
TEXAS									
AF148	Bergstrom AFB	*	*						
AF149	Brooks AFB	*	*	*	*				
AF150	Carswell AFB	*	*	*	*				
AF152	Eldorado AFS			*	*				
AF153	Goodfellow AFB	*	*						
AF154	Kelly AFB	*	*						
AF155	Lackland AFB	*	*			*	*		
AF156	Laughlin AFB	*	*	*	*				
AF157	Randolph AFB					*	*	*	
AF158	Reese AFB	*	*	*	*				
AF159	Sheppard AFB	*	*	*	*				
UTAH									
AF160	Hill AFB	*	*	*	*			*	*
VIRGINIA									
AF162	Langley AFB	*				*	*	*	
WASHINGTON									
AF164	Fairchild AFB	*	*	*	*				
AF166	McChord AFB	*							*
AF169	Spokane Tracking Station			*	*				
WYOMING									
AF171	Frances E Warren AFB	*	*			*	*	*	*
GUAM									
AF172	Anderson AFB					*	*		
ADDITIONS									
AF173	Youngstown Air Reserve Station, Ohio			*	*				
MARINES CORPS (n= 14)									
CALIFORNIA									
M3	Camp Pendelton Marine Corps Base							*	*
M4	Camp Pendelton Marine Corps Air Station			*	*				
M5	EL Toro Marine Corps Air Station, Santa Ana			*	*				
M6	San Diego Marine Corps Recruit Depot			*	*				
M7	El Toro Marine Corps Air Station, Tustin			*	*				
M8	Marine-Corps Air-Ground Combat Center,					*	*		
GEORGIA									
M12	Marine Corps Logistics Base, Albany			*	*			*	
HAWAII									
M13	Camp H.M Smith							*	
M14	Marine Corps Air Station, Kaneohe Bay					*		*	*
NORTH CAROLINA									
M20	Camp Lejeune Marine Corps Base			*	*	*	*	*	*

M21	Cherry Point Marine Corps Air Station			*	*				
SOUTH CAROLINA									
M23	Beaufort Marine Corps Air Station			*	*				
M24	Marine Corps Recruit Depot, Parris Island					*	*		
VIRGINIA									
M27	Marine Corps Combat Development Command			*	*	*	*		*

**APPENDIX C:
LEGACY 1993-1994 FOLLOW-UP INTERVIEW LIST**

Total Number of Follow-Up Interviews: 84

Army	(38)	Fort Devens
(1) Sierra Army Depot		
(2) Rock Island Arsenal		
(3) Iowa Army Ammunition Plant		
(4) Fort Benjamin Harrison	(39)	Fort Ord
(5) Hawthorn Army Ammunition Plant	(40)	Fort Bliss
(6) Carlisle Barracks		
(7) Longhorn Army Ammunition Plant		Air Force
(8) Tooele Army Depot		
(9) Badger Army Ammunition Plant	(1)	Hickman Air Force Base
(10) Fort McCoy	(2)	Grissom Air Force Base
(11) Redstone Arsenal	(3)	McConnell Air Force Base
(12) Fort Greely	(4)	Luke Air Force Base
(13) Fort Richardson	(5)	Williams Air Force Base
(14) Fort Wainwright	(6)	Edwards Air Force Base
(15) Fort Huachuca	(7)	Travis Air Force Base
(16) Yuma Proving Ground	(8)	Vandenburg Air Force Base
(17) Fort Irwin	(9)	Eglin Air Force Base
(18) Presidio, San Francisco	(10)	Hurlbert Field
(19) Fort Carson	(11)	Robins Air Force Base
(20) Fort Benning	(12)	Mountain Home Air Force Base
(21) Pohakulua Training Area	(13)	Nellis Air Force Base
(22) Fort Sheridan	(14)	Holloman Air Force Base
(23) White Sands Missile Range	(15)	Kirtland Air Force Base
(24) Fort Drum	(16)	Otis Air Force Base
(25) Fort Sill	(17)	Wright-Patterson
(26) Fort Hood	(18)	Myrtle Beach Air Force Base
(27) Fort Sam Houston	(19)	Hill Air Force Base
(28) Dugway Proving Ground	(20)	Frances Warren Air Force Base
(29) Fort Munroe	(21)	Eaker Air Force Base
(30) Fort Lewis	(22)	McCord Air Force Base
(31) Fort Kamehameha		
(32) Fort De Russy		Navy
(33) Red River Army Depot		
(34) Fort Shafter	(1)	Naval Submarine Base, San Diego
(35) Schofield Army Barracks (Makua Training Range)	(2)	Naval Submarine Base, Kings Bay
(36) Wainae Army Recreation Center	(3)	Corpus Cristi Naval Air Station
(37) Kahuku Training Area	(4)	Puget Sound Naval Shipyard
	(5)	COMNAV Marianas

- (6) Naval Station, Adak
- (7) Naval Postgraduate School, Monterey
- (8) Naval Air Weapons Station, China Lake
- (9) Naval Air Station, Cecil Field
- (10) Naval Air Station, Fallon
- (11) Naval Construction Battalion Center, Davisville
- (12) Naval Coastal Systems Center, Panama City
- (13) Naval Station, Puget Sound
- (14) Naval Submarine Base, Bangor
- (15) Jim Creek Radio Station

- (16) Pacific Missile Range Facility
- (17) Kaho'olawe

Marine Corps

- (1) Marine Corps Combat Development Command, Quantico
- (2) Camp Pendelton
- (3) Kaneohe Bay
- (4) Camp Lejeune
- (5) 9th Marine Corps Recruiting District, Shawnee Mission

**APPENDIX D:
LEGACY 1993-1994 FOLLOW-UP INTERVIEW FORM**

University of Arizona
Bureau of Applied Research in Anthropology
SACRED SITE PROTECTION STRATEGIES PROJECT
Phone Interview Form

1. Has your installation had any interactions with Native American groups or does it currently have any interactions with Native American groups?

- Yes
- No [*Go to question #19*]
- Don't Know [*Go to question #19*]
- No Response [*Go to question #19*]

2. What was the purpose of those interactions?

- Access to the installation, for example, to hunt, gather, or conduct ceremonies
- Consultation [*Go to #5*]
- Other - please specify: [*Go to #7*]

- Don't Know [*Go to #7*]
- No Response [*Go to #7*]

[*If Yes to ACCESS*]

3. Who requested access?

4. What did they request access for?

[*If Yes to CONSULTATION*]

5. With which Native American groups did you consult?

6. What was the subject of the consultation?

7. Which of the following statements best characterizes your interactions with tribes?

- We have had limited interactions consisting of one or two contacts over a period of several years.
- We have had sustained interactions consisting of many contacts over a period of several years.

8. Could you estimate how many times a year someone from your installation interacts with Native American groups?

- (#) estimated
- Don't Know
- No Response

9. Do you have any records of these interactions?

- Yes
- No [*Go to question # 11*]
- Don't Know [*Go to question #11*]
- No Response [*Go to question #11*]

10. What types of records do you keep?

11. Does your installation have any formal agreements and/or policies concerning Native American sites or cultural resources?

- Yes
- No [*Go to question #18*]
- Don't Know [*Go to question #18*]
- No Response [*Go to question #18*]

12. Are those specific to particular Native American groups? [*Request Copy*]

- Yes
- No [*Go to question #15*]
- Don't Know [*Go to question #15*]
- No Response [*Go to question #15*]

13. Who are those agreements or policies with?

14. What do those agreements or policies concern?

15. Are there any agreements or policies concerning Native American sites or cultural resources that were written without naming specific Native American groups?

- Yes
- No [*Go to question #18*]
- Don't Know [*Go to question #18*]
- No Response [*Go to question #18*]

16. Who are those agreements or policies with?

17. What do those agreements or policies concern?

18. How was it determined which Native American groups would be contacted by your installation?

19. Are there any sites or cultural resources located at your installation that are of known or probable interest to Native Americans?

- Yes
- No [*Go to question #32*]
- Don't Know [*Go to question #32*]
- No Response [*Go to question #32*]

I would like to ask you a series of questions about Native American sites or cultural resources that are present at your installation.

20. Are there archaeological or historical resources there?
- Yes
 - No [*Go to question #22*]
 - Don't Know [*Go to question #22*]
 - No Response [*Go to question #22*]
21. Which contemporary Native American groups are affiliated with those resources?
22. Are there burials there?
- Yes
 - No [*Go to question #24*]
 - Don't Know [*Go to question #24*]
 - No Response [*Go to question #24*]
23. Which contemporary Native American groups are affiliated with those resources?
24. Are there plants there?
- Yes
 - No [*Go to question #26*]
 - Don't Know [*Go to question #26*]
 - No Response [*Go to question #26*]
25. Which contemporary Native American groups are affiliated with those resources?
26. Are there animals for hunting or fishing there?
- Yes
 - No [*Go to question #28*]
 - Don't Know [*Go to question #28*]
 - No Response [*Go to question #28*]
27. Which contemporary Native American groups are affiliated with those resources?
28. Are there sacred sites there?
- Yes
 - No [*Go to question #30*]
 - Don't Know [*Go to question #30*]

___ No Response [*Go to question #30*]

29. Which contemporary Native American groups are affiliated with those resources?

30. Are there other Native American sites or cultural resources there?

___ Yes

___ No [*Go to question #32*]

___ Don't Know [*Go to question #32*]

___ No Response [*Go to question #32*]

Please specify:

31. Which contemporary Native American groups are affiliated with those resources?

32. How was it determined that there were (were not) any Native American sites or cultural resources at your installation?

33. What percentage of your installation has been surveyed for archaeological resources?

___ percent

___ Don't Know

___ No Response

34. What percentage of your installation has been surveyed for cultural resources?

___ percent

___ Don't Know

___ No Response

35. Thank you for your participation in this interview. Is there anything else you would like to tell me about interactions between your installation and Native Americans?

**APPENDIX E:
CRITERIA FOR MASTER LIST OF DOD INSTALLATIONS**

Criteria for Including or Excluding Installations on Master List

There are a number of criteria that will be used in deciding what installations to include or exclude from the master list. These criteria are listed below. However, the installation must first fulfill criterion #1 to be included on the master list.

Inclusion Criteria

- (1) Jurisdiction over landholdings is the key criteria for inclusion. This includes bases, stations, facilities, schools, depots, arsenals, plants, ranges, forts, camps, barracks, shipyards, units, and some centers.
- (2) Multiple activities at one installation should only be listed once, by the name of the landholding installation.
- (3) Schools, Training Centers, Training Units, and Training Sites should be included
- (4) All Centers, excluding Recruiting Centers, should be included if they fulfill criterion #1 and are not already included within another installation.
- (5) All Airfields should be included
- (6) Laboratories and Research Centers should be included
- (7) Commands should only be included if they fulfill criterion #1 and are not already included within another installation.
- (8) Headquarters (HQs) should be included only if they fulfill criterion #1 and are not located within another installation.
- (9) Engineering, Maintenance, Group and other "activities" should only be included if they fulfill criterion #1 and are not located within another installation.
- (10) Air, Army, and Naval Reserve centers and facilities should be included within the appropriate branch of service master list.
- (11) Naval and Marine Corps Reserve Centers (that are jointly run and jointly titled) are included in the Navy Master List.

Exclusion Criteria

- (12) Any kind of office (recruiting, administrative, etc.), or an activity restricted to an office building, should be excluded
- (13) Activities at commercial airports should be excluded
- (14) Military Hospitals, Medical Centers, and Clinics should be excluded
- (15) National Guard Districts should be excluded
- (16) Recruiting Centers should be excluded
- (17) All Corps of Engineers activities should be excluded
- (18) Naval Districts and Naval Recruiting Districts should be excluded
- (19) Japan, Korea, and the Philippines should be excluded because there are no Native American concerns at these locations

Criteria Notes:

Installations that were not under direct administrative control of the Army, Navy, Air Force and Marine Corps, but instead of another DoD agency, were excluded because the focus of the Project was on these four DoD agencies. By including other agencies, a whole new set of installations would be required to be added to the analysis. The project's original scope of work did not include these installations. Further studies could include DoD installation under control of other DoD agencies including the National Guard.

As issues regarding management of cultural resources presented themselves, the BARA team made decisions to include or exclude certain installations from the master list. If the problem could not be resolved by filtering the installation through the above criteria then the installation was contacted by phone to determine if it should be included on the master list. These installations are listed below:

- a. Yakima Firing Center was excluded from the Army Master List because personnel at Fort Lewis were found to be in charge of interactions with Native Americans at both installations.
- b. Hurlbert Field used to be, at the time of the Access survey, under the jurisdiction of Eglin AFB. However, by the time of the Sacred Sites Protection Strategies Project, Hurlbert Field was administratively separate and therefore was separated on the Master List.

c. Bravo 20 Training Range was incorporated within Nellis AFB (as were Indian Springs AFS and Tonopah AFS) because cultural resource personnel at Nellis AFB installation were found to be in charge of interactions with Native Americans.

d. Naval Aviation Depot, North Island was administratively and geographically a part of the the Naval Air Station, North Island and was therefore excluded as a separate installation.

e. Naval Aviation Depots at Alameda (CA), Pensacola (FL), and Jacksonville (FL) were all administratively and geographically a part of their respective Naval Air Stations and were therefore excluded as separate installations.

**APPENDIX F:
MASTER DATA FILE CODEBOOK**

Master Data File CodeBook

Cultural Resource Definitions

The data acquired by the UofA team concerning Native American Cultural Resources is organized into the following categories: (1) Archaeological/Historical; (2) Burials; (3) Plants; (4) Animals; (5) Sacred; and (6) Other. The installation personnel that participated in the follow-up interviews were specifically asked about the significance to contemporary Native American groups of each of these type of cultural resources that exist on their respective installations. The information acquired from the follow-up interviews reflects the perceptions of DoD personnel as to whether these categories of cultural resources exist on their installations. Data entered into these 6 cultural resource categories from the four preexisting surveys and the follow-up interview was categorized according to the descriptions below. Each class of Cultural Resources was included only once in the category that best characterizes the nature of these resources. For example, burial remains were included under burials whether or not they are also considered sacred by a tribe. Short descriptions of the cultural resources included in each category are described below.

(1) Archaeological/Historical

The cultural resources that were included within this category included: 1) any non-burial related prehistoric and historic artifacts and sites; 2) any non-burial items discovered during archaeological excavations.

(2) Burials

Any human remains, associated funerary objects, and burial related artifactual material was included in this category.

(3) Plants

Any botanical material was included in this category. This includes plants, trees, etc.

(4) Animals

Any animals were included in this category. This includes any kind of use (i.e. hunting, fishing, weaving, etc.) of animals.

(5) Sacred

Any other Cultural Resources that were classified as "sacred" by the installation contacts was included in this category. These sacred cultural resources included: mountains, other geographic formations, medicine wheels, vision quest sites, hot springs, shrines, etc.

(6) Other

The Cultural Resources that were included in this category included landscapes such as: rock art, watersheds, wetlands, wash complexes, and oak groves and non-specified cultural resources.

**APPENDIX G:
LIST OF DOD INSTALLATIONS THAT HAVE CULTURAL RESOURCE RELATED
INTERACTIONS WITH A NATIVE AMERICAN GROUP (INTERACTION LIST)**

Total Number of Installations with Interactions: 63

Army

- A1 Badger Army Ammunition Plant
- A2 Carlisle Barracks
- A3 Dugway Proving Ground
- A4 Fort Benjamin Harrison
- A5 Fort Benning
- A6 Fort Bliss
- A7 Fort Carson
- A8 Fort De Russy
- A9 Fort Devens
- A10 Fort Drum
- A11 Fort Hood
- A12 Fort Huachuca
- A13 Fort Irwin
- A14 Fort Kamehameha
- A15 Fort Lewis
- A16 Fort McCoy
- A17 Fort Ord
- A18 Fort Richardson
- A19 Fort Sam Houston
- A20 Fort Sill
- A21 Fort Wainwright
- A22 Fort Wingate
- A23 Hawthorn Army Ammunition Plant
- A24 Kahuku Training Area
- A25 Navajo Army Depot
- A26 Presidio, San Francisco
- A27 Rock Island Arsenal
- A28 Schofield Army Barracks
- A29 Sierra Army Depot
- A30 Wainae Army Recreation Center
- A31 White Sands Missile Range
- A32 Yuma Proving Ground

Air Force

- AF1 Eaker Air Force Base
- AF2 Edwards Air Force base

- AF3 Eglin Air Force Base
- AF4 Francis-Warren Air Force Base
- AF5 Hill Air Force Base
- AF6 Holloman Air Force Base
- AF7 Hurlbert Field
- AF8 Kirtland Air Force Base
- AF9 Luke Air Force Base
- AF10 Mountain Home Air Force Base
- AF11 Nellis Air Force Base
- AF12 Robins Air Force Base
- AF13 Travis Air Force Base
- AF14 Vandenburg Air Force Base
- AF15 Williams Air Force Base
- AF16 Wright-Patterson Air Force Base

Navy

- N1 COMNAV Marianas
- N2 Jim Creek Radio Station
- N3 Kaho'olawe
- N4 Naval Air Station, Chase Field
- N5 Naval Air Station, Fallon
- N6 Naval Air Weapons Station, China Lake
- N7 Naval Construction Battalion Center, Davisville
- N8 Naval Submarine Base, San Diego
- N9 Naval Postgraduate School, Monterey
- N10 Naval Submarine Base, Bangor
- N11 Pacific Missile Range Facility
- N12 Puget Sound Naval Shipyard

Marines

- M1 Camp Pendelton
- M2 Kaneohe Bay
- M3 Marine Corps Combat Development Command, Quantico

**APPENDIX H:
MEMORANDUM OF UNDERSTANDING AMONG THE COMANCHE TRIBAL
COUNCIL, AIRFA, AND FORT HOOD ON THE USE OF FEDERAL LAND FOR
REBURIAL OF REPATRIATED HUMAN REMAINS**

MEMORANDUM OF UNDERSTANDING AMONG
THE COMANCHE TRIBAL COUNCIL,
THE AMERICAN INDIAN RESOURCE AND EDUCATION COALITION, INC., AND
THE UNITED STATES ARMY AT FORT HOOD, TEXAS
ON THE USE OF
FEDERAL LAND FOR REBURIAL OF REPATRIATED HUMAN REMAINS

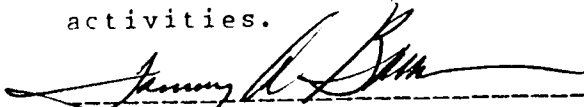
1. The Commanding General, III Corps and Fort Hood, having requested the assistance of the Comanche Tribal Council in the proper reburial of certain Native American human remains, enters into this Agreement in order to provide an appropriate location for the reinterment. The remains were held in the Fort Hood archeological laboratory, but the passage of the Native American Grave Protection and Repatriation Act by Congress in October 1990, dictated the repatriation and reburial of all such remains to the appropriate Native American Tribal Group.
2. In that the Comanche Tribe is generally acknowledged to have been in control of the Central Texas area where Fort Hood is located during the late 18th and early 19th century, the presumption under the Act is that the remains are most appropriately offered to them for repatriation and appropriate reburial. This Agreement provides for the use of no more than five acres of the federal reservation at Fort Hood for the purpose of the appropriate reburial of the curated remains. It is also agreed that the Army is obligated under the law to protect and maintain the reburial site, regardless of the status of this Agreement.
3. This Memorandum will remain in effect until terminated by any of the three parties. A ninety (90) day notice will be given in writing by any party wishing to terminate this Agreement.
4. It has been mutually agreed that the reburial site will be located within the tract of some 55 acres which the Army has separately fenced because it contains a separate archeological site known as the Leon River Medicine Wheel, which has significance in Native American religious practice. The parties shall jointly select an appropriate parcel within that fence, of not more than five acres for use as a reburial site. If requested to do so, the Army will erect a fence around the selected parcel.
5. It is agreed that the Comanche and other Native American groups may use the designated site for interment of other repatriated human remains and that access for this and other ceremonial purposes will be afforded to them. It is further agreed that burial of remains at the site will be limited to those now held in anthropological collections or subsequently recovered in archeological contexts, including looted remains.

6. It is further agreed that the adjacent Leon River Medicine Wheel archeological site may also be used by Native American groups for religious ceremonies provided that the stone circles themselves and any associated artifacts are left undisturbed. The Army will screen visitors to the medicine wheel and reburial sites and agrees to admit those persons authorized by the Comanche Tribal Council or the American Indian Resource and Education Coalition, Inc., for the purposes stated above. However, the Army at its sole discretion may exclude or eject any person from this federal property for cause.

7. It is further agreed that scientific archeological work to date and otherwise elucidate the history of the Leon River Medicine Wheel Site shall continue, and that the site will be preserved and listed on the National Register of Historic Places. It is agreed that such scientific undertakings shall be conducted in a sensitive manner consistent with the site's religious significance.

8. The Army will retain formal ownership of the lands involved to ensure that both the reburial site and the archeological site are protected under federal statute.

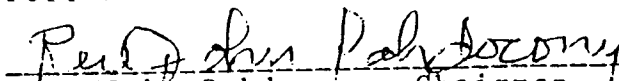
9. The parties agree that large ceremonies shall be arranged in advance in writing. Any party to this Agreement may challenge any request to conduct a ceremonial event which appears to be purely exploitative or lacking in legitimate Native American religious content. Individual visits by small groups of less than twenty-five persons may be arranged with DEH point of contact by presenting a letter of permission from any of the parties to this Agreement. However, only the Army shall authorize visits for scientific or archeological purposes. The parties agree to further develop a mutually agreeable system for coordinating access to the sites and the scope of permissible activities.



Tommy A. Baucum
Colonel, AR
Fort Hood Garrison Commander

25 October 1991

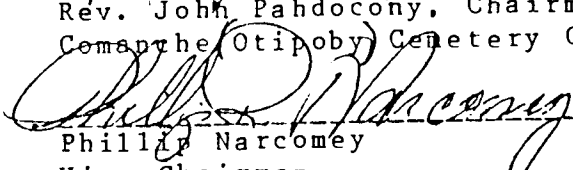
Date



Rev. John Pahdocony, Chairman
Comanche (Optioby) Cemetery Committee

9/11/91

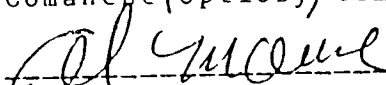
Date



Phillip Narcomey
Vice-Chairman
Comanche (Optioby) Cemetery Committee

11 September 1991

Date



Al Mouse
Vice-President
American Indian Resource and
Education Coalition, Inc.

9-15-91

Date

**APPENDIX I:
LETTERS/MEMOS CITED IN REPORT**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

HEADQUARTERS III CORPS AND FORT HOOD
FORT HOOD, TEXAS 76544

January 11, 1994



Directorate of Engineering and Housing

Mr. Gary McAdams, Acting President
Wichita Executive Committee
Post Office Box 729
Anadarko, Oklahoma 73005

Dear Mr. McAdams:

Enclosed is a report of Archeological Investigations at Fort Hood which may be of interest to you and the elders of your tribe. Pages 29 through 33 document the Leon River Medicine Wheel which was discovered on Fort Hood. Under an agreement with the Comanche Nation and the American Indian Resource and Education Coalition, Inc. (AIREC), the site is open to Native Americans for religious purposes. We have not made the location public to prevent tourists from disturbing the area.

The field school that mapped the Medicine Wheel also excavated a shelter site that held buried human remains. This field school was held during the summer of 1990. The Native American Graves Protection and Repatriation Act (NAGPRA) became law during the fall of 1990. Pages 69-77 of the enclosed report give a detailed analysis of these remains. The remains of these six persons, plus three fragments of another individual skeleton which was recovered elsewhere, are available for repatriation.

It should be noted that there is little archeological evidence upon which to base a clear tribal affiliation for these individuals. In the past, under these circumstances, we have offered such remains to the Comanche Nation because they occupied this area during early historic times. Other Native American human remains of unknown tribal affiliation have been repatriated through cooperative arrangements between the Comanche Otipoy Cemetery and the Reburial Committee of the AIREC. There have now been three reburial ceremonies at a site near the Medicine Wheel. It is my understanding that these matters have been widely coordinated by telephone by Mr. Shiloh Perkins, Chairman of the AIREC reburial committee.

We have been advised by the State Historic Preservation Officer of Texas that we must consult with all possibly interested tribal governments directly and obtain documentation of that consultation. Therefore, I have sent this letter to the Caddo, Tonkawa, Kiowa, Apache, and Comanche tribes, formally offering these remains for repatriation. I have also written to the Department of Interior notifying them that we intend to repatriate these remains.

I have included a short reply form as an enclosure. The form is intended to save you time and serve as documentation of consultation. Please write to me or telephone should you wish to expand on your response in any way. You may reach me at (817) 287-5707. My staff archeologist, Dr. Jack Jackson, can answer any questions you may have about the archeological evidence presented in the enclosed report. Should you wish to consult with Mr. Perkins, the Chair of the AIREC reburial committee, on this matter, his home phone number is (817) 865-5416.

Sincerely,

Albert G. Bungard
Colonel, U.S. Army
Director of Engineering and Housing

Enclosures

Native American Graves Protection and Repatriation Act Consultation

REPLY FORM

(please check two boxes that apply, and add notes if you wish)

- I have consulted with appropriate persons in our tribe and we wish to claim the human remains found at Fort Hood during the Texas A&M 1990 field school for repatriation.
- After appropriate consultation we can see no clear evidence that the remains in question are the remains of our direct ancestors, however we feel that they should be repatriated to the Comanche nation and the AIREC reburial committee for reburial in the Comanche National Cemetery at Fort Hood.
- After consultation we agree that the human remains in question are of no interest to our people and do not wish to express any preference as to their disposition.
- None of the choices above adequately reflect our desires as to the repatriation and treatment of these human remains, please see our attached letter.
- We do not wish to be consulted on such matters in the future.
- We wish to be consulted whenever human remains are encountered at Fort Hood that appear to be those of Native Americans, regardless of the age or condition of the remains.

On behalf of: Wichita Executive Committee
Post Office Box 729
Anadarko, Oklahoma 73005

Mr. Gary McAdams, Acting President

Elmo Clark, CHAIRMAN
Ann Donaghey, VICE-CHAIRMAN
Jessica Satepeahlaw, SECRETARY
Elery Compton, TREASURER

Vivian Quoetone, ANADARKO REPRESENTATIVE
Lucy Webaunasee, BINGER REPRESENTATIVE
Lowell Edmonds, Jr., FT. COBB REPRESENTATIVE
Mary Davis, OKLAHOMA CITY REPRESENTATIVE



Caddo Indian Tribe of Oklahoma

Post Office Box 487
Binger, Oklahoma 73009
405/656-2344 405/656-2345



DISTURBANCE OF CADDO GRAVE SITES AND GENERAL POLICY GUIDE FOR REBURIAL

Members of the Caddo Tribe of Oklahoma, a federally recognized Indian tribe with a corporate charter issued by the Secretary of the Interior as provided in the Oklahoma Indian Welfare Act of 1936, are the direct linear descendants of the Caddo, Hasinai and Natchitoches tribes whose aboriginal homelands were in southeast Oklahoma, northeast Texas, northwest Louisiana, and southwest Arkansas. The ancestors of the Caddo Indian Tribe of Oklahoma lived in dispersed settlements throughout the valleys of major and minor streams in their native land for more than ten centuries before they were expelled, pushed westward and, under threat of annihilation in Texas, removed in 1859 to Indian Territory, now Oklahoma. Left behind in the land that was home for more than a thousand years, are the remains of Caddo people whose graves, properly prepared in accordance with ancient beliefs, were intended never to be disturbed.

The first and foremost wish of the Caddo Tribe of Oklahoma is that grave sites should not be disturbed in any manner. Realistically, though, it must be acknowledged that natural soil erosion can leave remains exposed and that human activity may deliberately or inadvertently uncover burials. The tribe has therefore outlined general policies which make certain allowances for grave sites subjected to erosion and other sites of archaeological significance which cannot avoid disturbances.

Simply stated the Caddo Tribe of Oklahoma desires that any time human remains are discovered for which lineal descent or cultural affiliation with the Caddo Tribe of Oklahoma can be logically and believably established, those remains and any and all funereal items found, should be completely reinterred in a manner suitable to comply with the manner in which they were originally buried. While the treatment of human remains and funerary objects must be considered on a case by case basis, preference for the place of reburial follows this order:

- I. If the original grave site is in an area that can and will be protected from further disturbance, the human remains and funerary objects should be left *in situ* and covered over in a suitable manner.
- II. A nearby place within the vicinity of the original site which offers protection from further disturbance.
- III. A protected site set aside for such purpose by a federal or state agency or institution within the state where the human remains were originally interred.
- IV. The Caddo cemetery associated with the Caddo Tribal Complex located on tribal land in Caddo County, Oklahoma.

The tribal government recognizes that in some instances, knowledge which can be learned from the study of human bone and mortuary practices may prove useful and important to present and future generations of Caddo people. For that reason, allowance for the use of non-invasive research techniques on human remains may be considered on a case by case basis.

The Caddo Tribe expects that requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and all federal and state laws pertaining to the protection of Indian burial sites will be complied with by all affected individuals, agencies, and institutions, and that cooperation in the consultation process defined by NAGPRA will result in agreements satisfactory to all concerned parties.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 10TH MOUNTAIN DIVISION (LIGHT INFANTRY) AND FORT DRUM
FORT DRUM, NEW YORK 13602-5000



October 28, 1993

REPLY TO
ATTENTION OF

Directorate of Engineering and
Housing, Environmental Division

FILE COPY

Chief Jake Swamp
Mohawk Nation Council of Chiefs
Mohawk Nation
Via Rooseveltown, NY 13683

Dear Chief Swamp:

I write to inform you of archaeological collections in the U.S. Army's Artifact Curation Facility at Fort Drum which may contain cultural items that are, or are likely to be, culturally affiliated with your Indian Tribe. Cultural items are defined as associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony. Fort Drum does not have any Native American ethnographic collections. This notification is required by Section 6 of the Native American Graves Repatriation Act (NAGPRA) (P.L. 101-601; 25 U.S.C. 3001-3013; 24 Stat. 3048-3058).

The archeological collections consist of over two thousand items recovered from 27 prehistoric sites on the Fort Drum Military Reservation near Watertown, New York. The items include pottery sherds, clay pipes, bone tools, stone beads, spearheads, and various types of stone tools. The site types found on Fort Drum include campsites, artifact scatters, a rock mound and two fifteenth to sixteenth century Iroquoian villages, one of which had longhouses and was surrounded by a palisade. Excavations of the villages indicated that their inhabitants were affiliated to the St. Lawrence Iroquoian peoples that Cartier encountered at Hochelaga near Montreal in 1534.

Please contact Mr. Richard LeClerc, Chief, Natural/Cultural Resources Branch, in writing regarding the identification and potential repatriation of cultural items that are, or are likely to be, culturally affiliated with your Indian Nation. You are invited to review our records, catalogues, and relevant studies to establish the cultural affiliation and patrimony of these items. Enclosed is a list of the other Indian Nations that are being contacted as part of the NAGPRA requirements; please provide the names and addresses of any other affiliated groups or lineal descendants you believe we should consult.

Should you have additional questions or require additional documentation, please feel free to contact Mr. LeClerc at (315) 772-5971.

Sincerely,

Edward T. Moore
Lieutenant Colonel, U.S. Army
Director, Engineering and Housing

Enclosure

FACT SHEET

ENV
(DR. JACK JACKSON, 7-7965)
March 9, 1994

AFZF-DE-ENV (420)

SUBJECT: Legacy Program at Fort Hood

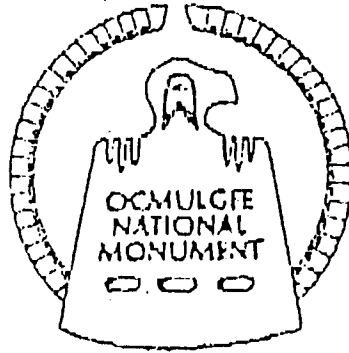
PURPOSE: To inform interested persons of Legacy funding of Fort Hood Projects

FACTS:

1. **Background:** The Legacy Resource Management Program was established by special legislation. It made available funds for the study and preservation of certain elements of the National Heritage through the Department of Defense. Fort Hood and the U. S. Army has benefited from these funds.
2. The Fort Hood Cultural Resource Management Program (CRM) participated with the Construction Engineering Research Laboratory in the development of a demonstration program called Multivariate Analysis for Site Evaluations which allowed the Fort Hood National Register Site testing program to be used as a test data set for a standardized and replicable methodology that can be used at other posts. These funds supplemented locally allocated funds to put the Fort Hood CRM program well ahead of most other installations.
3. Legacy 94 selected a project for nominating an important Native American Spiritual monument, the Leon River Medicine Wheel, to the National Register and possibly to the National Historic Landmarks list. This project promises to be a model for relations between military installations and Native American groups. It will be studied and written up as a case study by the University of Arizona under another Legacy grant.
4. Several small wildlife inventory studies at Fort Hood have been funded completely or partially through the Legacy program. These included: (1) an endangered species study of cave dwelling invertebrates, (2) an inventory of herpetofauna, and (3) an inventory of a rare plant, *Croton Alabamensis*.

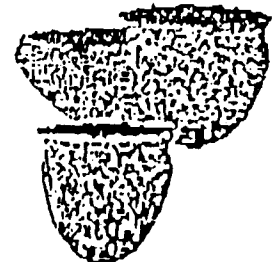
AUTHENTICATION: COL A. G. BUNGARD

DATE:



Ocmulgee University
TEACHERS WORKSHOP

- WHEN:** July 11-15, 1994
- WHO:** Fourth Grade Teachers
- COURSE LENGTH:** 40 Hours Classroom/Field
10 Hours Practical
- CERTIFICATION:** 5 SDU Credits
- PURPOSE:** To teach the interrelationships between the region's cultural and natural resources, and the creation of a curriculum utilizing this unique heritage.
- SPONSORS:** Bibb County Board of Education
National Park Service
Office of Environmental Mgmt., Robins AFB
- CONTACT:** Lisa Garrett 741-8540



**APPENDIX J:
COVER LETTERS ACCOMPANYING COMMENTS
OF CHAPTER SEVEN REVIEWERS**



DEPARTMENT OF THE ARMY
HEADQUARTERS, 10TH MOUNTAIN DIVISION (LIGHT INFANTRY) AND FORT DRUM
FORT DRUM, NEW YORK 13602-5000



September 19, 1994

REPLY TO
ATTENTION OF

Public Works
Environmental Division

Ms. Diane Austin
Bureau of Applied Research
in Anthropology
Department of Anthropology
The University of Arizona
Tucson, Arizona 85721

Dear Ms. Austin:

Fort Drum Public Works is pleased to provide you with its review of your "Sacred Sites Protection Strategies" report.

As you clearly state in your draft report, Fort Drum and other DoD installations are required to consult (and cooperate) with Native Americans on a number of cultural resource issues. We therefore appreciate the fact that Fort Drum was chosen as the Northeast example for how the initial consultation process is supposed to work under the Native American Graves Protection and Repatriation Act (NAGPRA)(1990). The draft pages for Chapter 7 of the report were reviewed by the Fort Drum Archeologist, David N. Fuerst. Overall, the chapter is precise and well written. Our only comments are to: (1) change "Engineering and Housing (DEH)" to "Public Works (PW)" on page 9, paragraph 2, line 5; (2) change "installation" to "Public Works, Environmental Division" on page 11, line 1; and (3) indent all your paragraphs 5 spaces.

In closing, we would like to thank you for including Fort Drum in your report, and for giving us the opportunity to review it. We request that you send us 3 copies of the final report to assist us in our NAGPRA activities. Should you have any additional questions, please contact Mr. Fuerst at (315)772-4165 FAX (315)772-8050.

Sincerely,

Mark J. Tillotson
Acting Director, Public Works

Enclosure



AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE
ENVIRONMENTAL CONSERVATION AND PLANNING

HQ AFCEE/EC
8106 CHENNAULT ROAD
BROOKS AFB TX 78235-5318

Facsimile Cover Sheet

TO: M. Lane E. AUSTIN
Telephone: Brian Fulfrast (602) 621-6282
Telefax: (602) 621-9608

FROM: Robert L. Lopez
HQ AFCEE/ECM
Telephone: (210) 536-3751
Telefax: (210) 536-3890
DSN: 240-3751
DSN Telefax: 240-3890

SUBJECT: TECHNICAL REVIEW OF SACRED SITES PROTECTION STRATEGIES REPORT.

REMARKS: I have reviewed those sections referencing Williams AFB and had them to be accurate. However, a notice in p. 27, para 2 lines 15 thru 18, states that the N+S Arapaho & Cheyenne Tribes have submitted a letter of intent... regarding the acquisition of federal prop. at Lowry AFB. The AFCEE has not rec'd letter of intent from the Tribes. - pls verify your source.

- Enclosed is copy of Gila River Indian Community (GRIC) report on Williams base planning. Letter of intent to acquire land at Williams from the GRIC was sent to Air Force Base Conservation Agency.

Pls call if any questions
Robt.

Larry Spanne
 730 CES/CEVA
 Bldg. 7015
 1172 Iceland Avenue
 Vandenberg AFB, CA
 93437-6011

ROUTING AND TRANSMITTAL SLIP		Date
		9/15/94
TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. DIANE AUSTIN		
2. BUREAU OF APPLIED		
3. RESEARCH IN ANTHROPOLOGY		
4. DEPARTMENT OF ANTHROPOLOGY		
5. UNIVERSITY OF ARIZONA		
6. TULSON, AZ 85721		
Action	File	Note and Return
Approval	For Clearance	Per Conversation
<input checked="" type="checkbox"/> As Requested	For Correction	Prepare Reply
<input checked="" type="checkbox"/> Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

DIANE,
 HERE ARE MY
 COMMENTS ON THE
 SACRED SITES REPORT.
 NOTHING MAJOR - USE
 WHAT YOU CAN. LOOKS
 GOOD!

LARRY

P.S. I DIDN'T
 LOCATE YOUR
 FAX #.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
LARRY SPANNE	
VANDEMBERG AFB	Phone No. (805) 734-8232 & 50748

5041-102

• U.S. GPO 1990 - 291-781

OPTIONAL FORM 41 (Rev. 7-76)
 Prescribed by GSA
 FPMR (41 CFR) 101-11.206



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 366TH WING (ACC)
MOUNTAIN HOME AIR FORCE BASE, IDAHO

81 SEP 1994

MEMORANDUM FOR DR DIANE E. AUSTIN

FROM: LT COL. RICK ALIS
366 WG/JA
366 Gunfighter Ave, Ste 432
Mt Home AFB ID 83648-5392

SUBJECT: 366th Wing Inputs to Legacy Program *Sacred Sites
Protection Strategies Report*

1. Thank you very much for the opportunity to suggest inputs to your report. We are very happy to be included as a mini-case study, and I am anxious to see your finished product. I know it will be very helpful in our ongoing community outreach efforts to the Native American tribes in our area. I took the liberty of retyping the section you highlighted to include my suggestions. Please use or disregard them as you see fit. I am available at any time to elaborate or answer any questions you might have.

2. *Use of Liaisons*

Some of the cultural differences between DoD installation personnel and Native Americans were described in detail in Chapter Six. One effective means of overcoming those differences is by including liaisons in the consultation process. DoD installations have used civilian and military personnel and third party actors as liaisons. In all cases, the involvement of the liaison from the time of first contact with the Native Americans has proven to be important for the development of the relationship. The liaison should be directly involved in virtually all interactions between the installation and Native Americans. The development of mutual trust is fundamental to an effective liaison relationship, and for this reason the ability to maintain continuity is an important consideration in selecting a liaison.

At Mt Home AFB, Idaho for example, the commanding general created a liaison for the local Native American tribes, the staff judge advocate. Although legal training may be helpful to the liaison, the selection should be based on the professional and personal skills of the individual, rather than the need for any particular expertise. The Mt Home liaison is responsible for establishing and maintaining regular communication with the tribes that have ties to the base on all issues of mutual concern, from aircraft operations, to logistical support, to provision of medical care. This approach prevents unnecessary fragmentation and bureaucratization of the communications process. The creation of an official liaison and the desire to develop formal agreements with the tribes has grown out of concern about the transience of military personnel and the need to establish a framework that will persist despite the transfer of DoD personnel or election of new tribal leaders.

Without clearly identified points of contact and relationships characterized by candor or trust, neither the installation nor the affected Native American groups are able to effectively communicate their concerns. The liaison program at Mt Home AFB opened an effective line of communication between concerned Native American groups and the installation. The program enjoys a great deal of credibility because the liaison officer reports directly to the commanding general of the installation. By listening to the concerns of Native American groups and then acting upon these concerns in a timely manner, the installation liaison provides an effective way of mediating problems that could arise in the future.

Installation personnel from Mt Home AFB, including the commanding general, have visited Duck Valley Indian Reservation to personally listen to the concerns of Native Americans. In addition, the commander and his liaison traveled to a Native American sacred site to experience firsthand the spiritual nature of Native American concerns. This personal contact is a vital part of trust-building. Many tribal members are concerned with low altitude flight operations over reservation lands. Consequently, training routes over the reservation have been modified, and procedures for certain categories of flight operations have been changed. These changes have had minimal impact on the quality of flying operations, but have been of great importance to the Native Americans. Such concerns of Native American groups can be effectively mediated once the issues are identified and workable solutions are developed. For example, if members of the Duck Valley Indian Reservation want to visit a sacred site that falls beneath a military operating area (MOA) used for aircrew training, they call the liaison officer at Mt Home. Planes from the base are then routed to avoid the area if at all possible. The liaison program at Mt Home AFB has not only led to an effective working relationship with Native American groups on a broad spectrum of issues, but also the development of a draft memorandum of understanding (MOU) that outlines the structure for a continuing dialogue.

3. I hope this helps!



RICHARD C. ALIS, Lt Col, USAF
Staff Judge Advocate

**APPENDIX K:
MEMORANDUM OF AGREEMENT BETWEEN ST. LOUIS DISTRICT USACE
NAVAL AIR WEAPONS STATION, CHINA LAKE**

MEMORANDUM OF AGREEMENT

BETWEEN

ST. LOUIS DISTRICT

U.S. ARMY CORPS OF ENGINEERS (USACE)

AND

NAVAL AIR WEAPONS STATION

CHINA LAKE, CALIFORNIA

1. General. The Naval Air Weapons Station (NAWS), China Lake requires qualified technical support to inventory and evaluate federally owned and administered archaeological collections. These inventory and evaluation efforts are required under authority provided in Public Law 89-664, National Historic Preservation Act of 1966, as amended; Public Law 96-95, Archaeological Resources Protection Act of 1979; Public Law 101-601, Native American Graves Protection and Repatriation Act of 1990; 36 CFR Parts 66, 68 and 79; and 32 CFR Part 229. St. Louis District, U.S. Army Corps of Engineers has been designated a Corps-Wide Center of Expertise for Curation of Archaeological Collections. Utilization of St. Louis District expertise by the NAWS, China Lake will allow NAWS, China Lake to meet federally mandated completion dates relative to the Native American Graves Protection and Repatriation Act of 1990.

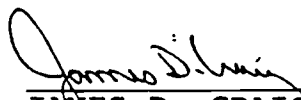
2. Purpose. The purpose of this Memorandum of Agreement is to obtain for the NAWS, China Lake needed archaeological curation and collections management technical support from the St. Louis District, USACE.

3. Statement of Work. The St. Louis District will provide technical assistance in accomplishing curation of archaeological collections as outlined in the attached Implementation Plan, Exhibit A incorporated herein by reference.

4. Resources. To facilitate execution of this assignment, NAWS, China Lake will provide to the Corps of Engineers, St. Louis District sufficient obligational authority to cover anticipated work. Within thirty (30) calendar days following the initial conference meeting and within every forty-five (45) day period thereafter, progress reports shall be submitted to NAWS, China Lake by the Corps of Engineers. These reports will contain details of work accomplished and expenditures to date. Each month the Corps of Engineers will bill the NAWS, China Lake for expenditures incurred.

5. Termination. The Naval Air Weapons Station, China Lake may terminate this agreement at any time by giving thirty (30) days written notice to St. Louis District, Corps of Engineers. Upon receipt of the notice, the St. Louis District, Corps of Engineers shall (1) immediately discontinue all services affected (unless the notice directs otherwise), (2) within thirty (30) days deliver to the Naval Air Weapons Station, China Lake all data, drawings, summaries, reports or other information and materials accumulated in performing this work, whether completed or in process, and (3) within forty-five (45) days return all remaining funds to the Naval Air Weapons Station, China Lake.

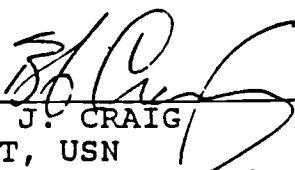
CONCUR:



JAMES D. CRAIG
COL, EN
Commanding
St. Louis District, Corps of Engineers

17 Sep 92

Date



B. J. CRAIG
CPT, USN
Commanding Officer
Naval Air Weapons Station
China Lake, California

21 Sep 92

Date

**APPENDIX L:
MEMORANDUM OF UNDERSTANDING REGARDING NATIVE AMERICAN
HUMAN SKELETAL REMAINS AND ASSOCIATED ARTIFACTS FOR NAVAL AIR
STATION, FALLON**

the Navy with a monitor to oversee the recovery of any Native American burial discovered on lands owned or controlled by NAS Fallon, if the Tribal Council believes it should be represented on site during the recovery effort.

E. The Navy shall provide the Fallon Paiute-Shoshone Tribal Chairman, or official representative of the Tribal Chairman, access to Native American burial sites on lands owned and controlled by the NAS Fallon in the Lahontan Valley, Churchill County, Nevada for the purpose of inspecting the condition of these sites, upon sufficient notice to schedule the visit at a time convenient to the Tribal Chairman and provided it does not create a safety or security conflict for the Navy.

5. DISPUTE RESOLUTION

A. Should any party to this MOU determine that some portion of the agreement cannot be met, is not being met or believes a change is necessary, that party shall immediately notify the other parties to this MOU in writing and request the parties consult to consider an amendment or addendum to this agreement which would ensure full compliance. Such amendment or addendum shall be executed in the same manner as the original MOU.

B. Should any party to this MOU be unable to maintain a level of effort sufficient to carry out the terms of this agreement, that party shall notify the other parties and seek an amendment or an addendum to this MOU.

6. TERMINATION

A. This agreement shall be effective from the first (1) day of July, 1991 and shall continue in full force and effect until the thirtieth (30) day of June, 1996 unless extended, modified or terminated by mutual consensus of the parties.

7. CONTACT PERSONS

A. For purposes of this MOU the contact person for each of the parties shall be as follows:

i. for the Navy: Public Works Officer, Naval Air Station, Fallon, Nevada (702) 426-2712

ii. for the FWS: Refuge Manager, Stillwater National Wildlife Refuge, Fallon, Nevada (702) 423-5128

iii. for the Fallon Paiute-Shoshone Tribes, Tribal Chairman, Fallon, Nevada (702) 423-6075

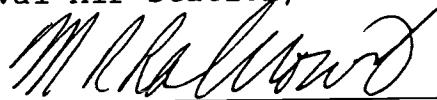
Memorandum of Understanding
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iv. for the SHPO: the SHPO, Nevada Division of Historic Preservation and Archeology, Carson City, Nevada (702) 687-5138

v. for the Nevada State Museum, Anthropologist or Curator of Anthropology, Carson City, Nevada, (702) 687-4810.

Execution of this MOU establishes the procedure and fixes the responsibilities for the proper disposition of any Native American burials and human skeletal remains, funerary objects, sacred objects and items of cultural patrimony discovered on Navy lands in the Lahontan Valley, Churchill County, Nevada under the ownership or control of NAS Fallon.

Naval Air Station, Fallon

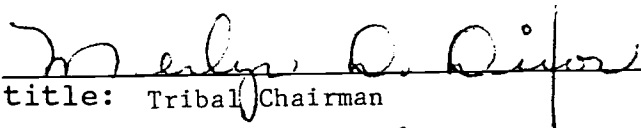


20 August 1991

title: Commanding Officer

Date

Fallon Paiute-Shoshone Tribes



title: Tribal Chairman

Date June 27, 1991

State of Nevada Division of Historic Preservation and Archeology



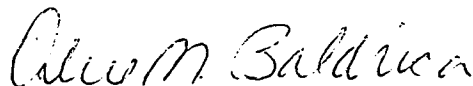
7/5/91

title: Acting Assistant Regional Director -

Date

Refuges and Wildlife

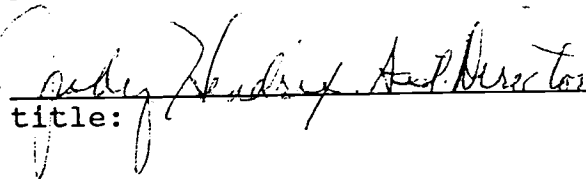
U. S. Fish and Wildlife Service



title: Nevada Deputy State Historic
Preservation Officer

Date 8/12/91

Nevada State Museum



title:

7/25/91
Date

APPENDIX I

ANALYSIS OF HUMAN REMAINS

The following kinds of analyses may be carried out with the Native American human skeletal remains found on land owned or controlled by NAS Fallon in the Lahontan Valley, Churchill County, Nevada, if funds and time permit before they are reinterred. As a part of the exhumation and initial analysis the Navy will assure that a catalog card is filled out and numbered consecutively for each individual recovered regardless of whether it is a child, adult, complete skeleton or only a fragment of bone. Recorded on the card will be the following information obtained from observation: age, sex, list of bones found, pathologies, anomalies, dental information, and any archeological associations, including artifacts, relative position of the bones and of any artifacts found. A sketch of the bone(s) and related artifacts as they were found in situ should be attached to the catalog card.

Detailed analysis as listed below may be undertaken at no cost to the Navy, unless agreed to and funded by the Navy prior to initiating such studies.

Observational / Non-destructive Analysis

1. Complete anthropometric record of the cranial and post cranial data, including the various angles of the face and mandible.
2. Full record of anthroposcopic data, involving continuous morphological observations, discrete morphological traits and observations of all anomalous conditions on the cranial, post cranial skeleton and the dentition.
3. Notation of age and sex, indicating the basis on which these were determined; and estimate stature from the long bone measurements.
4. Full descriptive record of pathological occurrences cranially, post cranially and on the dentation (including wear, cusp patterns and anomalies).
5. Photographs of all crania from facial, right and left lateral, occipital, fronto-parietal and basal views. Photographs of the mandible from all possible views separately, and close-ups of dental anomalies or pathologies. Photographs of any post cranial

anomalies or pathologies.

6. Radiographs of proximal and distal shafts of all long bones (fragmentary or complete) for evidence of growth arrest lines. Pathologies may be X-rayed also.

7. Consider making molds of either special crania, or of representative types of crania if there are a large series, so casts can be reproduced.

8. Estimate the occlusal surfaces of all adult teeth in the mandible or maxilla.

9. Special dental traits that are under possible genetic control.

Destructive Analysis

Destructive analysis, regardless of funding, may be conducted only with written permission of the Fallon Paiute-Shoshone Tribes and then only on fragmentary remains, not whole bones.

1. Bone samples from vertebral centra, plus dirt samples from the body cavity of that individual, may be collected for possible paleoserological analysis of the ABO blood groups.

2. Bone samples may be submitted for radio-carbon dating and C14/C13 fractionation.

3. Bone core samples from the compact shaft of the femora and tibiae may be submitted for analysis of osteon counts.

4. Trace elements analysis, using rib or other bone fragments, may be conducted on both human and mammal bone from the same locale to obtain comparative data.

5. Bone samples may be submitted for electrophoresis, to identify specific proteins under possible genetic control.

The purposes for studying human skeletal material are to answer such varied questions as:

1. Genetic relationships, health, disease, malnutrition, evidence of trauma and the changing biomechanics of these people through time. From observations of dental wear patterns, cultural behaviors can be determined, including the use of teeth in the manufacture of artifacts.

2. From the age and sex data, mortality curves are derived,

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Native American Burials
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giving information on the demography of these people. With radiocarbon dating, comparisons can be made of mortality curves at differing time periods.

3. Discrete morphological traits and dental anomalies are useful in answering problems of migration, influx of new groups, and even evidence of endogamous or exogamous mating patterns.

4. Data on growth arrest lines, hypoplasia of the teeth, pathologies and evidence of trauma can add to the picture of these people, since analysis of these characteristics results in morbidity curves. Also with radiocarbon dating, higher morbidity might be correlated with seasonal changes or cultural difficulties or even contact with other peoples.

MEMORANDUM OF UNDERSTANDING
ON NATIVE AMERICAN HUMAN SKELETAL REMAINS
AND ASSOCIATED ARTIFACTS

AMONG THE

NAVAL AIR STATION, FALLON

FALLON PAIUTE-SHOSHONE TRIBES,

NEVADA STATE HISTORIC PRESERVATION OFFICER,

U.S. FISH AND WILDLIFE SERVICE,

AND

NEVADA STATE MUSEUM

WHEREAS, the Department of the Navy (Navy) is responsible for the identification, evaluation and protection of historic and archeological properties, including human skeletal remains, associated and unassociated funerary objects, and cultural patrimony on lands under its ownership and control in Churchill County, Nevada pursuant to the National Historic Preservation Act of 1966, as amended, associated laws and regulations;

WHEREAS, Native American human skeletal remains can have emotional and spiritual significance for those who may be genetic or cultural descendants of the deceased represented by the remains;

WHEREAS, the members of the Fallon Paiute-Shoshone Tribes may be genetic and/or cultural descendants of the deceased Native Americans whose skeletal remains may be found in the Lahontan Valley, Churchill County, Nevada;

WHEREAS, Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes recovered from the aforesaid lands in the Lahontan Valley are the property of the Fallon Paiute-Shoshone Tribes, pursuant to Section 3, Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3002);

WHEREAS, Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes may have scientific value with the potential to contribute important information to the disciplines of archeology, physical and cultural anthropology, genetics and medicine in a manner that can improve the quality of life and enrich our understanding of human society;

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Native American Burials
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Page 2

WHEREAS, appropriate treatment of Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes requires a responsible balance between 1) respect for the deceased, 2) respect for the feelings of the genetic and cultural descendants, and 3) the interest of science;

WHEREAS, the U.S. Fish and Wildlife Service (FWS) has constructed a facility within the Stillwater National Wildlife Refuge, northeast of Fallon, Nevada, for the reinterment of Native American human skeletal remains and associated and unassociated funerary objects of the Fallon Paiute-Shoshone Tribes discovered in the Lahontan Valley and has offered the use of this facility to the Navy;

WHEREAS, the Nevada State Museum maintains the facilities to scientifically study and properly store human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes discovered in the State of Nevada and has agreed to curate such remains on an interim basis;

WHEREAS, pursuant to Nevada Revised Statutes (NRS) 277.180.(1) the Nevada State Museum and the Nevada Department of Conservation and Natural Resources, Division of Historic Preservation and Archeology, parties to this Memorandum of Understanding are public agencies empowered to contract with another public agency for the performance of any governmental service, activity or undertaking which these public agencies are authorized by law to perform under NRS 277.180(1);

WHEREAS, the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601) authorizes Federal agencies and museums to enter into agreements with culturally affiliated tribes for the disposition of or control over Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony; and

NOW, THEREFORE: the Navy, Fallon Paiute-Shoshone Tribes, Nevada State Historic Preservation Officer (SHPO), FWS, and Nevada State Museum agree that the following procedures shall be followed for the excavation, treatment, study, reinterment, and reporting on all Native American human skeletal remains, associated and unassociated funerary objects, sacred objects, and cultural patrimony of the Fallon Paiute-Shoshone Tribes found on those lands in the Lahontan Valley, Churchill County, Nevada that are owned or controlled by NAS Fallon.

1. EXCAVATION AND REMOVAL OF NATIVE AMERICAN HUMAN SKELETAL REMAINS, ASSOCIATED AND UNASSOCIATED FUNERARY OBJECTS, SACRED OBJECTS, AND CULTURAL PATRIMONY OF THE FALLON PAIUTE-SHOSHONE TRIBES

A. With respect to this Memorandum of Understanding (MOU) the term "burials" shall be defined as any Native American human skeletal remains and associated and unassociated funerary objects of the Fallon Paiute-Shoshone Tribes.

B. Should sacred objects or items of cultural patrimony be found on land owned or controlled by the Navy in the Lahontan Valley, Churchill County, Nevada, the Navy will report the discovery to the other signatories of this agreement and immediately initiate consultation with them on the proper disposition of such remains.

C. Whenever possible burials discovered on lands owned or controlled by the Navy at NAS Fallon shall be protected and preserved in place without further disturbance.

D. In the following situations it shall be appropriate for the Navy to ensure protection of a burial through excavation and removal:

i. an isolated burial found on the surface, having been displaced from its original resting place by natural or other processes;

ii. an in situ (in its original location) burial that has had 50% or more of the remaining skeletal material exposed by the forces of nature, vandalism, or other means;

iii. an in situ burial that has had less than 50% of the remaining skeletal material exposed, when it is threatened by vandalism, construction, erosion, or deterioration and cannot otherwise be protected by reburial in place with sterile soil or other suitable material.

E. An in situ burial discovered during the course of a permitted archeological investigation under the Archeological Resources Protection Act (ARPA) or by an archeological data recovery program resulting from actions taken to comply with Section 106 of the National Historic Preservation Act shall be left intact and covered with an appropriate soil matrix to protect the site, unless:

i. the site is threatened by vandalism, construction,

erosion or deterioration and cannot be protected by reburial in place; or

ii. contrary provisions addressing the treatment of a Native American burial are contained in the ARPA permit or research design prepared in compliance with Section 106.

F. Isolated human skeletal remains not found in association with a burial shall be collected by the Navy and treated with respect until they can be reinterred in accordance with the procedures established by this agreement.

G. The excavation and removal of burials and isolated human skeletal remains as described above (1.C. through 1.E.) shall be undertaken in accordance with the standards for archeological data recovery detailed in "Treatment of Archeological Properties: A Handbook" (Advisory Council on Historic Preservation [ACHP], 1980) and "Archeology and Historic Preservation, Secretary of the Interior's Standards and Guidelines," Federal Register, Vol. 48. No 190, pp 44716-44742, or as they may be amended.

2. TREATMENT OF NATIVE AMERICAN BURIALS

A. All excavated Native American burials and collected Native American human skeletal remains shall be temporarily curated at the Nevada State Museum until they can be reinterred in the FWS facility on the Stillwater National Wildlife Refuge in accordance with the Memorandum of Understanding on Human Remains between the FWS, Nevada State Historic Preservation Officer and the Fallon Paiute-Shoshone Tribes executed in October 1988.

B. No excavated Native American burials or collected human skeletal remains shall be displayed in public.

C. Prior to reinterment, scientific analysis may be conducted on the Native American burials and collected Native American human skeletal remains by qualified individuals using an appropriate research design approved by the Nevada SHPO and the Fallon Paiute-Shoshone Tribal Council, and under the supervision of the Curator of Anthropology of the Nevada State Museum.

D. Whenever possible all analysis shall be conducted within the security of the Nevada State Museum.

E. No element of a Native American burial or piece of Native American human skeletal material shall be removed from the Nevada State Museum for analysis without the written approval of the Chairman of the Fallon Paiute-Shoshone Tribes, and then only for the purposes of conducting an analysis requiring equipment or

facilities not available at the Nevada State Museum.

F. Appendix I identifies the types of non-destructive observational analyses and the types of destructive evaluations that may be performed. However, destructive analysis shall be limited to fragmentary specimens of bone and then only with the approval of the Chairman of the Fallon Paiute-Shoshone Tribes.

G. No complete human bone shall be altered, damaged or destroyed for scientific analysis.

H. Any reasonable expenses incurred by the Nevada State Museum for analysis and curation of Native American burials and any fragment of Native American human skeletal remains collected on lands in the Lahontan Valley, Churchill County, Nevada owned or controlled by the Navy will be paid for by the Navy in accordance with a separate agreement to be negotiated between the Navy and the Nevada State Museum within six (6) months of the execution of this Memorandum of Understanding.

3. REINTERMENT

A. Any Native American burial or fragment of Native American human skeletal remains shall be reinterred at the facility constructed for this purpose at the Stillwater National Wildlife Refuge.

B. Reinterment shall be coordinated by the FWS in accordance with its schedule for opening the facility of the Stillwater National Wildlife Refuge.

C. All reasonable expenses incurred by the FWS for reinterment of Native American burials discovered on lands owned or controlled by the Navy will be paid for by the Navy on a negotiated basis prior to reinterment.

D. To the extent possible the location of the reinterment facility shall be kept confidential and the FWS will monitor and maintain the structural integrity of the facility, as well as provide security against unauthorized tampering with the facility or its contents.

F. Native American burials and Native American human skeletal fragments that have been reinterred in the FWS facility may be removed temporarily, for scientific study, with application to the FWS under the following conditions:

i. the proposed study must clearly demonstrate that it will subsequently improve our scientific understanding of prehistoric occupation of the Lahontan Valley and it must be demonstrated that reinterred material is critical to the study;

ii. a list of the specific items to be removed and studied must be supplied in advance;

iii. evidence must be provided in advance demonstrating that the study is properly funded and ~~the~~ its findings will be published in a timely manner; ^{that} ₆₅

iv. the proposed study has been given a favorable recommendation by the FWS Scientific Review Committee, the Manager of the Stillwater National Wildlife Refuge, the Nevada SHPO, the Nevada State Museum and must be approved by the Fallon Paiute-Shoshone Tribal Council.

4. REPORTING AND MONITORING

A. The Navy shall immediately inform and initiate consultation with all the signatories to this MOU and the appropriate representative of the Secretary of the Interior to ensure that, when any Native American burial or Native American human skeletal remains found on the land owned or controlled by the Navy in the Lahontan Valley, Churchill County, Nevada, are discovered, they shall be treated expeditiously in accordance with the conditions of this agreement and avoid unnecessary project delay.

B. The Navy shall consult with the Fallon Paiute-Shoshone Tribal Chairman prior to initiating any excavation of archeological material resulting from consultation with the ACHP and the SHPO, pursuant to Section 106 of the National Historic Preservation Act, or the result of a permit issued in accordance with the Archeological Resources Protection Act of 1979 that may encounter Native American burials.

C. The Navy shall provide to the Fallon Paiute-Shoshone Tribal Council copies of all scientific reports and publications resulting from the analysis and study of any Native American burials or fragments of skeletal material recovered from lands owned or controlled by NAS Fallon in the Lahontan Valley, Churchill County, Nevada and commissioned by the Navy. Included with each report the Navy will provide a summary written in non-technical language with appropriate graphics.

D. The Fallon Paiute-Shoshone Tribal Chairman shall provide

**APPENDIX M:
MEMORANDUM OF AGREEMENT REGARDING HUMAN REMAINS AT
VANDENBERG AIR FORCE BASE**

MEMORANDUM OF AGREEMENT BETWEEN
VANDENBERG AIR FORCE BASE,
THE SANTA YNEZ BAND OF MISSION INDIANS,
AND
THE ELDERS COUNCIL

I. THE PARTIES: The parties to this agreement are Vandenberg Air Force Base (VAFB) and the Santa Ynez Reservation (SYR). VAFB is the owner and occupant of the property subject to this agreement. The SYR is the federally recognized representative of the Santa Ynez Band of Mission Indians with a Chumash tribal affiliation.

II. STATEMENT OF NEED: Native American and other human remains (remains) are continually uncovered at various sites on VAFB due to construction activities and wind and water erosion. These sites are accessible to most personnel authorized access to VAFB and are used for recreational purposes. Consequently, exposed remains are subject to damage, destruction and/or vandalism if they are not properly protected.

III. STATEMENT OF PURPOSE: The purpose of this agreement is to ensure that discovered remains are properly protected, identified and reburied in compliance with applicable federal laws. The agreement will also provide a consistent mechanism for both VAFB and the SYR to facilitate this process in a way that is sensitive to the needs of the SYR and VAFB.

IV. STATEMENT OF AGREEMENT BY VAFB:

A. When remains are discovered on VAFB, personnel in the Directorate of Environmental Management, Historical and Cultural Resources Division (WSMC/ETH or its successors), shall ensure the remains are recovered and identified, using the expertise of Dr. Phil Walker, Physical Anthropologist, University of California at Santa Barbara (UCSB) (or successors or mutually agreeable substitute).

B. When the remains are identified as Native American, WSMC/ETH shall notify the Chairman (or designee) of the Santa Ynez Band of Mission Indians, SYR, of the discovery, and the State Historic Preservation Officer (SHPO).

C. On a case-by-case basis, VAFB and the SYR will jointly determine where remains identified under paragraph IVB above shall be reburied on VAFB property. Reburial sites will be selected with a strong preference for reburial near the site of discovery. Reburial shall not occur within construction areas, in identified archaeological or cultural resource sites, or in areas that may interfere with VAFB's national security or military missions.

D. VAFB shall keep such records of the discovery and reburial sites as may be required, including but not limited to ethnic certifications and shall make such records available to the SYR and other authorized parties.

V. STATEMENT OF AGREEMENT BY THE SYR:

A. When notified of the identification of Native American remains requiring reburial, the SYR agrees to jointly determine where remains identified pursuant to paragraph IVB above shall be reburied on VAFB property. Reburial sites will be selected with a strong preference for reburial near the site of discovery. Reburial shall not occur within construction areas, in identified archaeological or cultural resource sites, or in areas that may interfere with VAFB's national security or military missions.

B. The SYR agrees to rebury any identified Native American remains at no expense to the United States Air Force (USAF) or VAFB. The SYR expressly recognizes that neither the USAF or VAFB shall in any way fund reburial. This provision shall not be interpreted to nullify or contradict Air Force contract provisions requiring contractors to employ and reimburse Native Americans for oversight or monitoring activities.

VI. DURATION OF AGREEMENT: The parties agree that this agreement shall remain in effect for as long as is necessary to accomplish its purposes.

VII. CANCELLATION: Either party may terminate this agreement with 30 days advance written notification.

VIII. ACCESS: VAFB agrees to provide reasonable access for the SYR to carry out its obligations under this agreement, subject to national security and military mission requirements. Requests for access shall be accommodated through WSMC/ETH.

IX. STATEMENT OF AUTHORITY: VAFB enters this agreement pursuant to the following: The National Historic Preservation Act, 16 U.S.C. Section 470; The Antiquities Act, 16 U.S.C. Section 469; The Archaeological Resources Protection Act, 16 U.S.C. Section 470aa-11; The National Environmental Policy Act, 42 U.S.C. Section 4231; The Historic Sites Act, 49 Stat. 666; The Archaeological and Historic Preservation Act, 16 U.S.C. Section 469; The American Indian Religious Freedom Act, 42 U.S.C. Section 1996; and Executive Order 11593 (May 13, 1971). The SYR enters this agreement pursuant to The Indian Reorganization Act, 25 U.S.C. Section 461 and its Articles of Association, February 7, 1964.

X. SEVERABILITY: If any of the provisions of this agreement are found by a court of law to be invalid or of no force or effect, the validity of all other provisions shall be unaffected.

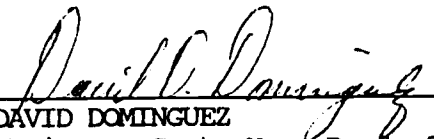
XI. AMENDMENT: Except as expressly provided in this agreement, no changes in this agreement shall be valid unless made in writing and signed by the parties to the agreement. No oral understanding or agreement not incorporated in this agreement shall be binding on either of the parties.

XII. FUNDING:

A. By entering into this agreement, VAFB is not in any way obligating expenditure of funds. Any VAFB activities necessary for accomplishing the purposes of this agreement are subject to the availability of authorized and appropriated funds.


B. By entering into this agreement, the SYR is committing to expend funds as necessary to accomplish its obligations under this agreement.

XIII. SIGNATURES:



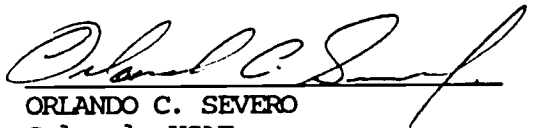
DAVID DOMINGUEZ
Chairman, Santa Ynez Band of Mission Indians
Santa Ynez Reservation

8-20-91
(Date)



GEORGE ARMENTA
Chairman, Elders Council
Santa Ynez Reservation

8-20-91
(Date)



ORLANDO C. SEVERO
Colonel, USAF
Commander
Western Space and Missile Center
Vandenberg AFB, CA

8-20-91
(Date)

**APPENDIX N:
MEMORANDUM OF UNDERSTANDING REGARDING NATIVE AMERICAN
HUMAN REMAINS AND ASSOCIATED MATERIALS FOR WILLIAMS AIR FORCE
BASE**

**MEMORANDUM OF UNDERSTANDING
REGARDING NATIVE AMERICAN HUMAN REMAINS
AND ASSOCIATED MATERIALS ENCOUNTERED AS A RESULT OF
SUBSURFACE ARCHAEOLOGICAL TESTING OF SITES AZ U:10:20
AND AZ U:10:25 (ASU), AND AZ U:10:60 THROUGH AZ U:10:68
(ASM) AT WILLIAMS AIR FORCE BASE**

**BETWEEN THE GILA RIVER INDIAN COMMUNITY, AK-CHIN INDIAN COMMUNITY,
SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY, AND THE TOHONO
O'ODHAM INDIAN NATION; THE HOPI TRIBE; AND
THE UNITED STATES AIR FORCE**

WHEREAS, the United States Air Force intends to close and dispose of real property presently known as Williams Air Force Base (AFB), and

WHEREAS, the United States Air Force is sponsoring a Class III Archaeological Survey and Subsurface Testing Project to determine the extent of archaeological remains at Williams AFB involving the intentional excavation and potential discovery of Native American Human Remains, associated funerary objects, sacred items, and objects of cultural patrimony, and

WHEREAS, the United States Air Force is responsible for the identification, protection and consultation with Native Americans regarding the disposition of Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony located on lands under their ownership and control pursuant to the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3002) (NAGPRA), and

WHEREAS, the The Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, The Tohono O'odham Indian Nation, and The Hopi Tribe (Tribes) have claims of cultural or ancestral affiliation in the area now within the boundaries of Williams AFB and all Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony associated with said groups are claimed by under Section 3 of the Native American Graves Protection and Repatriation Act of 1990, and

WHEREAS, other Tribes may come forward with claims of Cultural Affiliation under Section 3 of the Native American Graves Protection and Repatriation Act of 1990, and

WHEREAS, those Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony so claimed by the Tribes are considered to be the property of the Tribes pursuant to the Native American Graves Protection and Repatriation Act of 1990, and

WHEREAS, it is the intent of the Air Force to minimize any unavoidable damage to Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony discovered during the Williams AFB Class III Archaeological Survey and Subsurface Testing by ensuring that they are, for their protection, to be left *in situ*, and the earth in which they are found is returned to the greatest extent possible a condition consistent with pre-survey conditions, and

WHEREAS, Section 11 of the Native American Graves Protection and Repatriation Act of 1990 permits and encourages specific agency-tribal agreements to ensure the appropriate treatment of Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony;

NOW THEREFORE, the United States Air Force and the Tribes agree that the following procedures will be followed for the discovery, treatment, and disposition of all Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony of the Tribes which are discovered on lands that are owned or controlled by the United States Air Force during the Williams Air Force Base Class III Archaeological Survey and Subsurface Testing.

STIPULATIONS

I. DEFINITIONS

For the purposes of this Memorandum of Understanding (MOU), the following definitions apply:

1. ***Associated Funerary Objects*** means objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with the individual Human Remains at the time of death or later.
2. ***Cultural Affiliation*** means a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian Tribe and an identifiable earlier group.
3. ***Discovery*** means the intentional excavation per Section 3.c. of NAGPRA and subsurface testing of sites AZ U:10:20 and AZ U:10:25 (ASU), and AZ U:10:60 through AZ U:10:68 (ASM) for the purpose of determining their extent and eligibility for inclusion on the National Register of Historic Places and the discovery, identification and recovery of Native American Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony as defined herein within the property lines of the Williams Air Force Base.
4. ***Human Remains*** are any physical remains of a human being.
5. ***Interested Tribe*** shall, for the purposes of this MOU, mean any Tribe that has cultural affiliation with a Discovery and that has represented an intent to participate in the treatment and disposition of Remains.
6. ***Objects of Cultural Patrimony*** are objects having ongoing historical, traditional, or cultural importance central to Native American group or culture itself, rather than property owned by an individual Native American. Objects of Cultural Patrimony cannot be alienated, appropriated, or conveyed by an individual regardless of whether or not the individual is a member of the Native American group, and such objects must have been considered inalienable at the time they were separated from the group.
7. ***Remains*** means Human Remains, any remains thought to be Human Remains, and all other Cultural Items as defined by NAGPRA, including Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony.
8. ***Sacred Objects*** are specific ceremonial objects that are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents.

9. **Tribal Monitor** shall, for the purposes of this MOU, mean an observer chosen by the Tribes to watch and/or participate in the archaeological activities to be conducted at Williams AFB.
10. **Tribe** means any tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the programs and services provided by the United States to Indians because of their status as Indians.

II. DISCOVERY, TREATMENT, AND DISPOSITION OF REMAINS

1. The following procedures regarding the discovery, treatment, and disposition of Remains shall be implemented after consultation and in accordance with the express wish of or in conformity with the policies and guidelines of the Tribes.
2. All discovered Remains shall be treated with respect and dignity in order to avoid any unnecessary disturbance of Remains, separation of Human Remains from their Associated Funerary Objects, or physical modification of Remains.
3. All Remains discovered during the course of the Williams AFB Class III Archaeological Survey and Subsurface Testing shall receive the agreed upon treatment and disposition measures set forth herein.
4. The intentional subsurface testing of sites AZ U:10:20 and AZ U:10:25 (ASU), and AZ U:10:60 through AZ U:10:68 (ASM) for the purpose of determining their extent and eligibility for inclusion on the National Register of Historic Places and the discovery, identification and recovery of Native American Human Remains and Associated Funerary Objects shall be undertaken in accordance with the Standards of Research Performance of the Society of Professional Archaeologists and the professional standards for archaeological data recovery as established in the Research Design and Plan of Work approved for this Class III Archaeological Survey and Subsurface Testing project by the U.S. Air Force, the Tribes, and the State Historic Preservation Officer (SHPO) for Arizona.
5. A Tribal Monitor, to be chosen by the Tribes, will be on-site at all times during excavations and subsurface testing at Williams AFB to advise the archaeologist and identify and monitor the treatment of Human Remains, Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony.
6. Unless otherwise agreed between the U.S. Air Force, the Tribes, and any other Interested Tribe subsequently signatory to this agreement, the treatment and disposition of Human Remains shall be conducted as described in the Archaeologist's Plan of Work, attached here by reference, and as follows:
 - a. All Human Remains and Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony discovered at Williams AFB shall be left *in situ*, as undisturbed as is reasonably possible to assure their protection. If the lineal

descendants of the Native American (whose remains are discovered) cannot be identified, then Representatives of Interested Tribes shall be consulted regarding the disposition and reinterment of the Remains and shall be given an opportunity to carry out religious ceremonies/rituals attendant upon reinterment of the Remains.

- b. If excavation of Native American Human Remains and Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony is requested by the Tribes, reinterment of the Native American Human Remains and Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony shall occur within ninety (90) days of the completion of the Williams AFB Class III Archaeological Survey and Subsurface Testing.
 - c. No destructive analyses of the Human Remains shall be permitted.
7. If excavation and reinterment of Remains is requested, the Tribal Monitor and representatives of the Tribes and any other Interested Tribe subsequently signatory to this agreement shall have the opportunity to be present during the excavation, treatment, and disposition of the Remains in order to ensure the recognition of all Associated Funerary Objects.
 8. Representatives of the Tribes and any other Interested Tribe subsequently signatory to this agreement shall be afforded the opportunity prior to reinterment to review all artifact collections and records from the Class III Archaeological Survey and Subsurface Testing in order to identify Associated Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony.
 9. The Tribal Chairman, President, Chairman's Designated Representative, Tribal Cultural Preservation Officer, Tribal Monitor or other Designated Representative as appropriate for each Interested Tribe, shall be responsible for the timely and expeditious treatment and disposition of the Remains.
 10. No excavated Human Remains shall be put on public display in any manner nor photographed except for the purpose of scientific documentation and only with the express consent of the affected tribal group(s). No photographs of the Human Remains shall be distributed or published without the written permission of the Tribes and any other Interested Tribe subsequently signatory to this agreement.
 11. In those instances where Cultural Affiliation cannot be determined and/or the Tribes do not state a claim to the Remains, the U.S. Air Force shall determine their treatment and disposition in consultation with other potentially Interested Tribes.
 12. The location of the discovery shall be reported solely to the appropriate U.S. Air Force land manager(s) having immediate administrative responsibility and to the Tribal Chairman, President, Chairman's Designated Representative, Cultural Preservation Officer, Tribal Monitor or other Designated Representative as appropriate, of the Tribes and any other Interested Tribe subsequently signatory to this agreement.

13. The specific location of the discovery of Remains shall be withheld from disclosure and protected to the fullest extent allowed by law.
14. Within ninety (90) days after the disposition of the Remains, the Air Force shall submit a final report documenting the discovery, treatment, and disposition of those Remains to the Tribes and any other Interested Tribe subsequently signatory to this agreement.

III. DISPUTE RESOLUTION

All disputes regarding the Cultural Affiliation of Discovered Remains shall be resolved in accordance with Sections 2 and 3 of the Native American Graves Protection and Repatriation Act and the procedures set forth in this agreement; such disputes shall not interfere with the Class III Archaeological Survey and Subsurface Testing as set forth above nor with the closure or reuse of Williams Air Force Base.

1. The U.S. Air Force shall seek out the comments of Interested Tribes regarding the procedures set forth in this MOU. Should any Interested Tribe make a conflicting claim of Cultural Affiliation or dispute the methods of treatment or disposition of Remains as set forth herein, the U.S. Air Force shall convene a meeting with the disputing parties within thirty (30) days of receiving notice of disputation.
2. The disputing parties shall attempt to reach a resolution with the assistance of the U.S. Air Force.
3. If a resolution cannot be reached within ninety (90) days, the U.S. Air Force shall forward all pertinent documentation to the Review Committee established under NAGPRA with a request for the Committee to provide their recommendations.
4. If, upon receipt of the recommendations of the Review Committee it still cannot be determined which requesting party is the most appropriate claimant, the U.S. Air Force may retain the disputed Remains until the requesting parties agree upon their disposition or the dispute is otherwise resolved pursuant to the provisions of NAGPRA or by a court of competent jurisdiction.

IV. TERM AND AMENDMENTS

This MOU shall remain in effect until the disposition of all Remains discovered during the Williams AFB Class III Archaeological Survey and Subsurface Testing has been completed. It may be amended only by the written consent of all parties hereto at the time of such amendment.

V. ADDITIONAL PARTIES

Interested Tribes claiming lineal descent or cultural affiliation may join and execute this MOU at a later date should they express a desire to do so.

THE TRIBES

GILA RIVER INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

AK-CHIN INDIAN COMMUNITY

By: *[Signature]* Date: 1-10-94

Title: CHAIRMAN

TOHONO O'ODHAM INDIAN NATION

By: _____ Date: _____

Title: _____

THE HOPI TRIBE

By: _____ Date: _____

Title: _____

UNITED STATES AIR FORCE

By: *[Signature]* Date: 3 Feb 94

Title: AFOCA/OL-S
Site mgr

THE TRIBES

GILA RIVER INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: Merna L. Lewis Date: 11/15/93

Title: _____

AK-CHIN INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

TOHONO O'ODHAM INDIAN NATION

By: _____ Date: _____

Title: _____

THE HOPI TRIBE

By: _____ Date: _____

Title: _____

UNITED STATES AIR FORCE

By: Jared Martin Date: 3/2/94

Title: AEBCA/OL-S
Site mgr.

THE TRIBES

GILA RIVER INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

AK-CHIN INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

TOHONO O'ODHAM INDIAN NATION

By: _____ Date: _____

Title: _____

THE HOPI TRIBE

By:  Date: 02-01-94

Leigh Jenkins, Director

Title: **CULTURAL PRESERVATION OFFICE**

UNITED STATES AIR FORCE

By:  Date: 3 Feb 94

Title: AFBCA/OL-5
Site Mgr.

THE TRIBES

GILA RIVER INDIAN COMMUNITY

By: Mary V. Thomas Date: 10-8-93
Title: Lieutenant Governor

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____
Title: _____

AK-CHIN INDIAN COMMUNITY

By: _____ Date: _____
Title: _____

TOHONO O'ODHAM INDIAN NATION

By: _____ Date: _____
Title: _____

THE HOPI TRIBE

By: _____ Date: _____
Title: _____

UNITED STATES AIR FORCE

By: [Signature] Date: 3 Feb 94
Title: AFBPA/OL-S
Site Mgr.

THE TRIBES

GILA RIVER INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By: _____ Date: _____

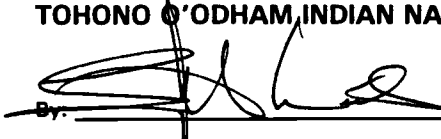
Title: _____

AK-CHIN INDIAN COMMUNITY

By: _____ Date: _____

Title: _____

TOHONO O'ODHAM INDIAN NATION

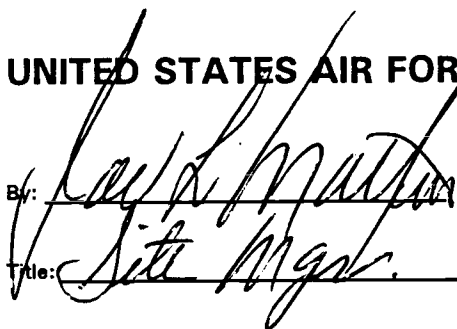
By:  Date: 2/8/94
Title: Chairman

THE HOPI TRIBE

By: _____ Date: _____

Title: _____

UNITED STATES AIR FORCE

By:  Date: 2-9-94
Title: Site Mgr.

**APPENDIX O:
NATIVE AMERICAN POLICIES AT FORT LEWIS**

*Wash
State
Office*

MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA, SECRETARY OF THE ARMY
AND
THE NISQUALLY INDIAN COMMUNITY OF THE NISQUALLY RESERVATION

This Agreement is made by and between the Secretary of the Army for and on behalf of the United States of America (hereafter the "United States") and the Nisqually Indian Community of the Nisqually Reservation (hereafter called the "Tribe").

BACKGROUND

Certain lands within the Fort Lewis Military Reservation in the State of Washington are within the boundaries of the Nisqually Indian Reservation as it was established by the Executive Order of January 20, 1857, pursuant to Article VI of the Treaty of Medicine Creek of 1854, 10 Stat. 1132. Within these overlapping boundaries lies a certain site commonly known as Carter Woods within which are located springs and streams often referred to as Clear Creek and Hill Creek. This site (hereafter called Clear Creek site) runs from the bluff of the prairie, down to the Nisqually River at a location approximately six miles upriver from the Nisqually River's confluence with Puget Sound.

The Clear Creek site has been identified by the Nisqually Indian Tribe, the State of Washington, the United States Department of the Interior and the U.S. Congress as the priority Southern Puget Sound site for a major fish hatchery because of its water quality and availability, its location relevant to the Nisqually Tribal fisheries and its contribution to other treaty and nontreaty sport and commercial fisheries in the Puget Sound region. The importance of this site for fish hatchery purposes is emphasized by a number of factors, including (1) the United States' obligations to the Nisqually Indian Tribe under the clause of The Treaty of Medicine Creek of 1854 which reserves and secures fishing rights to the Nisqually Indian Tribe, (2) the potential disruption to nontreaty Puget Sound fishermen from full implementation of the Nisqually Tribe's fishing rights without such a hatchery, and (3) by the Pacific Salmon Treaty between the United States and Canada which appropriately assures harvest benefits of such hatchery production to fisheries of the Puget Sound region. The feasibility of the Clear Creek location for a major fish hatchery has been evaluated and a report prepared. "Nisqually Fish Hatchery Feasibility Report," May 1982.

PRELIMINARY RECITATIONS OF THE PARTIES

The Tribe desires to use approximately 150 acres, more or less, of land within the Carter Woods area and known as the Clear Creek site for a fish hatchery and related purposes.

Section 840 of the 1985 Military Construction Act authorizes and directs the Secretary of the Army to make the Clear Creek site available to the Tribe under such terms and conditions as deemed appropriate.

The Secretary of the Army has consented to allow use of the Clear Creek site for fish hatchery purposes identified by the Tribe, the State and the Congress as important for Puget Sound salmon production. The Secretary of the Army also desires to protect the security of the Fort Lewis Military Reservation by limiting public access to the Clear Creek site and maintaining its use as a buffer for military training activities.

Both the Tribe and the United States desire to maintain the environmental integrity and water quality of the Clear Creek site and its surrounding environs.

The Tribe maintains that there were certain deficiencies in the condemnation proceedings by which Pierce County, Washington, acquired for donation to the United States Army the Nisqually Reservation lands on the Pierce County side of the Nisqually River. The Tribe also maintains that certain of these lands, including a Tribal cemetery site and the bed and waters of Lake Nisqually, were never acquired by Pierce County or the United States but were simply taken from the Tribe without pretense of legal process. The United States does not accede to the Tribe's position, but desires to continue to enjoy uninterrupted access to much of these disputed areas for military training purposes as part of the Fort Lewis Military Reservation.

The Congress has appropriated sums for the design, engineering and first phase construction of the Nisqually Fish Hatchery at Clear Creek in its FY 1981 and 1986 appropriations for the Department of the Interior and related agencies.

AGREEMENTS OF THE PARTIES

NOW in light of the foregoing recitations of the parties and in consideration of the mutual promises hereafter made by this Agreement, the United States and the Tribe agree as follows:

I. SHORT TERM LICENSE

The United States shall immediately grant a license to the Tribe for the purpose of soils tests, surveying the Clear Creek site, preparation of a legal description and development of initial roads to the site. Such work shall not be done at the expense of the United States Army. This license shall be substantially as set forth in the attached Exhibit "A", which is hereby made a part of this paragraph and Agreement.

II. LEASE OF CLEAR CREEK SITE

Upon final approval of the legal description for the Clear Creek site, the United States shall grant the Tribe a lease for the site. The lease shall be substantially as set forth in the attached Exhibit "B", which is hereby made a part of this paragraph and Agreement. The lease shall be for a term of twenty-five (25) years with an option to renew for additional twenty-five (25) year terms.

III. TRIBAL CONVEYANCE OF TITLE TO UNITED STATES

Concurrently with the granting of the lease to the Tribe as provided in Article II of this Agreement, the Tribe shall convey its right, title and interest, if any, in and to Lake Nisqually and a certain Tribal cemetery site within that portion of the Nisqually Indian Reservation, as reserved by Executive Order dated January 20, 1857, which lies east of the Nisqually River. The deed by which the Tribe conveys these sites to the Army shall be substantially as set forth in the attached Exhibit "C", which is hereby made a part of this paragraph and Agreement. The deed provides that the right, title and interests conveyed by the Tribe in the deed shall revert to the Tribe whenever the United States ceases to use the land described in the deed for military purposes.

IV. HUNTING AND FISHING

This Agreement does not alter existing hunting and fishing rights. The Tribe and the United States agree to cooperate in providing for the orderly exercise of tribal hunting and fishing rights on the Fort Lewis Military Reservation. To facilitate notice and communication between the parties in respect to tribal hunting and fishing, the Tribe designates the Director of its Department of Natural Resources, and the United States designates its Director of Personnel and Community Activities at Fort Lewis, as their respective points of contact for information and communication concerning Tribal hunting and fishing and the regulation thereof.

In furtherance of this Agreement the Tribe shall provide the United States notice of Tribal identification cards used to identify treaty Indians eligible to hunt and fish in the exercise of the Tribe's hunting and fishing rights. Treaty Indians with tribal identification cards will not be required to possess state or federal licenses or permits for or related to hunting and fishing. The Tribe also shall provide timely notice of the openings and closings of specific Tribal hunting and fishing areas and of areas on the Nisqually Indian Reservation available for sport fishing by members of the general public. Similarly, the United States shall provide the Tribe notice of areas within the Fort Lewis Military Reservation which are deemed unsafe for Tribal hunting and fishing. Upon satisfaction of the Tribe's interests in assuring there is a valid common-sense safety concern, the Tribe agrees to close such areas to hunting and fishing by its members.

For wildlife management purposes, the Tribe will report game taken on Fort Lewis by Tribal hunters to the Director of Personnel and Community Activities.

V. JURISDICTION: NISQUALLY RESERVATION LANDS EAST OF RIVER

The Tribe agrees not to exercise its asserted jurisdiction on that portion of the original Nisqually Indian Reservation, as reserved by Executive Order dated January 20, 1857, which lies east of the Nisqually River, in any manner that disrupts or is in conflict with military operations of the United States Army on the Fort Lewis Military Reservation.

VI. WATERSHED AND WATER QUALITY

The United States and the Tribe acknowledge that the quality and quantity of water in and adjacent to the Clear Creek site and the contours of the watershed, are of primary value to this Agreement. The United States agrees to avoid activities on Fort Lewis which are (now or in the future) expected to cause deterioration of water quality or quantity to and on the Clear Creek site. Whenever the United States proposes to initiate any significant new military training program which may affect the watershed contributing to the Clear Creek site, the United States will contact the Tribe to obtain Tribal input on water quality and quantity protection measures. The parties agree to pursue their existing practice of discussing potential impacts and effects on the watershed apart from statutory requirements.

VII. EXHIBITS A, B, AND C ARE PART OF AGREEMENT

Attached to this Agreement are three documents: (1) Exhibit "A", a short term license granted by the United States to the Tribe, (2) Exhibit "B", a twenty-five (25) year renewable lease of the Clear Creek site from the United States to the Tribe, and (3) Exhibit "C", a warranty deed from the Tribe to the United States conveying title to certain lands. Each and every provision of these three Exhibits "A", "B" and "C" is a primary part of this Agreement between the United States and the Tribe and is hereby made a part of this Agreement as though written word for word in the text of this Agreement. Any disputes, ambiguities or uncertainties about the parties' intent, proper interpretation or meaning of any part of Exhibit "A", Exhibit "B" or Exhibit "C" shall be read and interpreted according to the meanings and intentions of the parties as set forth in this Agreement.

VIII. CONSULTATION

The United States and the Tribe agree to meet annually during the first quarter of the calendar year to discuss the Tribe's lease of the hatchery site near Clear Creek, the matters referred to in this Agreement, and such other matters as may arise, in order to promote and maintain a good working relationship between the United States and its administration of the Fort Lewis Military Reservation and the Tribe.

IX. RESCISSION, MODIFICATION AND TERMINATION

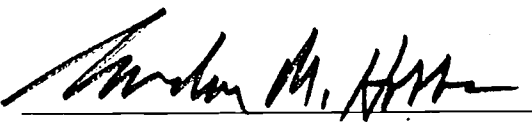
Each and every provision of this Agreement, including Exhibits "A", "B" and "C", is material to the Agreement of the parties. Except as otherwise provided in this agreement, in the subject exhibits, or as subsequently agreed, this Agreement and its Exhibits "A", "B" and "C" may be rescinded, changed or terminated only by the mutual agreement of both parties expressed in writing.

DATED this 13th day of MAY, 1987.

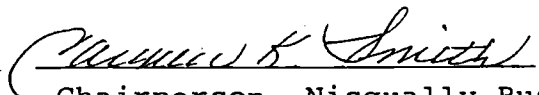
FOR THE UNITED STATES ARMY

FOR THE NISQUALLY INDIAN TRIBE

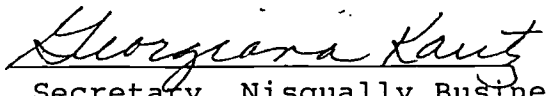
BY DIRECTION OF THE ASSISTANT SECRETARY OF THE ARMY
(INSTALLATIONS AND LOGISTICS)



Gordon M. Hobbe
Assistant for Real Property
OASA(IAL)



Chairperson, Nisqually Business
Committee



Secretary, Nisqually Business
Committee

Signed pursuant to Nisqually Indian
Community Resolution No. 37-1986

MEMORANDUM OF AGREEMENT
BETWEEN
U.S. ARMY, I CORPS AND FORT LEWIS
AND THE
CONFEDERATED TRIBES AND BANDS OF THE
YAKIMA INDIAN NATION
REGARDING
THE YAKIMA TRAINING CENTER

The Army and the Confederated Tribes and Bands of the Yakima Indian Nation (hereafter, Yakima Indian Nation) shall work together to ensure the protection of the Yakima Indian Nation's 1855 Treaty rights (12 Stat. 951) and the protection of those resources within the Yakima Training Center which are so important for the maintenance of their traditional life ways. The resources include, but are not limited to, the land, air and water, fish and wildlife, cultural and archaeological resources.

The Army and the Yakima Indian Nation recognize the aboriginal, historical, cultural, spiritual and substance ties which the Wanapum People also have within the Yakima Training Center. The parties to this Memorandum of Agreement acknowledge that the Wanapum People, who live in the village of Priest Rapids, their children and the yet unborn will continue to use the Yakima Training Center in the years to come to carry out their traditional and accustomed beliefs and practices.

When the Army no longer needs the Yakima Training Center for military training, the Commander, Fort Lewis, does hereby commit to designating, in the document of availability, transfer of Yakima Training Center lands to the Department of Interior for the primary use of the Yakima Indian Nation and the Wanapum People at that point when the lands are no longer required by the Army for brigade level training or comparable training activities.

The Army respects the access rights of the Yakima Indian Nation under the Treaty of 1855. At the same time, the Army, the Yakima Indian Nation and the Wanapum People recognize the need to establish reasonable entry procedures to prevent injury, loss of life or undue interference with ongoing military operations. To ensure that safety hazards are minimized, and that no conflicting military exercises are taking place, the Yakima Indian Nation shall establish a point of contact at their headquarters for coordination of access by Yakima tribal members. This contact person shall regularly communicate with YTC Range Control to determine whether any access limitations exist. The Wanapum People shall continue to have access rights as they currently have.

When the Army schedules major training events at Yakima Training Center, the Yakima Indian Nation and the Wanapum People will be notified through the congressionally mandated Cultural and Natural Resources Committee. The Committee may review the training scenario to ensure it complies with sound management practices.

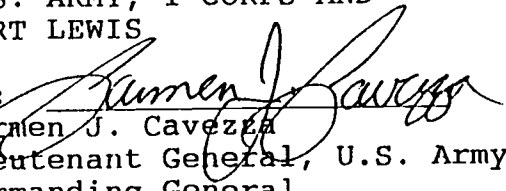
Although the Army has signed a separate Memorandum of Agreement (MOA) with the State of Washington, such MOA does not provide the State of Washington any increased or new jurisdiction over the Yakima Training Center which it does not already possess. The Army and the Yakima Indian Nation are united in their belief that the Treaty of 1855, the Supremacy Clause of the United States Constitution and federal law supercede conflicting provisions of any MOA or similar documents, including the MOA with the State of Washington.

The Yakima Indian Nation and the Army (Fort Lewis and Yakima Training Center), through their designated representatives, agree to meet annually, along with the representatives of the Wanapum People, during the first quarter of the calendar year to promote continued coordination, cooperation and a good working relationship as committed to herein. The meeting will be regularly scheduled and is in addition to any other meetings called by one of the parties when needed to discuss matters which may arise.

The Army realizes and understands that Congress, through House Conference Report 102-236, has mandated conditions pertaining to the protection of Treaty rights and understands that these conditions must be fully complied with for a good working relationship to be in place.

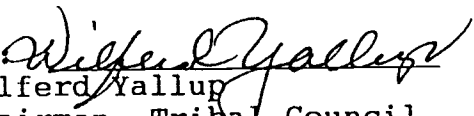
This document is not an all-inclusive document and does not waive, alter or otherwise diminish the rights, privileges, remedies or services guaranteed by the Yakima Treaty of 1855. It does not modify any past agreements between the Army and the Wanapum People, nor foreclose any of their aboriginal rights. By entering into this Memorandum of Agreement, the Yakima Indian Nation does not waive, alter or diminish their "sovereign immunity".

U.S. ARMY, I CORPS AND
FORT LEWIS

BY: 
Carmen J. Cavezza
Lieutenant General, U.S. Army
Commanding General

Date: November 24, 1992

YAKIMA INDIAN NATION

BY: 
Wilferd Yallup
Chairman, Tribal Council
Yakima Indian Nation

Date: December 11, 1992

R E S O L U T I O N

T-14-93

WHEREAS, the Confederated Tribes and Bands of the Yakima Indian Nation is a federally recognized Tribe pursuant to the Treaty of 1855 (12 Stat. 951), and

WHEREAS, the Yakima Tribal Council is the governing body of the Yakima Indian Nation of the Yakima Reservation, Toppenish, Washington, by the authority delegated by Resolution T-38-56, and

WHEREAS, the Yakima Indian Nation, since time immemorial, has viewed the Treaty aboriginal and Ceded Area lands and its resources as being a significant religious, cultural and traditional importance, and

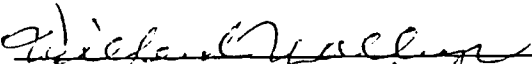
WHEREAS, the Yakima Firing Center is located within the Ceded Area of the Yakima Indian Nation, and

WHEREAS, Congress has mandated the Army to enter into a Memorandum of Agreement with the Yakima Indian Nation, which will ensure protection of Treaty Rights, establish a Cultural and Natural Resources Committee, require the Army to develop "a comprehensive plan for training and land use," and make long-term plans for transfer of the Yakima Training Center to the Dept. of Interior for the primary use of the Yakima Indian Nation and the Wanapum people when the Army no longer requires the land for brigade level training.


NOW, THEREFORE, BE IT RESOLVED, by the Yakima Tribal Council meeting in regular session at the Governmental Offices of the Confederated Tribes and Bands of the Yakima Indian Nation, Toppenish, Washington, with a quorum being present, hereby approves and adopts the attached Memorandum of Agreement.

BE IT FURTHER RESOLVED, that the Yakima Indian Nation does not waive, alter, or otherwise diminish their "sovereign immunity" whether expressed or implied by virtue of enacting this resolution. Nor does the Yakima Indian Nation waive, alter, or otherwise diminish their rights, privileges, remedies, or services guaranteed by the Treaty of 1855.

DONE AND DATED on this 10th day of November, 1992, by the Yakima Tribal Council by a vote of 5 for and 2 against.


Wilferd Yallup, Chairman
Yakima Tribal Council

ATTEST:


Lonnie Selam, Sr., Secretary
Yakima Tribal Council



DEPARTMENT OF THE ARMY
HEADQUARTERS, YAKIMA FIRING CENTER
YAKIMA, WASHINGTON 98901-5000



REPLY TO
ATTENTION OF:

AFZH-Y-IC

26 October 1992

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: YTC Policy Number 92-08. Native American Access

The Priest Rapids Wanapum people have lived along the Columbia River on the eastern drainage of the Yakima Training Center (including the expansion) since time immemorial. This policy letter institutionalizes prior verbal agreements as a reference for those yet unborn. The undersigned acknowledges the Wanapum's rights to hunt, fish, gather foods, practice their religion and bury their dead on the Yakima Training Center. Furthermore, access is granted, to use the resources of YTC as they have in the past, with slight exceptions in the interest of safety. Those exceptions are:

1. Permanent Impact Areas must not be entered at any time.
2. Live fire exercise areas must be avoided when in use.
3. Large scale vehicle maneuvers must be avoided, especially during the hours of darkness.

To better facilitate a mutual understanding, the YTC Range Officer will call the designated Wanapum leader weekly (or more often if needed) to discuss safety and access information.

The Yakima Indian Nation has a right to utilize traditional resources at YTC as they do on all lands ceded under the Treaty of 1855. Because they do not presently live in immediate proximity to YTC, as do the Wanapum people, different exceptions in access are considered appropriate.

The Army respects the access rights of the Yakima Indian Nation under the Treaty of 1855. At the same time the Army and the Yakima Indians must recognize the need to establish reasonable entry procedures to prevent injury, loss of life, or undue interference with ongoing military operations. Permanent impact areas must not be entered at any time. Accordingly, Yakima Tribal members shall be allowed access to exercise Treaty rights when:


1. No live fire maneuvers or other safety hazards exist.
2. No conflicting exercises are taking place.

3. The Tribal members show a Tribal membership enrollment card at the MP Station and proceed to Range Control for access and a safety briefing; members who have made advance arrangements may go directly to Range Control.

The Yakima Indians are encouraged to call Range Control beforehand to determine whether any access limitations exist. The Yakima Indian Nation shall establish a point of contact (POC) at the Nation's Headquarters for coordination of access by Tribal members; Range Control will be the Army's POC. The Army will provide access information to the POC regularly. Group events should be scheduled as far in advance as practicable to prevent conflict with training activities. Yakimas who are guests of the Wanapum people may accompany them at YTC under the provisions of the previous paragraph.

The Yakimas and Wanapums are welcome to utilize their traditional lands in traditional ways. Employees of YTC will receive them in that spirit. It is through our concern for the continued well-being of the Native American peoples that certain safety considerations are applied.

POC at Range Control is Mr. Reddick, 454-8220 and DPCA is Mr. Ken Cooper 454-8201.


EDWARD C. HORTON
LTC, IN
Commanding

DISTRIBUTION:
B

**APPENDIX P:
MEMORANDUM OF AGREEMENT REGARDING COSO HOT SPRINGS AT NAVAL
AIR WEAPONS STATION CHINA LAKE**



PHASE I BURIAL TREATMENT PLAN
FOR ARCHAEOLOGICAL SUBSURFACE TESTING AND DATA RECOVERY
AT FORT KAMEHAMEHA WASTEWATER TREATMENT PLANT
PEARL HARBOR, OAHU, HAWAII

20 July 1992

W. Bruce Masse, Ph.D.
PACNAVFACENGCOM Code 234

I. INTRODUCTION

a. On 1 November 1991 and 5 November 1991, two sets of archaeological human remains of probable Native Hawaiian origin, along with presumably associated cultural deposits, were discovered during archaeological monitoring by the U.S. Navy of construction excavations at the Fort Kamehameha Wastewater (=Sewage) Treatment Plant (FKSTP), located at the mouth of Pearl Harbor, Oahu Island, Hawaii. These construction excavations are part of a major proposed expansion of FKSTP being designed and constructed by the U.S. Navy. The presence of the Native Hawaiian remains and archaeological deposits has resulted in the stoppage of construction until the area could be satisfactorily evaluated in compliance with the National Historic Preservation Act of 1966 (NHPA) and with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

b. In order to properly evaluate the nature of the archaeological resources in the FKSTP expansion project, including the potential for additional Native Hawaiian remains, a two-phase program of archaeological testing and data recovery was designed. Phase I included the detailed subsurface testing of the entire proposed FKSTP expansion area, along with the data recovery of the heavily disturbed final settling tank #4 location. The data recovery included the identification and removal of Native Hawaiian human remains in the immediate vicinity of final settling tank #4.

c. The present Phase II data recovery program has been designed based on the results of Phase I study, and in response to consultations in compliance with NHPA and NAGPRA. The Phase II Data Recovery scope of work and this Phase II Burial Treatment Plan is being implemented by a Memorandum of Agreement between the Navy, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (Council), with the Office of Hawaiian Affairs (OHA) and Hui Malama I Na Kupuna O Hawaii Nei (Hui Malama) being consulting parties. The Phase II procedures are similar to, but supersede the Phase I procedures.

d. The background of the construction project and the historical and archaeological background of the FKSTP project area, has been previously provided in the Scope of Work for Phase I Archaeological Subsurface Testing and Data Recovery, as was discussion of initial consultations conducted in compliance with NAGPRA. The accompanying Phase II scope of work briefly summarizes the results of the Phase II testing and data recovery program.

e. This Phase II Burial Treatment Plan recommends a set of procedures to be used in conjunction with Native Hawaiian human remains previously found during the Phase I subsurface testing and data recovery program, and those which may be found during Phase II data recovery.



Fort Kamehameha Phase II Burial Treatment Plan

f. The Navy will conduct the Phase II subsurface testing and data recovery program within the period of 3 August 1992 through 30 October 1992. This is to permit the Navy to resume construction on the remainder of the FKSTP expansion project by no later than 1 December 1992, so as to comply with schedules agreed upon with the Hawaii State Department of Health and the Environmental Protection Agency.

II. BURIAL TREATMENT PLAN FOR PHASE II TESTING AND DATA RECOVERY

a. Based on the consultation results, as documented in the Phase II MOA ATTACHMENT 1, a treatment plan for Native Hawaiian remains is described below:

1. At the request of any of the consulting organizations, the Navy will arrange for a blessing ceremony before the commencement of Phase II data recovery.

2. Because of the obvious impact of the proposed construction excavations on most areas within the boundaries of the FKSTP expansion (see attached map), the Navy Contractor will thoroughly investigate all areas within the boundaries which are suitable and available for testing. This will also include the direct impact areas at the four house relocation sites outside of the FKSTP expansion boundaries, and the area directly under and immediately adjacent to the proposed access road next to the FKSTP.

3. Not all areas within the boundaries of the expansion will be available for study during Phase II, including the areas under Houses 1 and 2, under existing streets and sidewalks, adjacent to existing utilities, and around and under trees and shrubs that will be removed. These areas will be tested and monitored as part of the actual construction project itself. The area under and immediately around existing Houses 3 and 4, which lies outside of the FKSTP expansion area boundaries, will be protected inasmuch as possible and there will be no attempt to search for and remove sets of human remains during construction. The house removal operation will, however, be archaeologically monitored. If sets of human remains are found during monitoring, they will be scrutinized for chronological information and ethnicity. If the remains are determined to be Native Hawaiian, then in consultation with Hickam Air Force Base, OHA, Hui Malama, and the SHPO, the Navy will determine if the remains should be reinterred in their original locations or removed and placed in the designated reburial location.

4. Phase II data recovery and burial investigations will be aided by the use of a front-end loader. Because virtually all burials located during Phase I activities were found to have been originally placed in pits, and because these pits can usually be readily discerned by scraping the soil overburden to expose the pit outline, work conducted during Phase I demonstrated that the use of such equipment facilitated both burial detection and generally protected the burials from damage that might have



Fort Kamehameha Phase II Burial Treatment Plan

occurred by use of other burial detection methods, such as the use of backhoe trenches. The front-end loader technique more rapidly and effectively moves soil (in this case, beach sand) than can be done solely by hand, and is of critical value both to the study of the cultural deposits themselves and to the efficient location and identification of human remains.

5. The search for and recovery of sets of human remains will be conducted as a two-step process. The first step will be to search for burial pits and to test for the presence of sets of human remains. There will be no actual recovery of human remains during this first step. Instead, as remains and possible burial pits are found, they will be preliminarily investigated, stabilized, and marked for later removal or in-place protection. Associated grave materials may be recorded, appropriately numbered, and collected if the Contractor feels that this will help protect these grave materials from possible damage or theft, or will help in determining possible dating and ethnicity of the associated set of remains.

6. Once all available FKSTP expansion areas have been searched, there will be a brief consultation period (a maximum of one week) in which the Navy will consult with the Office of Hawaiian Affairs, Hui Malama I Na Kupuna O Hawaii Nei, the SHPO, representatives of the Navy Public Works Center, and the U.S. Air Force. The object of this consultation is to help facilitate the Navy's determination as to which, if any, of the discovered sets of human remains should be preserved in place, rather than being recovered and removed from the FKSTP expansion area. This step will be especially critical in the unlikely event that large numbers of human remains are encountered in a circumscribed area.

7. Once consultations are complete, the Contractor can begin the second of the two field steps, that of the respectful excavating and recovering those sets of human remains designated for recovery, or further stabilizing and protecting those remains that are to be preserved in place. It is expected that unless large concentrations of burials are located during the first step, which appears unlikely, most or all sets of remains found within the FKSTP expansion boundaries and under the relocation sites for Houses 2, 3, 4, and 5, will be carefully recovered and placed into the temporary curation facility.

8. Burial documentation will not include direct photography of individual burials themselves. In the event that significant features, stratigraphic sequences or other aspects important for understanding the overall nature of the FKSTP area archaeological deposits are found to be in direct association with a set of human remains, photographs may be taken at the discretion of the Navy Contractor.

9. The Navy Contractor will store all recovered human remains in clean, labeled cardboard boxes in a manner consistent with the State Historic Preservation Office. Long flower boxes 28 1/4" in length, 8 5/8" deep, and 10 1/8" wide are satisfactory for the curation of complete sets of human remains.



Fort Kamohameha Phase II Burial Treatment Plan

10. The temporary curation facility shall be clean and secure, and shall have been approved by OHA, Hui Malama, and the SHPO.

11. Based on the results of consultations with Hui Malama and the Oahu Burial Council, there will be no laboratory analysis of sets of remains recovered during Phase II which are clearly of Native Hawaiian origin based on context or on the nature of funerary artifacts. A qualified human osteologist may assist in field recovery operations, but there will be no detailed metrical analyses performed.

12. In the unlikely event that a set of presumed Native Hawaiian human remains is deemed extraordinary (either by character or context) and deserving of more detailed study, such study will only be performed through prior consultation with OHA, Hui Malama, and the SHPO. Likewise, laboratory analysis to determine ethnicity will be performed only on those sets of recovered remains associated with non-Native Hawaiian funerary objects, or lacking such historic objects, those remains which are situated in archaeological contexts which the Navy contractor has reasonable evidence to suggest that they may date to the historic time period.

13. Based on the Phase I findings, there are two sets of remains (Burial 2; Burial 9/Feat. 15) which because of archaeological context and associated radiocarbon dates, are of unquestionable pre-European contact Native Hawaiian ethnicity, and will not be subjected to osteological analysis to determine ethnicity. However, the other ten excavated sets of remains will require osteological analysis to determine ethnicity, due to the presence of associated historic period materials, fragmentary condition and lack of associated contextual information, and the presence of at least one trait that is previously unknown for Native Hawaiian populations (i.e., filed teeth). These sets of remains include Burial 1; Burial 3 (an isolated long bone fragment); Burial 4 (Feat. 3); Burial 5 (Feat. 7); Burial 6 (Feat. 7); Burial 7 (Feat. 8); an isolated vertebrae found adjacent to Burial 7; Burial 8 (Feature 13); Burial 10 (Feat. 19); and Burial 11 (Feat. 21). The burial under House 2 and the recently located burial next to the sheet metal retaining wall of Final Settling Tank #4 cannot be assessed until they and any grave associations have been recovered.

14. Three sets of the post-European contact remains have been determined unusual because of pathology (two cases of possible treponemal disease; Burials 4 & 5) or other characteristics (one case of filed teeth; Burial 11). Because of their potential value to the understanding of early historic period Hawaiian health (treponemal disease) and cultural practices (tooth filing), these traits will be documented to the degree possible as part of the determination of ethnicity, including photographs, if warranted. However, there will be no analysis which requires cutting or otherwise damaging the bone. These photographs, if taken, will not be published in the project report, but will be made available for use by individuals who have a legitimate claim for their study. In the event that direct lineal descendants are identified, these individuals must be asked for permission to use the photographs.



Fort Kamehameha Phase II Burial Treatment Plan

15. Procedures to be used during actual repatriation and reburial will be determined by the Navy during Phase II fieldwork, in compliance with the Native American Graves Protection and Repatriation Act and in full consultation with OHA, Hui Malama, and the SHPO. These procedures will be determined, to the extent possible, during the course of Phase II fieldwork and no later than the first few months of laboratory analysis of archaeological materials immediately following fieldwork. Despite the fact that no set procedures have yet been established for this specific repatriation and reburial process, the Navy recognizes that there are diverse views within the Native Hawaiian community regarding religious beliefs and the treatment of the dead. It is the intention of the Navy to the fullest extent possible to allow for a full range of expression of religious beliefs and practices.

16. During the Phase II testing and data recovery program, the Navy will search for a permanent repository for reburial of the Native Hawaiian remains recovered from both Phase I and Phase II fieldwork, as well as the reburial of remains recovered from past projects at Fort Kamehameha and Hickam Air Force Base. This will be accomplished in consultation with the Air Force, OHA, Hui Malama, and the SHPO. Potential reburial locations that have been noted during the consultation process include an area on the housing side (southeast) of the proposed new access road adjacent the FKSTP expansion area, and a presently undefined area adjacent the historic chapel in the center of the housing complex.

17. The selection of a reburial location and the repatriation and reburial of Native Hawaiian sets of remains will be done as expeditiously as possible, especially once the fieldwork for Phase II is complete. The Navy will keep OHA, Hui Malama, and the SHPO fully informed of all actions regarding repatriation and reburial.

MEMORANDUM OF AGREEMENT

The Commander Naval Weapons Center acting for and on behalf of the U. S. Government and the Coso Ad Hoc Committee, Owens Valley Paiute-Shoshone Band of Indians, acting for and on behalf of the Indians represented by that group, as well as for certain Indian people in the Kern Valley Indian Community area, are desirous of entering into this agreement for the mutual benefit of both parties. The general subject of the agreement is access to and related matters concerning the area known as Coso Hot Springs, located within the Naval Weapons Center, China Lake, California.

The parties hereafter referred to as the Naval Weapons Center and the Native Americans respectively, hereby agree:

1. That the terms of this Memorandum of Agreement are based upon the primacy of the mission of the Naval Weapons Center and that any or all access provisions herein agreed to shall be premised on a not-to-interfere with that mission basis;
2. That both parties to this Memorandum of Agreement recognize the provisions of Public Law 95-341 "Native American Religious Freedom" and its mandate for an evaluation of existing laws and regulations. Therefore, the terms of this Memorandum of Agreement are subject to review at the request of either party following the Presidential submittal of the evaluation to the Congress;
3. That the requirements of the Historic Preservation Act of 1966 (Public Law 89-665) shall be scrupulously adhered to by both parties and that both parties agree to diligently pursue the formulation and acceptance of a preservation and management plan for the Coso Hot Springs National Register of Historic Places site;
4. That upon request a maximum of eight (8) scheduled weekend visits per year shall be reserved exclusively for members of the Owens Valley Paiute-Shoshone Band of Indians and/or the Kern Valley Indian Community. Such visits shall be limited to a maximum of twenty five (25) vehicles and one hundred (100) people on any given weekend. The duration of any one weekend visit shall be from sunrise Saturday to sunset Sunday. However, up to three (3) two-night visits may be scheduled on Federal holidays which fall on weekends;

MEMORANDUM OF AGREEMENT

5. That unscheduled visits shall be considered on a case-by-case basis by the Commander, Naval Weapons Center, upon receipt of a written request by the Chairperson of the Coso Ad Hoc Committee describing the need for the visit, or a Committee member in the Chairperson's absence. In instances which the Chairperson considers a bona fide emergency, the request may be made by telephone and shall be followed with written confirmation;
6. That Native American groups other than the Owens Valley Paiute-Shoshone Band of Indians and those from the Kern Valley Indian Community are not covered by this agreement. However, medicine men who may be visiting the aforesaid groups may accompany these groups. Requests from other Native American groups shall be considered on a case-by-case basis;
7. That the boundaries of the visit area shall be the immediate vicinity of the Prayer Site, Coso Hot Springs, the old resort of the same name, and a designated overnight camping area. These areas are specified on a map accompanying this Memorandum of Agreement;
8. That appropriate sanitary facilities shall be provided by the Naval Weapons Center and installed in the camping area;
9. That the visiting Native Americans shall carry out all trash and garbage and shall police up their own camping area. On-site rubbish receptacles shall not be provided by the Naval Weapons Center;
10. That the Naval Weapons Center shall provide an escort for all visits; the escort shall be a person acceptable to the Ad Hoc Committee. During any ceremony, upon request, the escort shall withdraw to a discrete distance and shall not intrude on traditional rites;
11. That material or substantial alteration or permanent disturbance of the hot springs or the pond shall not be permitted. Both the Naval Weapons Center and the Native Americans pledge their mutual cooperative efforts to expeditiously develop a preservation and management plan acceptable to both parties and to the California State Office of Historic Preservation and approvable by the Advisory Council on Historic Preservation;
12. The Naval Weapons Center will provide Assumption of Risk forms to the Coso Ad Hoc Committee to be signed by each adult individual desiring to enter the Naval Weapons Center under provisions of this agreement. A designated Indian visit leader will be responsible for assembling all executed Assumption of Risk forms from each adult visitor for presentation to the Navy escort at time of entry. The Naval Weapons Center will maintain a permanent file of signed Assumption of Risk forms and repeat visitors will not be required to provide new forms for subsequent visits.

MEMORANDUM OF AGREEMENT

13. That in the event the mission of the Naval Weapons Center requires use of its ranges, any or all visits shall be subject to cancellation without prior notice and under the same conditions are subject to immediate termination. The Coso Ad Hoc Committee shall be responsible for assisting the Naval Weapons Center, when and if necessary, in the event immediate evacuation of visitors from the area is required to conduct the mission of the Naval Weapons Center;

14. That the Naval Weapons Center reserves the right to prohibit future access if the terms of this Memorandum of Agreement are deliberately or materially violated by visiting Native Americans; and that the standards of conduct established for Naval Weapons Center personnel, federal, state or local agencies, and contractors while on the NWC ranges will be observed by visiting Native Americans.

W-L Harris

For the Naval Weapons Center
Rear Admiral, U.S. Navy

Maddens Taylor
For the Coso Ad Hoc Committee

Ruth Brown
For the Coso Ad Hoc Committee

Steph J. McClain
For the Coso Ad Hoc Committee

Phyllis Hunter
For the Coso Ad Hoc Committee

Gatti P. Ulmer
For the Coso Ad Hoc Committee

Date June 28, 1979

Date July 25, 1979 9:15 a.m.

Approved as to Form on behalf of
the Owens Valley Paiute-Shoshone
Band of Indians

Arthur J. Maitte
CALIFORNIA INDIAN LEGAL SERVICES

Date June 25, 1979

**APPENDIX Q:
BURIAL TREATMENT PLAN FOR FORT KAMEHAMEHA WASTEWATER
TREATMENT PLANT**



PHASE I BURIAL TREATMENT PLAN
FOR ARCHAEOLOGICAL SUBSURFACE TESTING AND DATA RECOVERY
AT FORT KAMEHAMEHA WASTEWATER TREATMENT PLANT
PEARL HARBOR, OAHU, HAWAII

20 July 1992

W. Bruce Masse, Ph.D.
PACNAVFACENGCOM Code 234

I. INTRODUCTION

a. On 1 November 1991 and 5 November 1991, two sets of archaeological human remains of probable Native Hawaiian origin, along with presumably associated cultural deposits, were discovered during archaeological monitoring by the U.S. Navy of construction excavations at the Fort Kamehameha Wastewater (=Sewage) Treatment Plant (FKSTP), located at the mouth of Pearl Harbor, Oahu Island, Hawaii. These construction excavations are part of a major proposed expansion of FKSTP being designed and constructed by the U.S. Navy. The presence of the Native Hawaiian remains and archaeological deposits has resulted in the stoppage of construction until the area could be satisfactorily evaluated in compliance with the National Historic Preservation Act of 1966 (NHPA) and with the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

b. In order to properly evaluate the nature of the archaeological resources in the FKSTP expansion project, including the potential for additional Native Hawaiian remains, a two-phase program of archaeological testing and data recovery was designed. Phase I included the detailed subsurface testing of the entire proposed FKSTP expansion area, along with the data recovery of the heavily disturbed final settling tank #4 location. The data recovery included the identification and removal of Native Hawaiian human remains in the immediate vicinity of final settling tank #4.

c. The present Phase II data recovery program has been designed based on the results of Phase I study, and in response to consultations in compliance with NHPA and NAGPRA. The Phase II Data Recovery scope of work and this Phase II Burial Treatment Plan is being implemented by a Memorandum of Agreement between the Navy, the State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (Council), with the Office of Hawaiian Affairs (OHA) and Hui Malama I Na Kupuna O Hawaii Nei (Hui Malama) being consulting parties. The Phase II procedures are similar to, but supersede the Phase I procedures.

d. The background of the construction project and the historical and archaeological background of the FKSTP project area, has been previously provided in the Scope of Work for Phase I Archaeological Subsurface Testing and Data Recovery, as was discussion of initial consultations conducted in compliance with NAGPRA. The accompanying Phase II scope of work briefly summarizes the results of the Phase II testing and data recovery program.

e. This Phase II Burial Treatment Plan recommends a set of procedures to be used in conjunction with Native Hawaiian human remains previously found during the Phase I subsurface testing and data recovery program, and those which may be found during Phase II data recovery.



Fort Kamehameha Phase II Burial Treatment Plan

occurred by use of other burial detection methods, such as the use of backhoe trenches. The front-end loader technique more rapidly and effectively moves soil (in this case, beach sand) than can be done solely by hand, and is of critical value both to the study of the cultural deposits themselves and to the efficient location and identification of human remains.

5. The search for and recovery of sets of human remains will be conducted as a two-step process. The first step will be to search for burial pits and to test for the presence of sets of human remains. There will be no actual recovery of human remains during this first step. Instead, as remains and possible burial pits are found, they will be preliminarily investigated, stabilized, and marked for later removal or in-place protection. Associated grave materials may be recorded, appropriately numbered, and collected if the Contractor feels that this will help protect these grave materials from possible damage or theft, or will help in determining possible dating and ethnicity of the associated set of remains.

6. Once all available FKSTP expansion areas have been searched, there will be a brief consultation period (a maximum of one week) in which the Navy will consult with the Office of Hawaiian Affairs, Hui Malama I Na Kupuna O Hawaii Nei, the SHPO, representatives of the Navy Public Works Center, and the U.S. Air Force. The object of this consultation is to help facilitate the Navy's determination as to which, if any, of the discovered sets of human remains should be preserved in place, rather than being recovered and removed from the FKSTP expansion area. This step will be especially critical in the unlikely event that large numbers of human remains are encountered in a circumscribed area.

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8. Burial documentation will not include direct photography of individual burials themselves. In the event that significant features, stratigraphic sequences or other aspects important for understanding the overall nature of the FKSTP area archaeological deposits are found to be in direct association with a set of human remains, photographs may be taken at the discretion of the Navy Contractor.

9. The Navy Contractor will store all recovered human remains in clean, labeled cardboard boxes in a manner consistent with the State Historic Preservation Office. Long flower boxes 28 1/4" in length, 8 5/8" deep, and 10 1/8" wide are satisfactory for the curation of complete sets of human remains.



Fort Kamehameha Phase II Burial Treatment Plan

10. The temporary curation facility shall be clean and secure, and shall have been approved by OHA, Hui Malama, and the SHPO.

11. Based on the results of consultations with Hui Malama and the Oahu Burial Council, there will be no laboratory analysis of sets of remains recovered during Phase II which are clearly of Native Hawaiian origin based on context or on the nature of funerary artifacts. A qualified human osteologist may assist in field recovery operations, but there will be no detailed metrical analyses performed.

12. In the unlikely event that a set of presumed Native Hawaiian human remains is deemed extraordinary (either by character or context) and deserving of more detailed study, such study will only be performed through prior consultation with OHA, Hui Malama, and the SHPO. Likewise, laboratory analysis to determine ethnicity will be performed only on those sets of recovered remains associated with non-Native Hawaiian funerary objects, or lacking such historic objects, those remains which are situated in archaeological contexts which the Navy contractor has reasonable evidence to suggest that they may date to the historic time period.

13. Based on the Phase I findings, there are two sets of remains (Burial 2; Burial 9/Feat. 15) which because of archaeological context and associated radiocarbon dates, are of unquestionable pre-European contact Native Hawaiian ethnicity, and will not be subjected to osteological analysis to determine ethnicity. However, the other ten excavated sets of remains will require osteological analysis to determine ethnicity, due to the presence of associated historic period materials, fragmentary condition and lack of associated contextual information, and the presence of at least one trait that is previously unknown for Native Hawaiian populations (i.e., filed teeth). These sets of remains include Burial 1; Burial 3 (an isolated long bone fragment); Burial 4 (Feat. 3); Burial 5 (Feat. 7); Burial 6 (Feat. 7); Burial 7 (Feat. 8); an isolated vertebrae found adjacent to Burial 7; Burial 8 (Feature 13); Burial 10 (Feat. 19); and Burial 11 (Feat. 21). The burial under House 2 and the recently located burial next to the sheet metal retaining wall of Final Settling Tank #4 cannot be assessed until they and any grave associations have been recovered.

14. Three sets of the post-European contact remains have been determined unusual because of pathology (two cases of possible treponemal disease; Burials 4 & 5) or other characteristics (one case of filed teeth; Burial 11). Because of their potential value to the understanding of early historic period Hawaiian health (treponemal disease) and cultural practices (tooth filing), these traits will be documented to the degree possible as part of the determination of ethnicity, including photographs, if warranted. However, there will be no analysis which requires cutting or otherwise damaging the bone. These photographs, if taken, will not be published in the project report, but will made available for use by individuals who have a legitimate claim for their study. In the event that direct lineal descendants are identified, these individuals must be asked for permission to use the photographs.



Fort Kamehameha Phase II Burial Treatment Plan

15. Procedures to be used during actual repatriation and reburial will be determined by the Navy during Phase II fieldwork, in compliance with the Native American Graves Protection and Repatriation Act and in full consultation with OHA, Hui Malama, and the SHPO. These procedures will be determined, to the extent possible, during the course of Phase II fieldwork and no later than the first few months of laboratory analysis of archaeological materials immediately following fieldwork. Despite the fact that no set procedures have yet been established for this specific repatriation and reburial process, the Navy recognizes that there are diverse views within the Native Hawaiian community regarding religious beliefs and the treatment of the dead. It is the intention of the Navy to the fullest extent possible to allow for a full range of expression of religious beliefs and practices.

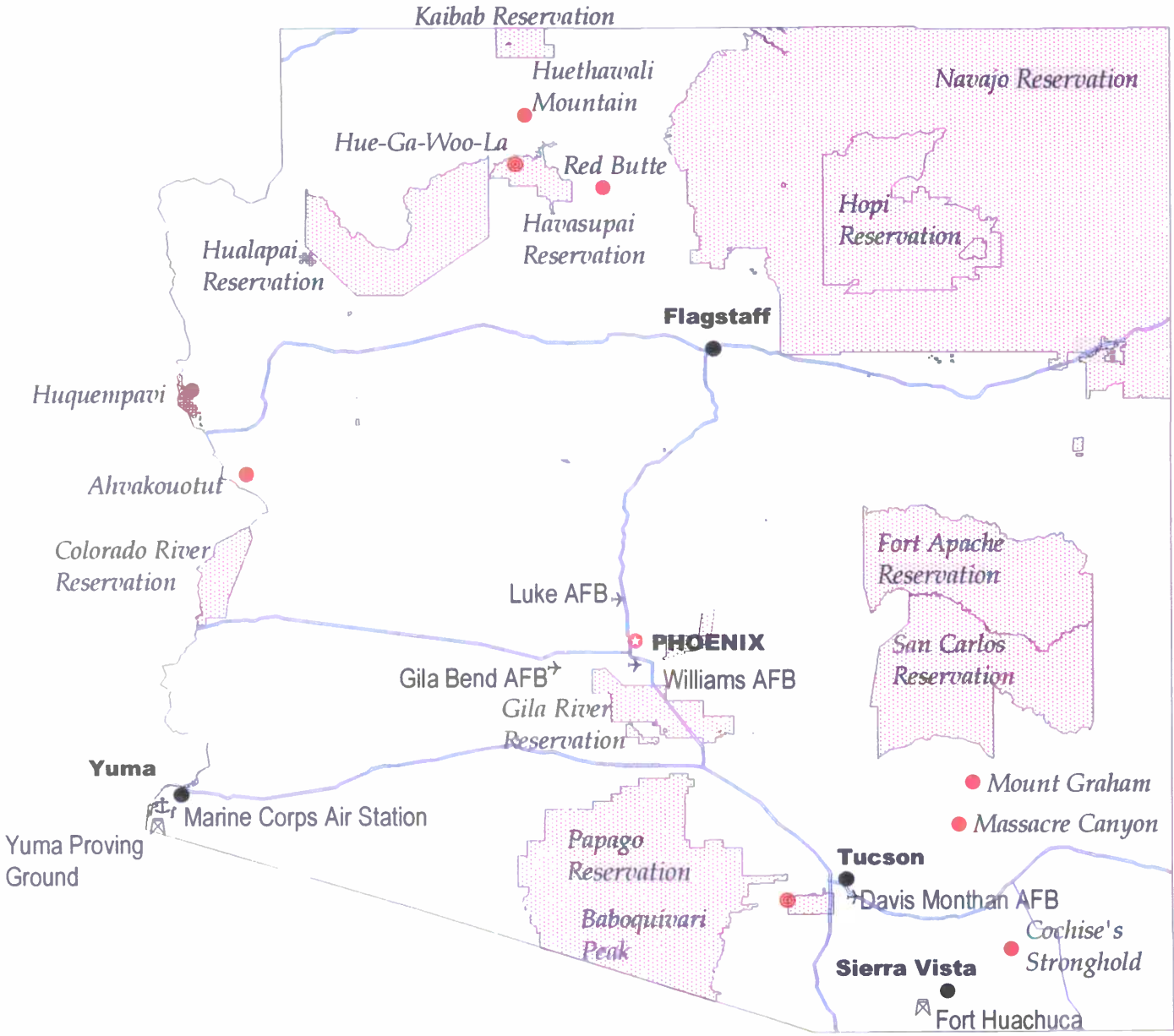
16. During the Phase II testing and data recovery program, the Navy will search for a permanent repository for reburial of the Native Hawaiian remains recovered from both Phase I and Phase II fieldwork, as well as the reburial of remains recovered from past projects at Fort Kamehameha and Hickam Air Force Base. This will be accomplished in consultation with the Air Force, OHA, Hui Malama, and the SHPO. Potential reburial locations that have been noted during the consultation process include an area on the housing side (southeast) of the proposed new access road adjacent the FKSTP expansion area, and a presently undefined area adjacent the historic chapel in the center of the housing complex.

17. The selection of a reburial location and the repatriation and reburial of Native Hawaiian sets of remains will be done as expeditiously as possible, especially once the fieldwork for Phase II is complete. The Navy will keep OHA, Hui Malama, and the SHPO fully informed of all actions regarding repatriation and reburial.

**APPENDIX R:
NATIVE AMERICAN SACRED SITE MAPS BY STATE**

Figure 4.1

Arizona



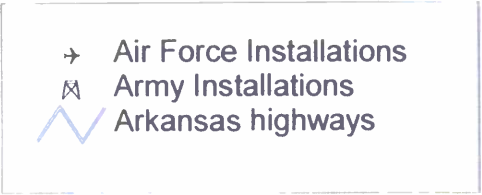
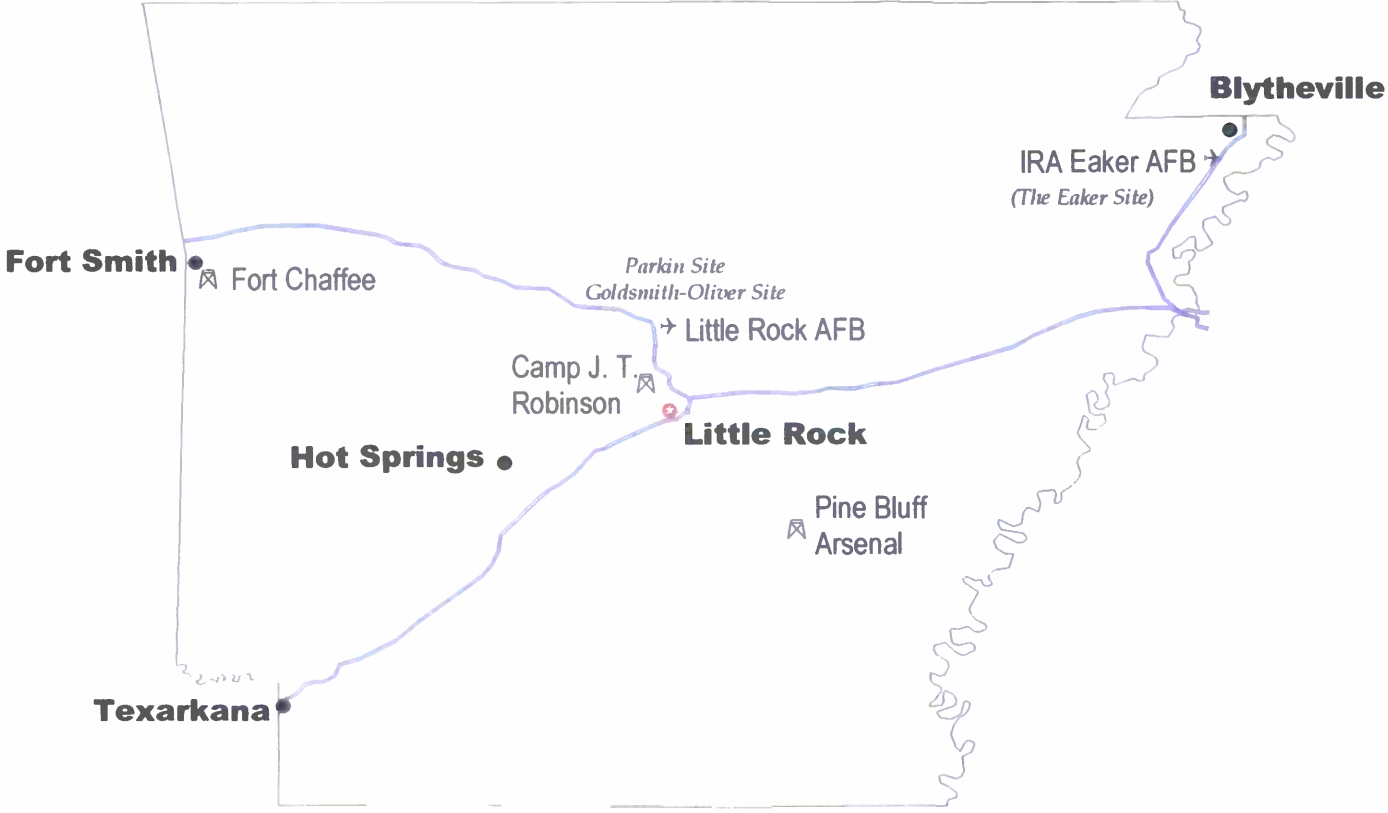
100 0 100 200 Miles

- ⊕ Navy Installation
- ⚓ Army Installations
- Air Force Installations
- Cultural Sites
- Arizona highways
 - Multi-Lane Divided
 - Paved Undivided
- Native American Reservations



Figure 4.2

Arkansas



California

Figure 4.3

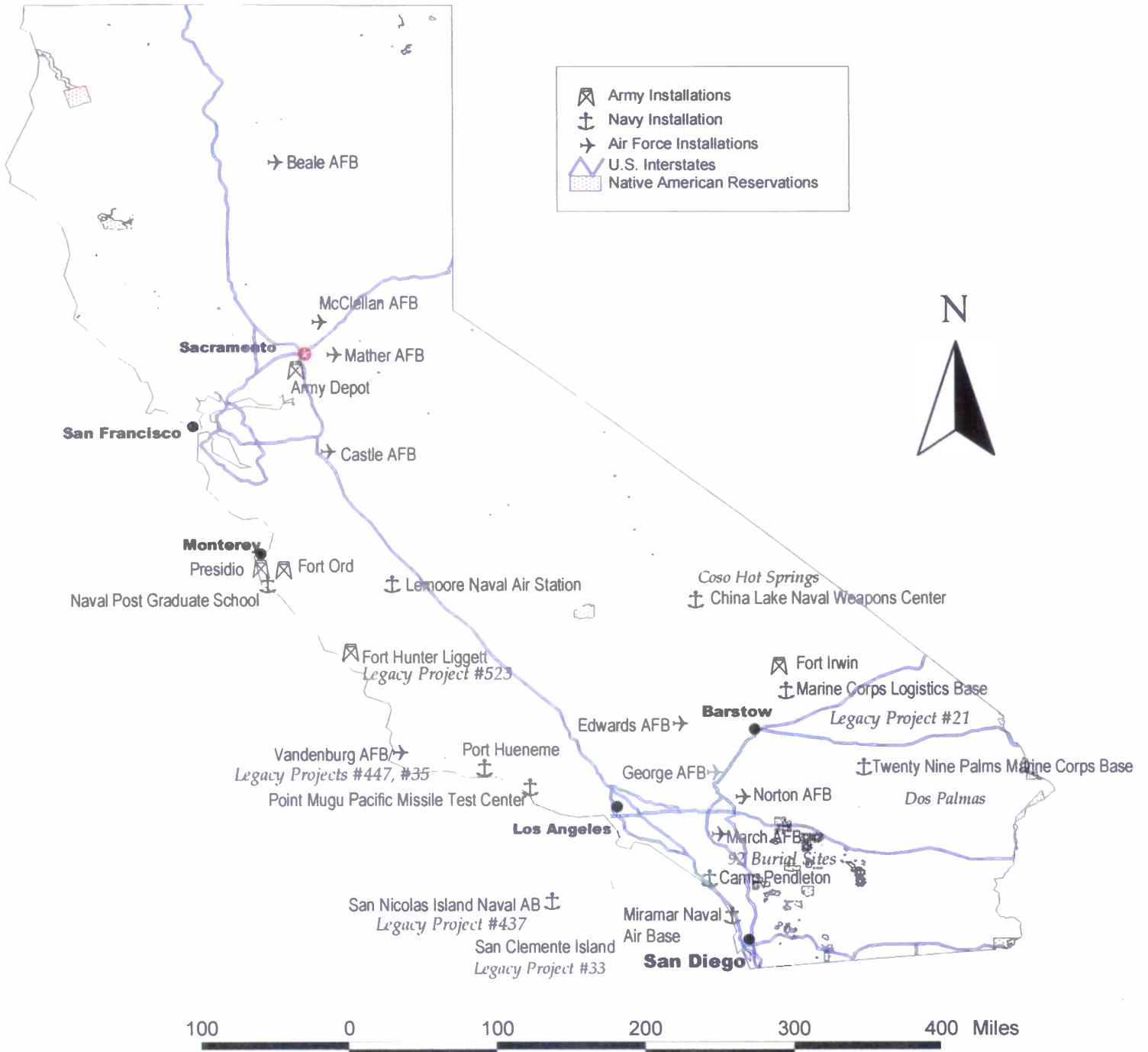


Figure 4.4

Colorado

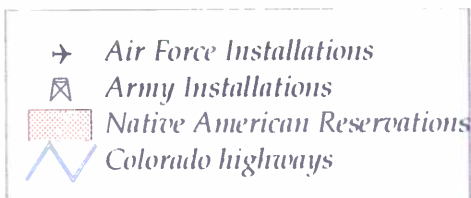


Figure 4.5

Hawaii

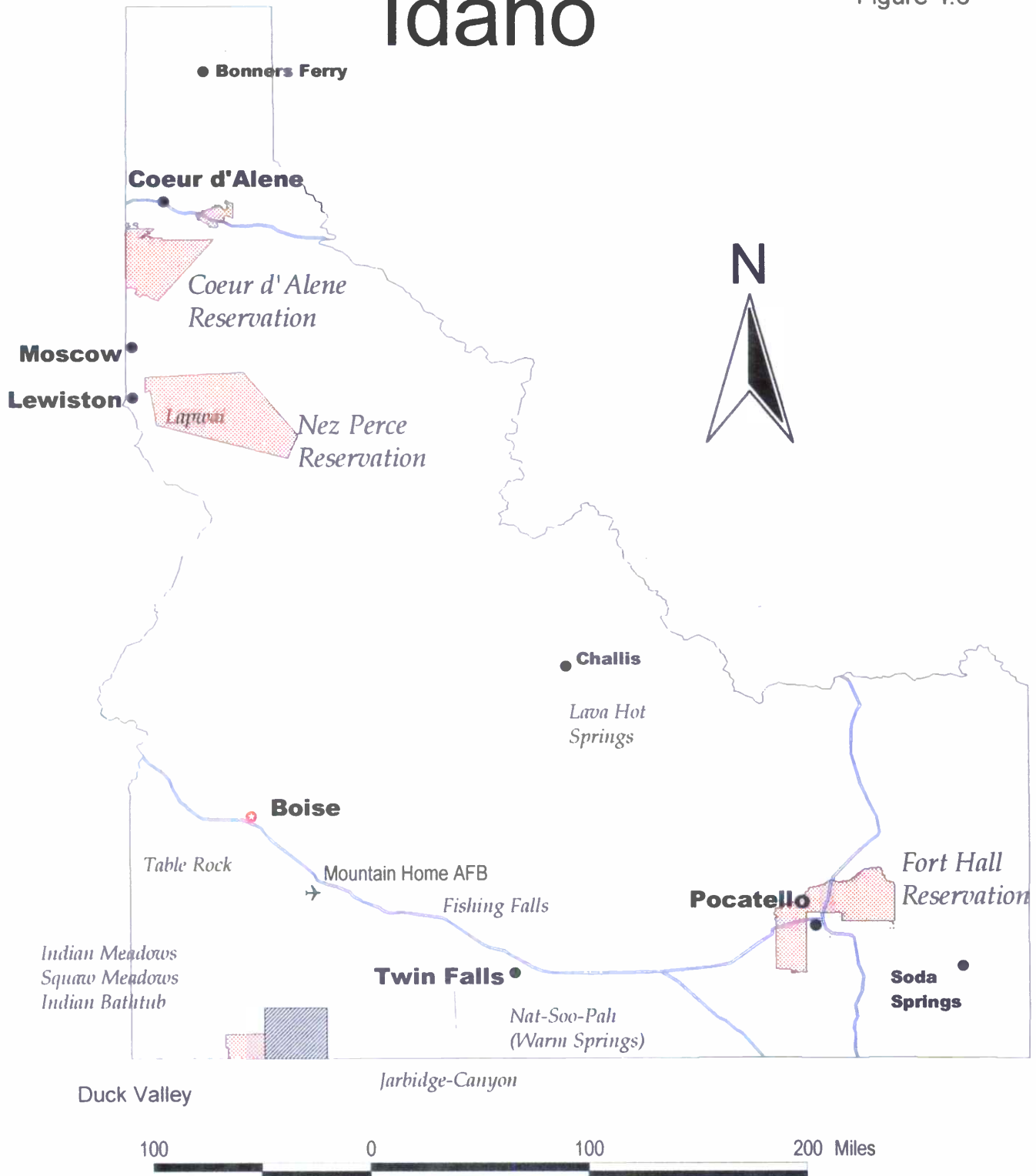


- Air Force Installations
- ⚓ Navy Installations
- ⛴ Army Installations
- Hawaii highways
 - Multi-Lane Divided
 - Paved Divided
 - Paved Undivided



Idaho

Figure 4.6



→ Air Force Installations
Idaho highways
Native American Reservations

Figure 4.7

Iowa

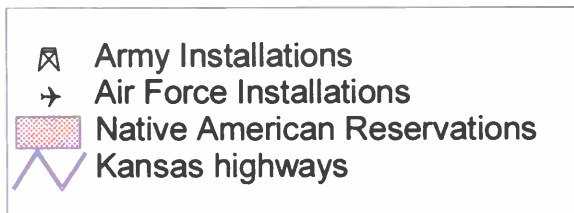
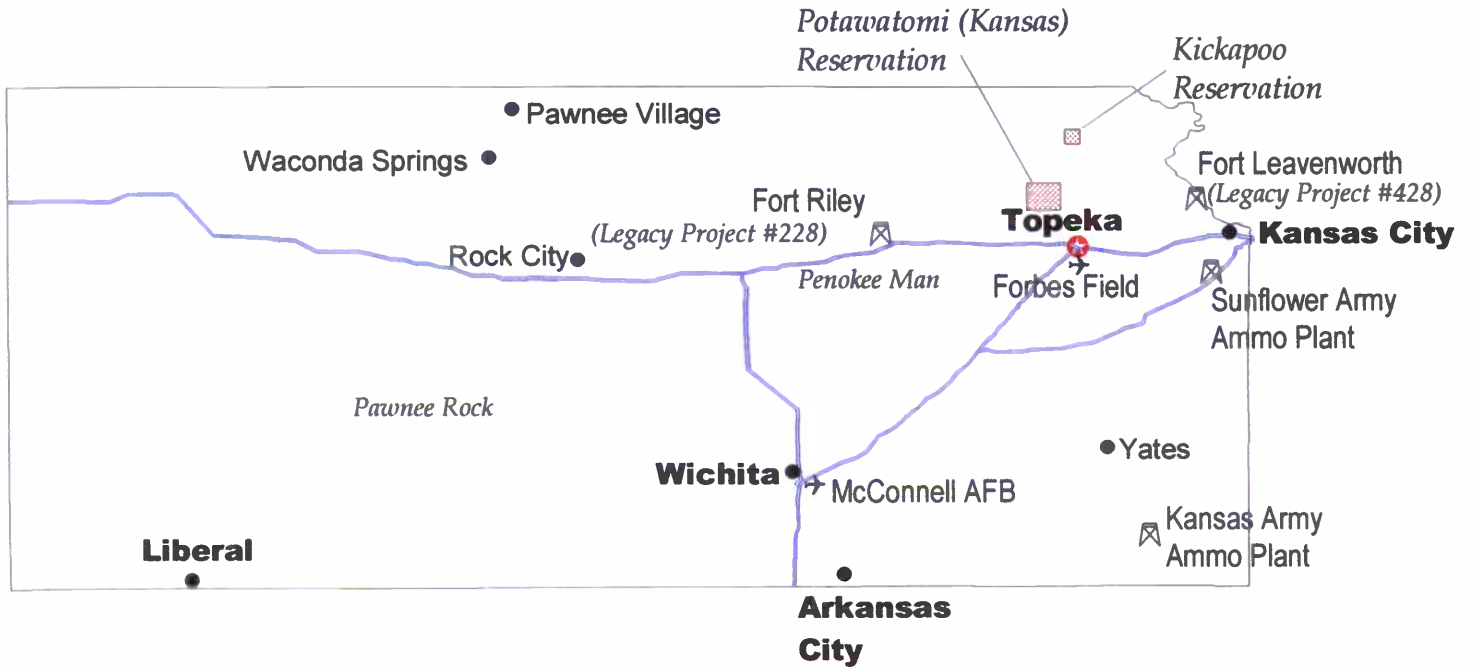


- Cultural Sites
- ✈ Air Force Installations
- Iowa Highways
- Native American Reservations



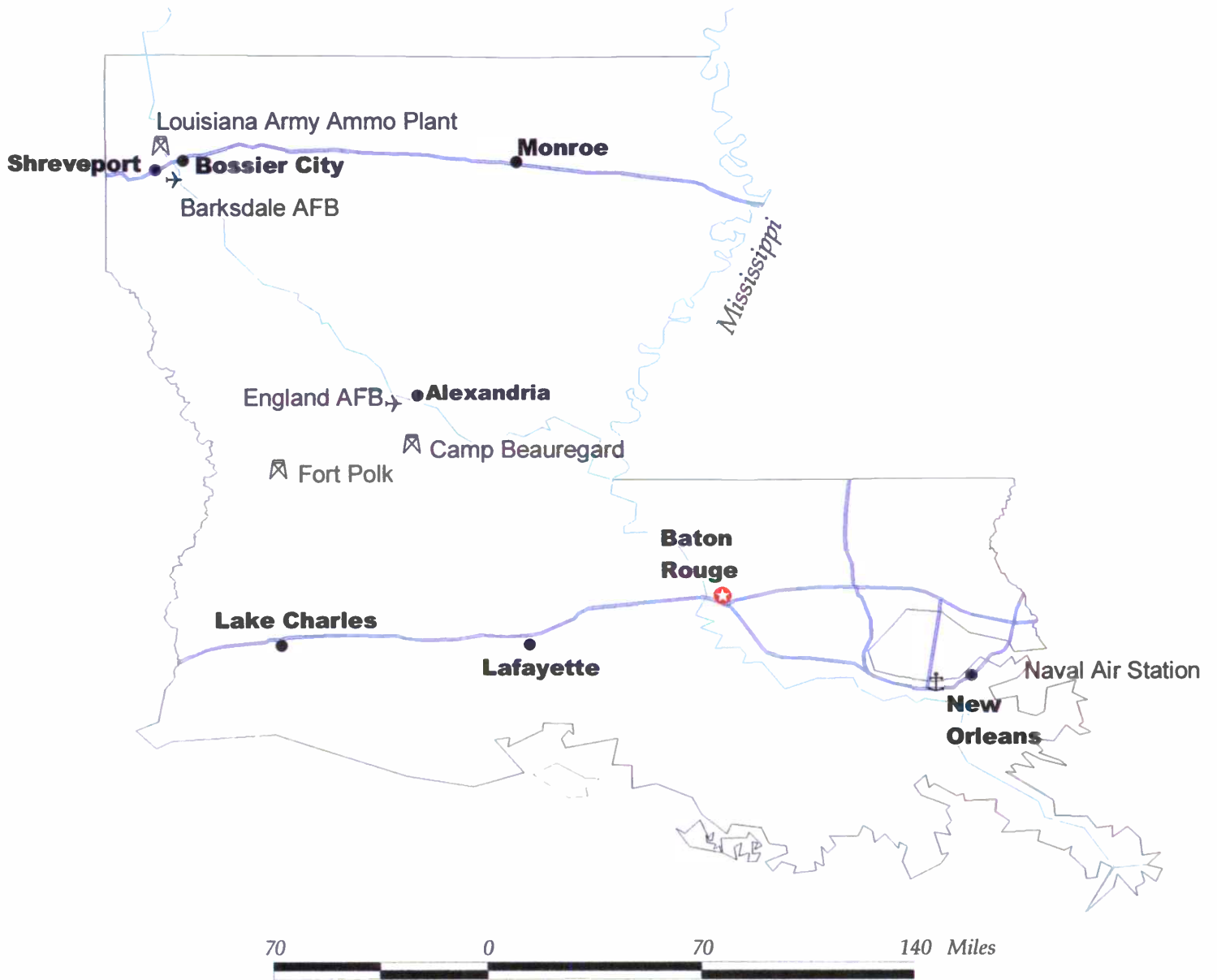
Figure 4.8

Kansas



Louisiana

Figure 4.9

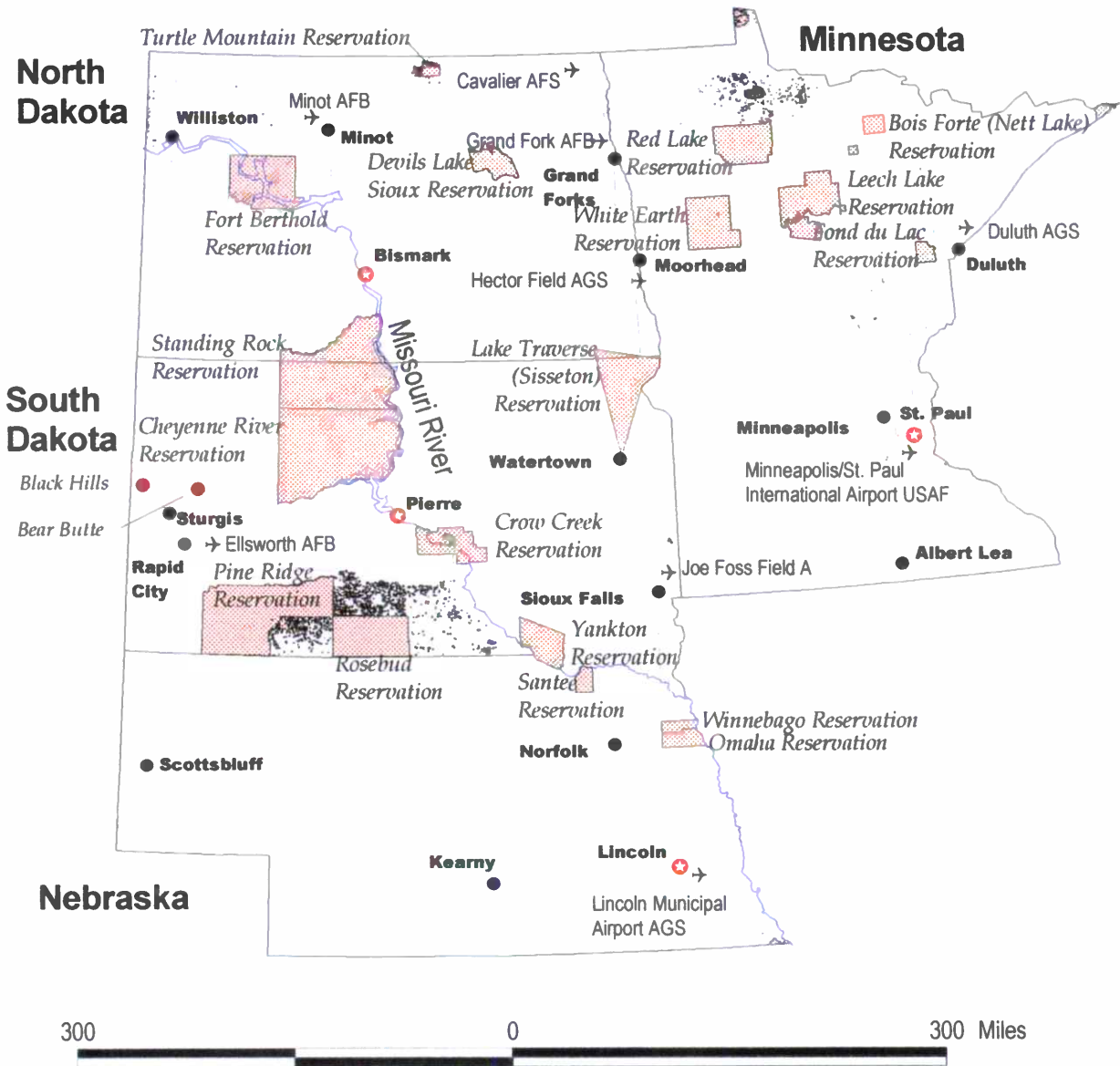


⚓	Navy Installations
⚡	Army Installations
➔	Air Force Installations
~	Rivers
—	Louisiana highways



Figure 4.10

Northern Great Plains



→	Air Force Installations
—	Rivers
—	Highways
■	Native American Reservations



Figure 4.11

Missouri



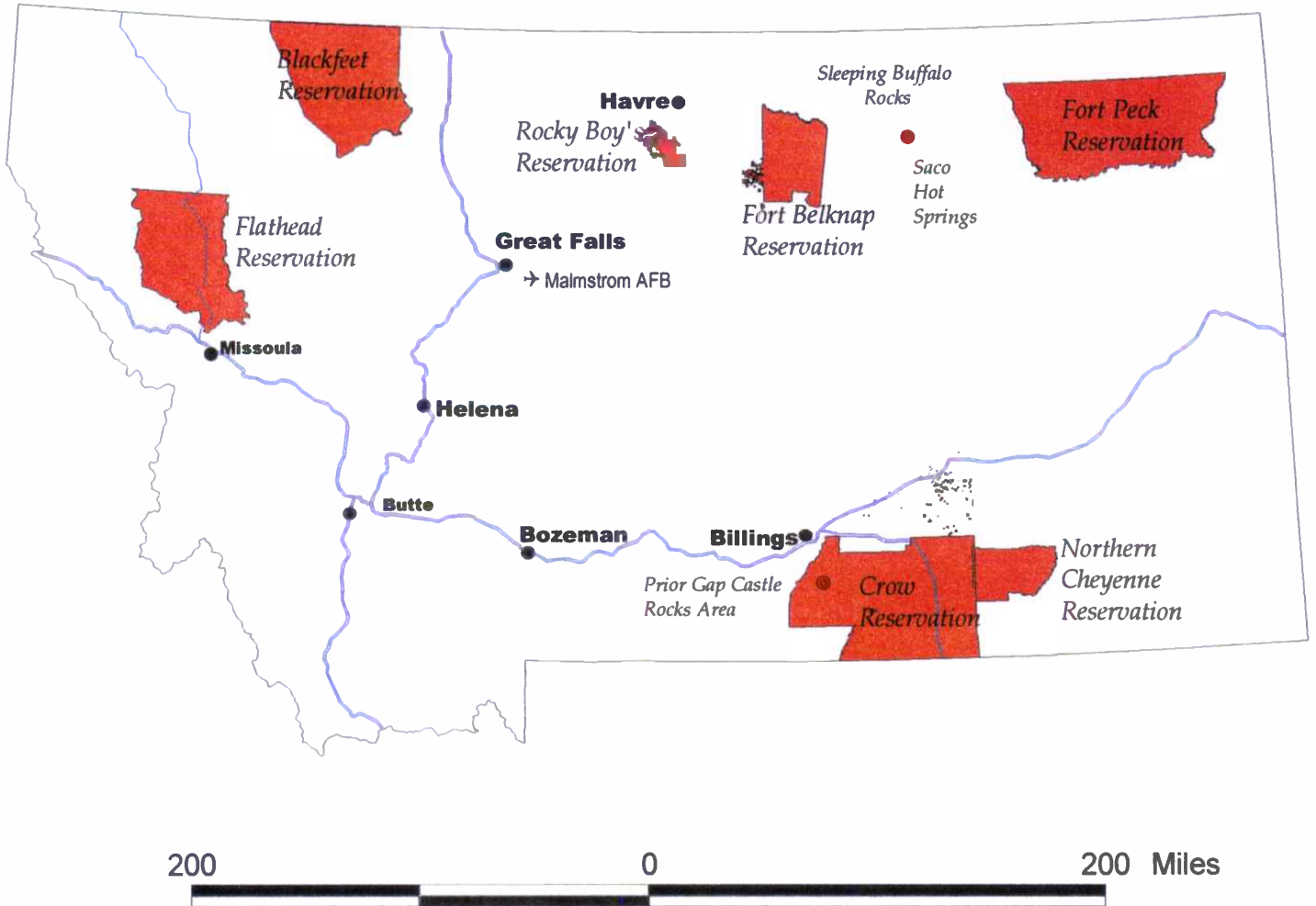
90 0 90 180 Miles

- Cultural Sites
- Air Force Installations
- ↗ Army Installations
- Missouri Highways



Figure 4.12

Montana

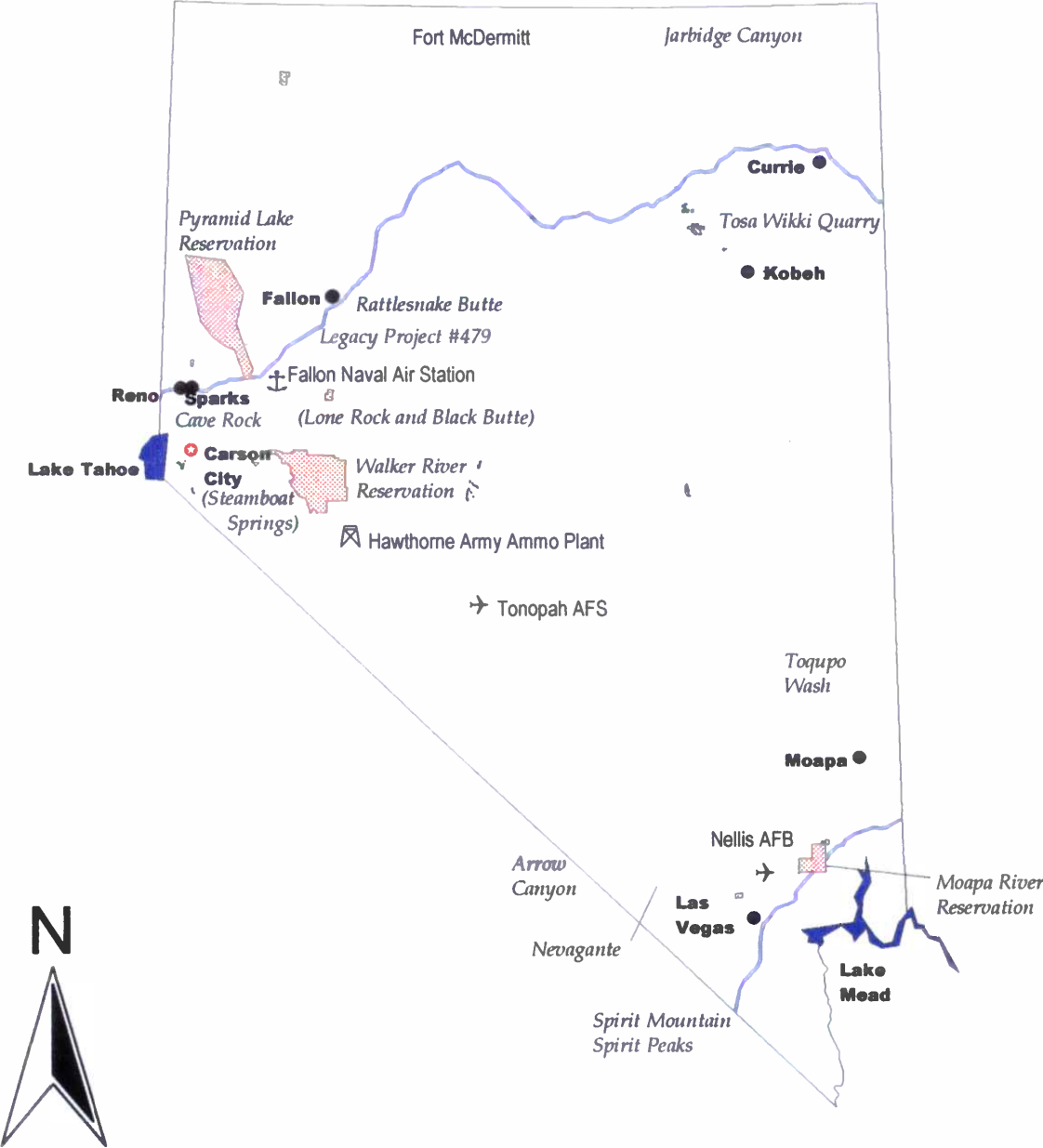







- Air Force Installations
- Cultural Sites
- Montana Highways
 - Multi-Lane Divided
 - Paved Undivided
- Native American Reservations



Nevada

Figure 4.13

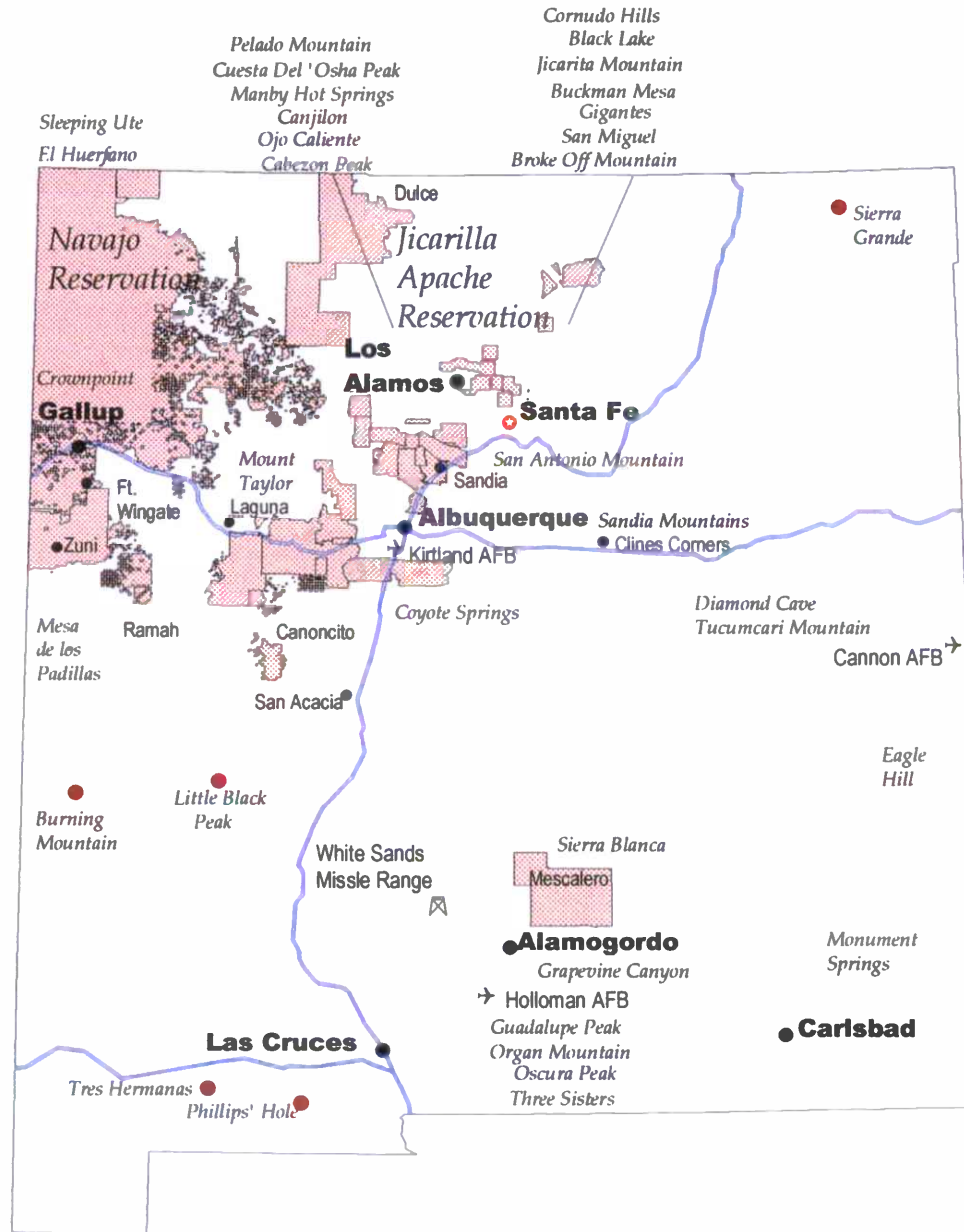


-  Army Installations
-  Navy Installations
-  Air Force Installations
-  Native American Reservations
-  Nevada highways

70 0 70 140 Miles

New Mexico

Figure 4.14








-  Army Installations
-  Air Force Installations
-  Cultural Sites
-  New Mexico Highways
-  Native American Reservations



Figure 4.15

Oklahoma

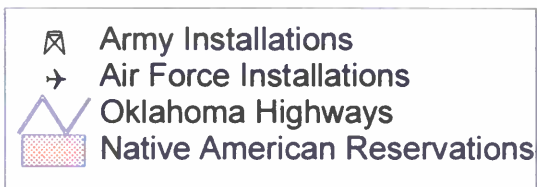
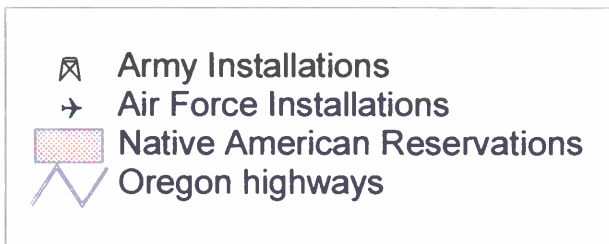
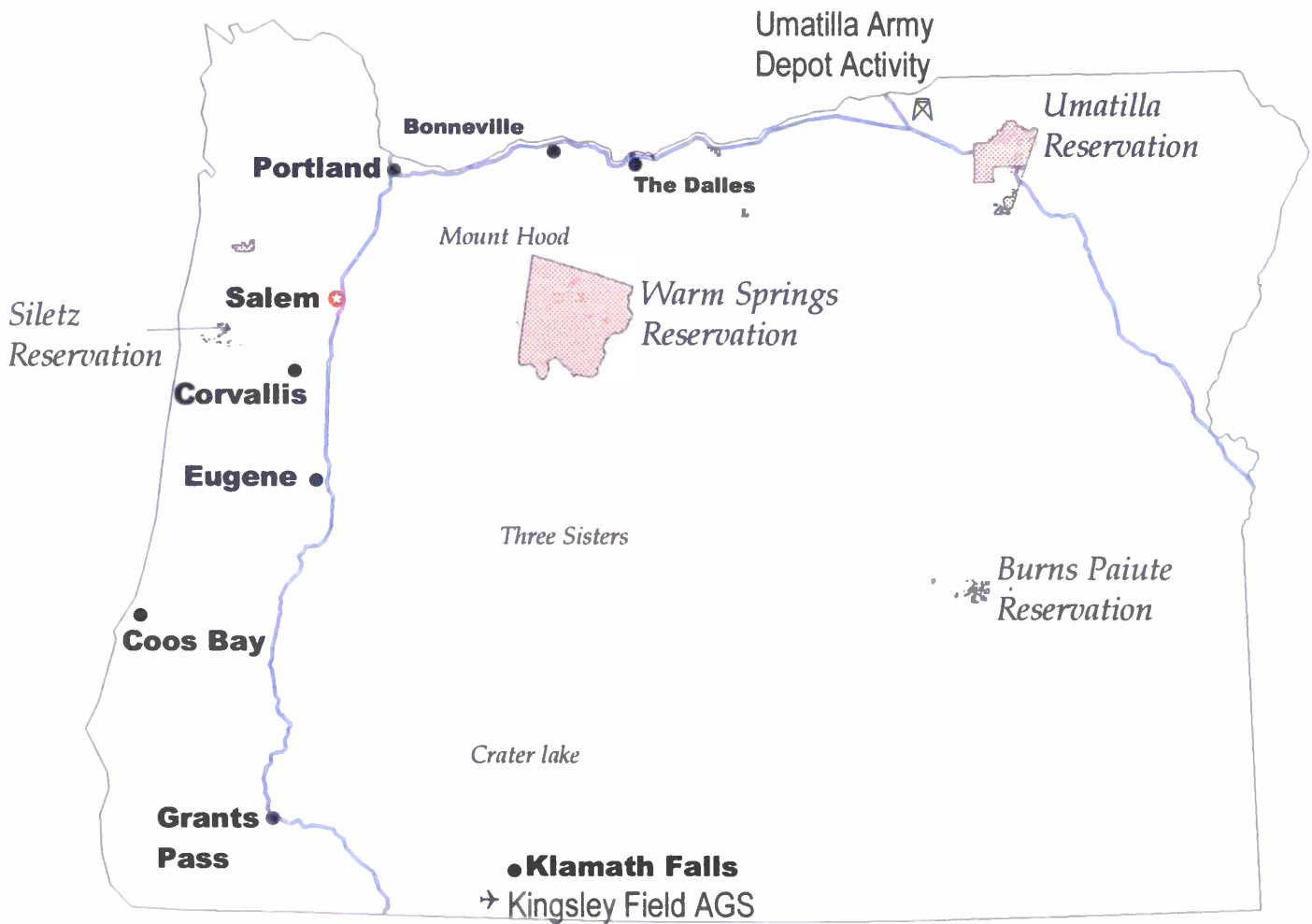


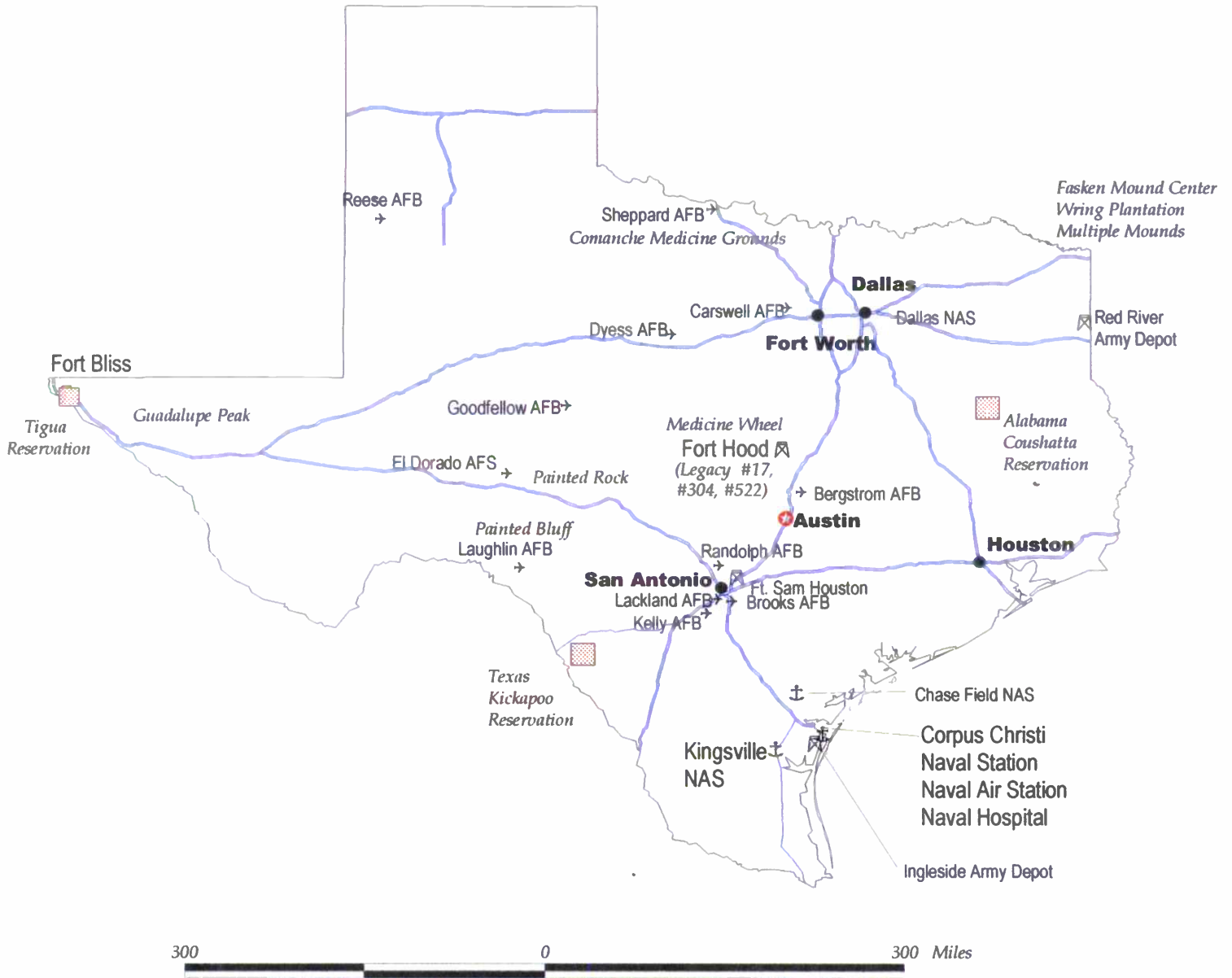
Figure 4.16

Oregon



Texas

Figure 4.17



- ⚓ Navy Installations
- ⊠ Army Installations
- Air Force Installations
- ▨ Native American Reservations
- Texas Highways
 - ▬ Multi-Lane Divided
 - ▬ Paved Divided
 - ▬ Paved Undivided



Figure 4.18

Utah

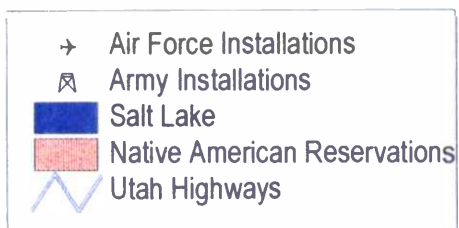
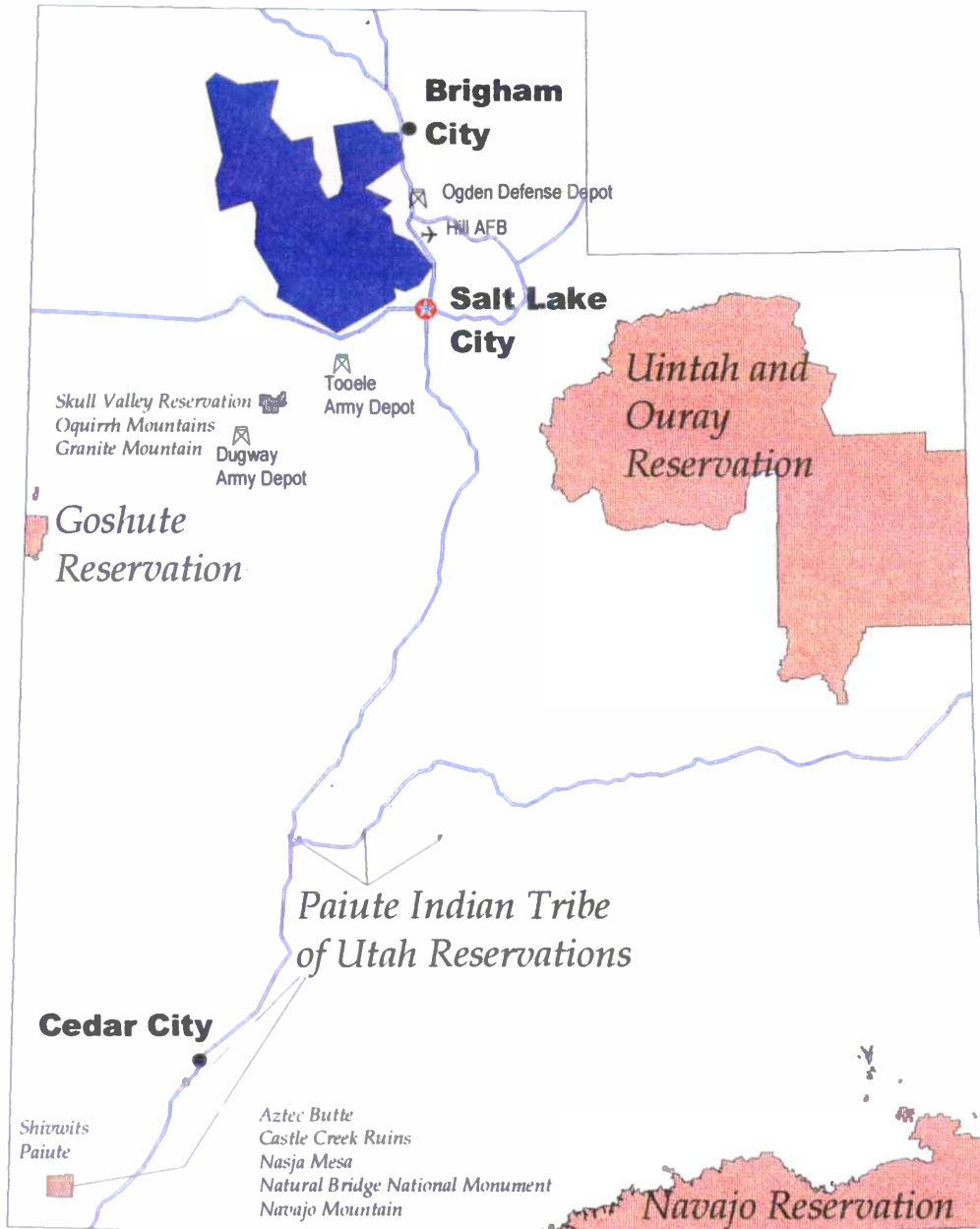
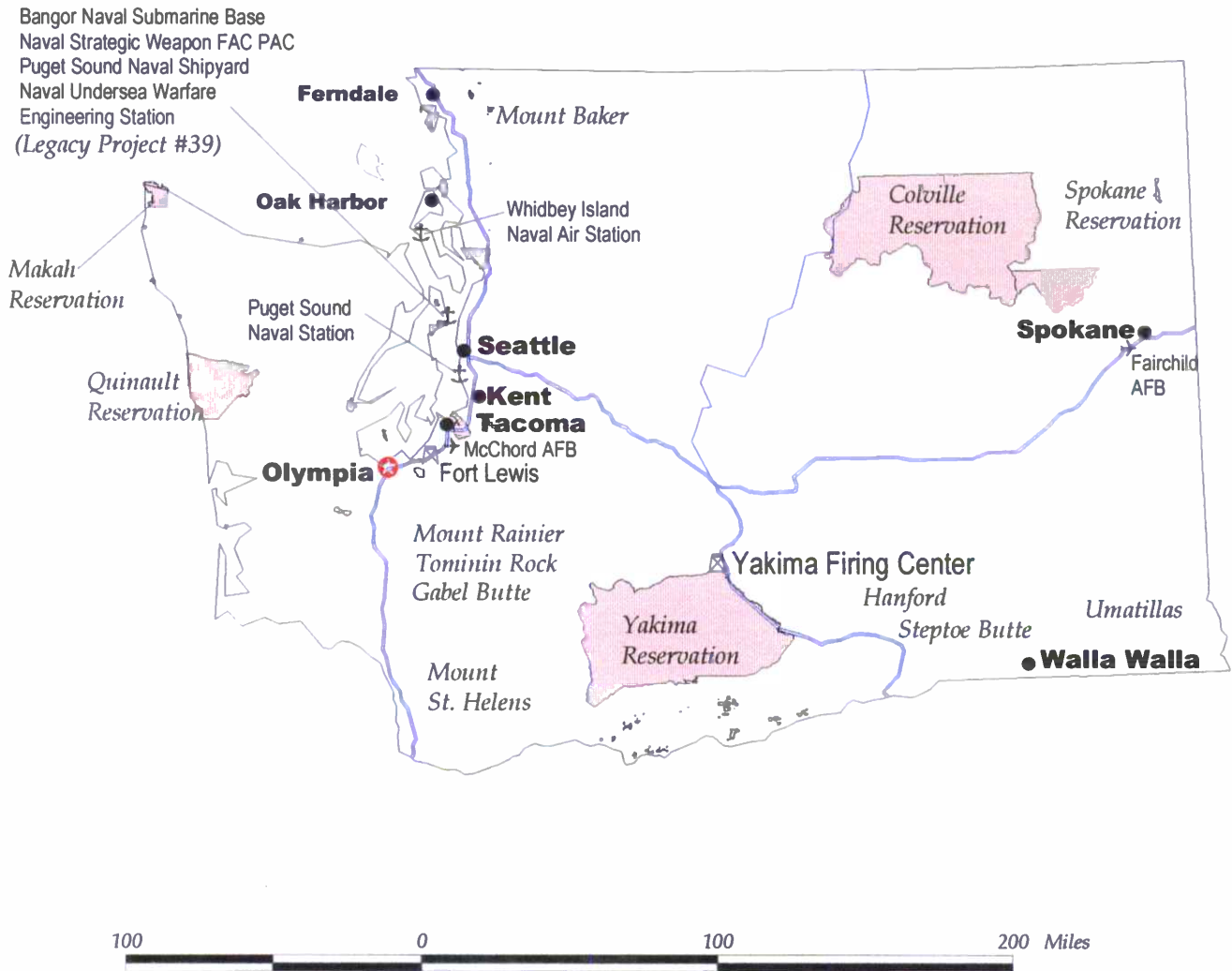


Figure 4.19

Washington



- ⚓ Navy Installations
- ⚔ Army Installations
- ➔ Air Force Installations
- Washington Highways
 - ▬ Multi-Lane Divided
 - ▬ Paved Undivided
 - ▭ Reservations



Figure 4.20

Wyoming

