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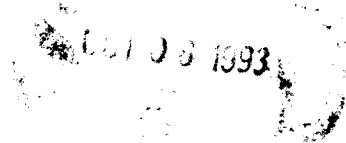
Legacy Resource Management Program

Native American Access to Religious and Sacred Sites on Department of Defense Installations

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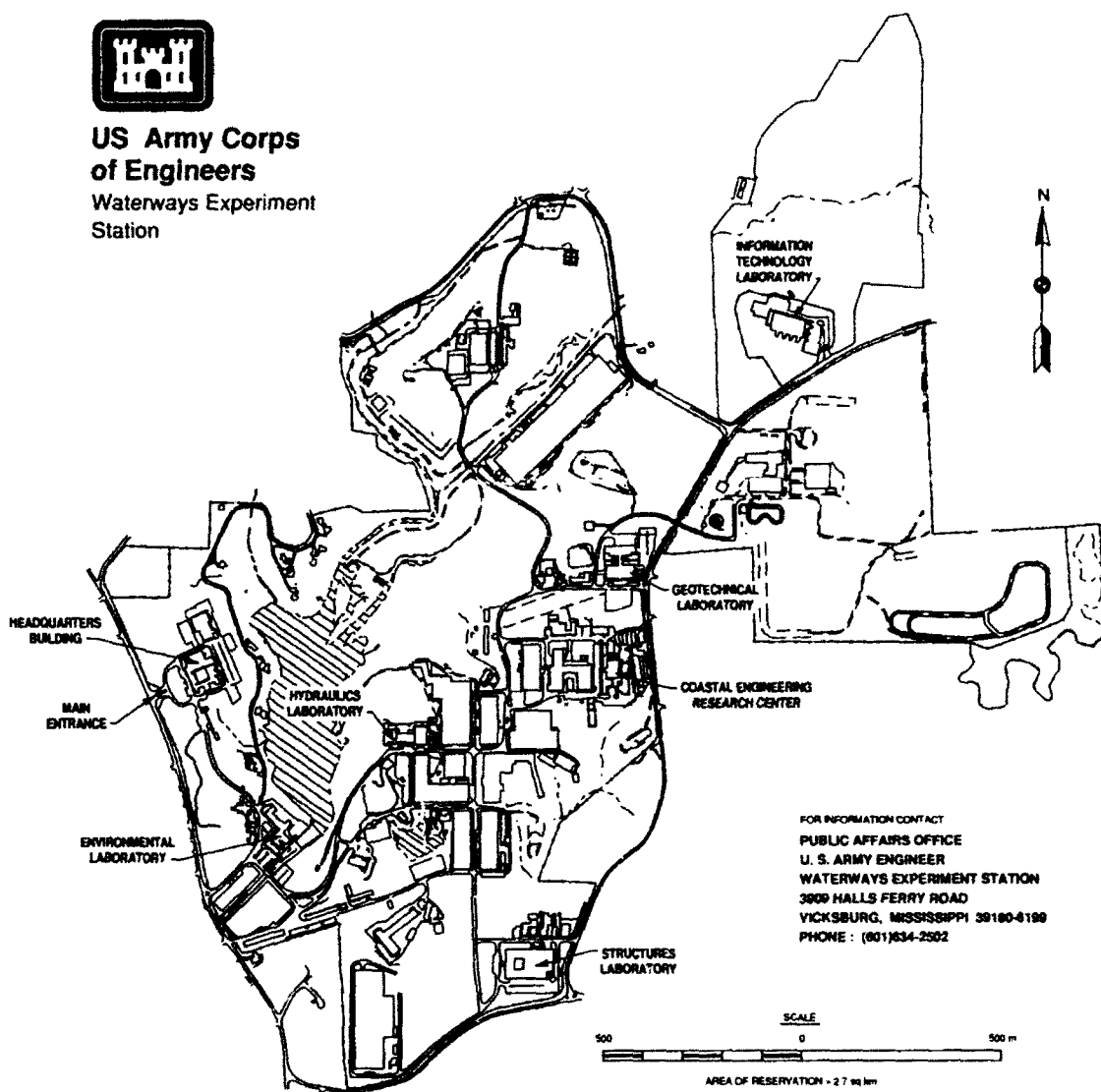
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**Prepared for U.S. Department of Defense
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of Engineers**
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Preface

The report herein was prepared as part of the Education, Public Awareness, and Outdoor Recreation Task Area of the Department of Defense Legacy Resource Management Program. The overall program is managed by the Office of the Deputy Assistant Secretary of Defense for the Environment. The Education, Public Awareness, and Outdoor Recreation Task Area is managed at the U.S. Army Engineer Waterways Experiment Station (WES). Mr. Michael R. Waring, Stewardship Branch, Natural Resources Division (NRD), Environmental Laboratory (EL), WES, is the Task Area Manager.

Dr. Paul R. Nickens, Resource Analysis Branch (RAB), NRD, EL, WES, and Dr. Richard W. Stoffle, Ms. Diane Austin, and Mr. Brian Fulfrost, Bureau of Applied Research in Anthropology, University of Arizona, coauthored the report. The work was completed under the general supervision of Mr. Roger Hamilton, Chief, RAB; Mr. J. L. Decell, Acting Chief, NRD; and Dr. John Harrison, Director, EL.

At the time of publication of this report, Director of WES was Dr. Robert W. Whalin. Commander was COL Bruce K. Howard, EN.

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1 Introduction

Background

In 1990, the Congress of the United States passed legislation establishing a "Legacy Resource Management Program" (LRMP) within the U.S. Department of Defense (DoD), Office of the Deputy Assistant Secretary of Defense for the Environment. Subsequent funding of the program by Congress in 1991 initiated a broad spectrum of activities designed to support and enhance DoD stewardship of significant and often irreplaceable natural and cultural resources found on some 25 million acres¹ managed by DoD in the United States.

The LRMP was given nine legislative purposes designed to create better integration of resource conservation with the dynamic requirements of military missions (U.S. Department of Defense 1991). Among these, legislative purpose number eight calls for the LRMP to establish educational, public access, and recreational programs designed to increase public appreciation, awareness, and support for national environmental initiatives resulting from the overall program. To fulfill the mandate of this particular purpose, a task area entitled "Education, Public Awareness, and Recreation" was established and assigned to the U.S. Army Engineer Waterways Experiment Station (WES).

The goal of this task area is to achieve compliance with the specified LRMP legislative purpose by addressing the following objectives (U.S. Department of Defense 1991):

- a. Determine resources and activities requiring public access.
- b. Identify legal liabilities associated with providing access to such resources.
- c. Determine potential methods to minimize potential liability.
- d. Analyze effectiveness of current DoD public relations, education, and access programs.

¹ To convert acres to square meters, multiply by 4,046.873.

- e. Develop a conceptual framework for enhancing understanding and appreciation of natural and cultural resources within DoD and by the general public.

Purpose and Objectives

Within the task area, resources or activities requiring public access are divided into three broad categories:

- a. Cultural resources (e.g., spiritual sites or burial grounds).
- b. Fish and wildlife (e.g., hunting, fishing, and management activities).
- c. Miscellaneous activities (e.g., grazing leases, timber activities, scientific study access, and recreational pursuits). Issues associated with most of these resources/activities, including Native American access to natural resources, are discussed in a report by Bumgardner (1992). For the purposes of this report, Native Americans include American Indians, Native Alaskans, and Native Hawaiians.

This document focuses on access issues related to some particular cultural resources, specifically those that are herein designated as "sacred sites" for present-day Native American groups. Other terms have been variously used to define these sites; e.g., "sites of cultural significance," "traditional cultural properties," and "sacred geography." Usually, these places involve either practice of Native American religion, taking of natural resources, or traditional sacred resources. More often than not, all of these characteristics may apply to a particular resource or locality since Native American cultural practices are so interrelated that religious activities cannot easily be separated from subsistence, family life, or other individual or group behaviors. For the purposes of this report, Native Americans include American Indians, Native Alaskans, and Native Hawaiians.

Concerns with the impacts of military activities on Native American sacred sites that may be located on DoD installations cannot be fully delineated at this time since none of the services has systematically identified and included such places in their cultural resources inventories. Many DoD military and administrative activities have the potential for creating impacts of one type or another upon sacred sites, including ground and aviation training, base/facility expansion, realignment or closure, and management practices of military lands. The issues related to access are reviewed in this report.

The specific objectives guiding preparation of this report are as follows:

- a. Provide a definition of the types of sacred sites that are known to or may occur on DoD installations in the United States.

- b. Identify legal and other kinds of issues associated with Native American access to these sites.
- c. Evaluate the status of current policies and procedures concerning Native American access to DoD installations, especially as they relate to sacred sites.
- d. Provide recommendations for increasing DoD awareness of the relevant issues in this area and for achieving more knowledgeable management and protection of such resources.

Organization of the Report

The body of the report is subdivided into three parts. Following the introduction, Chapter 2 examines the nature of Native American sacred sites and their place within the management of cultural resources on military lands. Issues related to access to these places are also examined, including the legal basis for allowing access. In addition, access to archaeological or certain cultural materials, to information regarding these materials, and to the consultation process governing the treatment of these materials is discussed. Chapter 3 covers the results of a bibliographic search and telephone survey that was conducted to systematically assess current policies concerning Native American access to and consultation with DoD installations, with the focus being on access to sacred sites. Included in this discussion are some examples of formalized agreements with native groups concerning access and consultation. The final section of the report offers recommendations, based on the findings, for increasing the level of awareness regarding these resources and for creating better management practices.

2 Sacred Sites and Related Access Issues

This chapter seeks to accomplish two results. The first is to review working definitions of various terms having to do with those resources designated as "cultural," working downward from a comprehensive definition to a more specific one that outlines the kinds of sites under discussion in this report. The second subject covered below is a brief review of the relevant issues concerning access to the resources and consultation processes in question. The aim of this section is to develop a context for managers to better understand the conceptual basis of sacred sites, especially from a Native American point of view, and to address the issues that managers will need to cope with in providing protection and preservation of such resources.

Definitions

The generic term "cultural resource" is used by different people in a variety of ways, depending on the professional interests of the user. For the purposes of this report, the definitions used by the Legacy Cultural Resources Task Area will be followed. These definitions, developed by the Department of the Army (DOA), are used for policy and compliance with the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), the Archaeological Resources Protection Act (ARPA), the American Indian Religious Freedom Act (AIRFA), the Native American Graves Protection and Repatriation Act (NAGPRA), and related public laws and Federal regulations. A complete review of the mandates of these acts and subsequent regulations, particularly as they pertain to agency consultation requirements with Native American Tribes, can be found in the Legacy report "Native American Consultation: A Review of Federal Agency Policies" (Briuer, Freezor-Stewart, and DesOrmeaux 1992).

The DOA definition of cultural resources includes any real or personal property, record, or lifeway that falls into one of the following categories: (a) historic or prehistoric real property; (b) historic records; (c) historic personal property; or (d) community resources and lifeways. It is the last category of cultural resources that is most critical for those resources

highlighted in this report. Community resources and lifeways are further defined as follows:

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 or personal property, such as natural landscapes and cemeteries, or have references to real property, such as vistas or viewsheds 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.

Resources that are culturally significant to Native American groups have been termed in various ways. With reference to the NHPA, the Advisory Council on Historic Preservation has broadened "historic properties" to include what they have termed "traditional cultural properties." These properties are eligible for inclusion in the National Register of Historic Places because of their association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community (Parker and King 1990). One example of a traditional cultural property is a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world. Since the cultural practices of Native American groups are often intertwined with religious practices, properties of religious importance are also included into this definition. Guidelines for evaluating and documenting traditional cultural properties are found in National Register Bulletin 38 (Parker and King 1990). Guidelines issued by the Advisory Council in 1985 define cultural values as "the contribution made by an historic property to an ongoing society or cultural system. ... (The guidelines focus) on those properties, normally though not necessarily non-architectural, whose primary value springs from the role they play in maintaining the cultural integrity of a particular social group, usually a relatively small segment of the total national society, usually though not necessarily localized, often though not necessarily of ethnic minority heritage" (Advisory Council for Historic Preservation (ACHP) 1985: 3).

NAGPRA deals with the ownership, protection, and repatriation of Native American "cultural items" that include not only human remains, but associated funerary objects, sacred objects, and cultural patrimony. "Sacred objects" are defined here as ceremonial objects required by religious leaders for the practice of Native American religion. "Cultural patrimony" means any object having ongoing historical, traditional, or cultural importance central to the Native American group or culture.

Sacred places in Native American culture fall within this broadly defined framework of cultural resources and traditional cultural properties. As might be expected, the types and nature of sacred sites having significance to the different Native American groups throughout the country vary considerably. However, to identify the range of sites that may be included, the use of a

classification developed by Swan (1989) is instructive. His list includes the following major categories:

- a. *Burial Grounds and Graves.* For Native Americans, the deceased have a continuing relationship with the living. Therefore, grave sites are sacred because they represent a concrete linkage between the two worlds.
- b. *Purification Sites.* Methods of purification for purity of mind, body, and spirit include practices such as bathing in special springs, fasting, prayer, undergoing sweating rituals, and other ceremonial forms. Certain springs, rivers, and other sites are especially favored for purification rites.
- c. *Healing Sites.* Staying healthy and healing of illnesses is accomplished by many Native Americans through ceremony and ritual. It is generally felt that some types of healings are best done at certain sites. According to Swan, these sites fall into three general categories: (a) springs or other bodies of water where the water, muds, mosses, and even rocks may be seen to possess healing values; (b) ceremonial sites that are especially favorable for conducting certain healing ceremonies and rituals; and (c) mediational sites where people can go to absorb locally occurring energies, thereby restoring vitality to the participant.
- d. *Special Flora and Fauna Sites.* Certain herbs or animals are vested with more power than others. The places where such items are obtained, sometimes through ritualized methods, are considered sacred.
- e. *Quarries.* Certain stones and minerals have special qualities for rituals or for manufacture of sacred items.
- f. *Vision Questing and Dreaming Places.* Native Americans travel to special places like caves or mountaintops seeking connections with spirits through dreams and visions. Sometimes petroglyphs and other rock paintings may be found at these sites.
- g. *Mythic and Legendary Sites.* Associating certain places with various myths and legends is used to teach and remind continuing generations of the important role that the myths play in the daily lives of the group.
- h. *Temples and Shrines.* Human-made structures or features are constructed for both personal ritual and group-organized art inspired by special places.
- i. *Places of Spiritual Renewal.* These are places, such as mountains, where Native Americans believe spiritual power is concentrated.

- j. *Astronomical Observatories.* Certain natural or constructed features can be used by groups to chart the movements of the heavens. Such sites traditionally had a ritual purpose.
- k. *Historical Sites.* Places that are associated with important historical events help recall memories of the past and place events in the overall procession of human life on earth.

Access Issues and Sacred Sites

The history of Native American removal from their ancestral lands is a long and complicated one and need not be recounted here. Suffice it to say that virtually all recognized tribes lost all or most of their former homelands through a variety of ways: military defeats, sales, cessions, and theft. Much of this land today falls into the general category of government-managed lands, including about 25 million acres directly controlled by DoD. Individual military branches also have agreements with State and other Federal land managing agencies to permit use of another estimated 15 million acres, primarily for military aviation training activities.

The result of this historical sequence of events, which is characterized by the removal of Indians and their containment on reservations, has been the forced separation between Native groups and individuals and many or all of their sacred and traditional sites. A recent National Park Service report entitled "Keepers of the Treasures: Protecting Historic Properties and Cultural Traditions on Indian Lands" (Parker 1990) identified several important issues that are relevant to this situation. First, many, if not most, traditional cultural properties important to Indian tribes are not on presently defined Indian lands. Second, the removal process itself created new places of cultural significance; for example, burial grounds or other historical sites along the removal routes. Third, many tribes today retain strong cultural ties to ancestral lands. Finally, many tribes believe that they must reconnect their people with these lands and culturally significant sites by physically returning temporarily, if not permanently.

With regard to being able to gain access to sacred sites, it was first necessary to establish the legitimacy and nature of Native American religion. A critical step in this direction was the 1978 passage of AIRFA (Public Law 95-341), a joint resolution making explicit the guarantee of American Indian religious rights under the First Amendment of the U.S. Constitution. The primary thrust of the act is as follows:

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

The key phrase in terms of sacred sites is "access to sites."

Despite the good intentions of the U.S. Congress, AIRFA has had mixed success in providing religious freedoms to American Indians. Several excellent discussions on the subject appear in the recently published *Handbook of American Indian Religious Freedom* (Vecsey 1991; see also Deloria (1992)). In his prologue to that volume, the editor Vecsey notes that despite AIRFA and several subsequent court test cases, Indians today still find their religious practices endangered in the following situations:

- a. Degradation of geographical areas deemed sacred sites.
- b. Maltreatment of Indian burials, particularly bodily remains.
- c. Prohibition against capture, kill, and use of certain endangered or protected species.
- d. Regulations regarding the collection, transport, and use of certain ritual plants (e.g., peyote).
- e. Alienation and display of religious artifacts.
- f. Prevention of Indian rituals and behavior, particularly in authoritarian institutions.

To this list can be added the denial of access to sacred sites on public and military lands.

In the nearly 15 years since passage of AIRFA, the Act has focused attention both on the distinctive nature of Indian religions and on the lack of understanding of Indian religious beliefs and practices, particularly on the part of land-managing agencies. However, during this period, vague wording on several issues in the Act have created resource protection difficulties for Native Americans and land managers alike. In recent years, bills have been introduced in Congress to amend AIRFA and insert stronger language concerning required consultation between Federal agencies and Native American traditional or governmental leaders when agencies engage in any activities that may disturb or alter the integrity of Native American religious or sacred places. To date, none of these proposed amendments have passed.

Other acts, such as NEPA and ARPA, provide various means to protect and preserve sacred sites along with AIRFA; however, they do not provide specific provisions for obtaining access to those sites. As will be shown in the next section of the report, access that has been granted on military lands has primarily been granted through agreements between individual installations and local Native American groups.

The recent enactment of NAGPRA (Public Law 101-601) provides for a different type of access to certain classes of cultural materials, namely, human

remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony. Basically, the Act establishes Native American ownership or control over the above remains in many instances, regardless of current Federal agency land-management control.

Among the various provisions created by NAGPRA is access to information on curated materials that can be judged to be culturally affiliated with a particular Native American tribe or Native Hawaiian organization. NAGPRA also requires consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders regarding these materials. Consultation with the affected Native American group will likely lead to repatriation of those remains covered by this Act and recovered prior to NAGPRA enactment. The Act also includes requirements for handling such cultural items in the postenactment period. NAGPRA is likely to generate future needs for onsite consultation between land managers and representatives of Native American groups as well as formal policies governing access to burial sites and materials.

NHPA provides Native Americans access to the consultation process concerning the identification, evaluation, protection, and interpretation of historic properties. The 1992 amendments to the Act have significantly enhanced the role of Indian tribes and Native Hawaiian organizations in this process. The amendments specify that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register of Historic Places. Under Section 106, a Federal agency must consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to such properties. 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 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).

Native Hawaiian organizations have been granted special status under both NAGPRA and the 1992 NHPA amendments. Native Hawaiian organizations include the Office of Hawaiian Affairs of the State of Hawaii, the Hui Malama I Na Kapuna O Hoawai'i Nei, and any other organization that serves and represents the interests of Native Hawaiians with the purpose of providing services to Native Hawaiians and that has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians. As a result of this status and the concern of Native Hawaiians for all the lands in Hawaii, military personnel remain in regular contact with those organizations regarding all Navy and Marine Corps lands.

Department of Defense Policies

There exists no systematic summary of Department of Defense policies regarding Native American access to military properties, cultural materials, or the consultation process. A review of Federal agency policies and guidance concerning Native American consultation has been completed by Briuer, Freezor-Stewart, and DesOrmeaux (1992). Among the branches of service in DoD, only the Air Force has developed written guidelines for the consultation process (U.S. Department of the Air Force 1991).

Air Force Regulation AFR 126-7 provides specific guidance for Air Force bases to comply with the mandates found in AIRFA, NEPA, ARPA, NAGPRA, and NHPA. The regulation recognizes the rights of Native Americans to have access to sacred sites on military lands under Air Force control. It directs the bases to identify Native American groups having historical ties to the military lands 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. A number of contacts indicated that they were unaware of any culturally significant sites on their facility. The absence of sites on military installations may be due to the fact that the prehistoric and historic use of the area by Native Americans was limited, and therefore the number of sites is also limited. However, it is also possible that there has been very little or no research done on these facilities, and therefore military personnel are simply unaware of any sites.

While the Air Force regulation is a critical first step toward establishing adequate consultation with interested Native American groups, it must be remembered that the regulation was issued as "guidelines"; thus individual Air Force units may elect not to follow them. Consequently, it cannot be stated that access can be guaranteed in all cases.

Nonetheless, several examples are already evident where these guidelines have been successfully implemented at Air Force installations. The Air Force regulations are not applicable to other military departments. As will be outlined in the next chapter, however, there are also some success stories at other DoD installations, even though policy and guidelines are currently lacking.

Most of these examples, though, seem to be a function of the efforts of a few enlightened individuals. Clearly, better policy statements and guidelines are required, both for DoD and the individual branches of service.

3 Survey of Current Native American Access Programs

This chapter reviews the results of two separate but complementary investigations designed to assess the current status of Native American consultation on military lands, specifically as it relates to the access question. The studies were completed by personnel of the Bureau of Applied Research in Anthropology at the University of Arizona (Stoffle, Austin, and Fulfrost 1992).

Initially, computerized bibliographic searches were conducted to identify relevant published materials. The second task undertaken was telephone contact with a number of command centers and installations where issues of Native American access and consultation were known or thought to be of concern. The methods and results of these investigations are discussed below, including some examples of formal policies and procedures granting access by Indian tribes to specific installations and establishing formal consultation relationships between military facilities and Native American groups.

As a result of the telephone contacts, a number of issues emerged regarding interactions with native groups. Identified issues include those of general concern to all military facilities and those related to the level of interaction with tribes occurring at a particular location. These issues are also summarized in this chapter.

The data collected as a result of both the bibliographic and the telephone survey of DoD installations should not be considered as being a comprehensive survey. The intent of the surveys was to begin identification of the extent of the issues and to specify the more salient ones. In this context, the process has been successful.

Bibliographic Searches

Methods

Bibliographic information regarding Native American access to DoD lands was obtained through searches of computerized databases, reviews of written documents, and personal communication with military personnel. Though direct contact with affected Native American groups was beyond the scope of this project, two national organizations, the National Congress of American Indians and the Native American Rights Fund, were contacted as well. Computerized searches were conducted through the GPO Catalog (Monthly Catalog of Government Publications) at the University of Arizona's depository library and the Dialogue system of National Technical and Information Service and Monthly Catalog Publications at the University of Michigan's government documents center. These searches uncovered few documents regarding Native American interaction with DoD facilities. Subject headings searched included the following: The Office of Technical Information, The Technical Information Center, American Indians, Native Americans, Department of Defense, Army, Navy, Air Force, Marine, and cultural resource management.

In addition, searches of the Infotrac and GEAC computer system at the University of Arizona and the MIRLYN and WILSON systems at the University of Michigan yielded no documents. Subject headings searched in these databases included the following: American Indians, Native Americans, Department of Defense, Army, Navy, Air Force, Marine, military, cultural resource, NHPA, and NAGPRA. Finally, a review of the documents identified through the literature search provided a few additional bibliographic references.

Results

Not unexpectedly, the bibliographic searches did not produce a lengthy list of published material relating to Native American access issues on DoD facilities. Only 13 citations were identified by the effort (Appendix A).

Undoubtedly, other reports and documents exist that were not identified. However, a majority of the written documents addressing issues of Native American interactions with United States military installations apparently exists as special reports, historic preservation plans, or memoranda of understanding or agreement that are not accessible through a general documents search. This seems to be true not only for access issues but for Native American and military interactions in general.

Telephone Contacts

Methods

Because the bibliographic searches turned up only a few documents pertaining to the issues under review, it was decided to personally contact command centers and individual facilities to obtain information about existing issues and agreements related to Native American access and consultation. The survey process generally involved contacting the appropriate office/individual at the various command centers for each of the services, followed by contacts with individual military facilities where issues of Native American access and consultation were believed to exist. A more comprehensive and random survey of individual Air Force bases was also conducted to gain additional information regarding these issues. A standardized survey instrument was used to record responses to the telephone inquiries (Appendix B).

The overall methodology and listing of individual service installations contacted can be found in the report by Stoffle, Austin, and Fulfrost (1992). A summary of the number of bases contacted and of bases where contacts at those bases reported the presence of sites of concern to Native Americans is provided in Table 1.

Results

The telephone survey produced useful information regarding several issues of concern to military managers with respect to Native American consultation and access issues. It must be stressed, however, that the survey only communicated with military personnel; potentially interested Native American tribes, organizations, or individuals were not contacted. It was felt that making contacts with Native American groups was premature at this time and is a task better left to the Legacy Native American Task Area.

Of the facilities contacted, several indicated that access/consultation issues did exist, covering several types of cultural resource sites (Table 2). These types of sites reflect categories that were identified by the contacts at each facility. They include historical or archaeological (29), burial (23), sacred (12), botanical (6), and hunting (2) sites. The presence of sites of potential or actual interest to native groups has generated activity along these lines at most of the affected facilities. Within this category, several either have existing formal procedures for access or consultation or are in the process of developing tribal contacts. The enactment and implementation of new legislation, such as NAGPRA, will have a profound effect by increasing the level of interaction at many facilities. Many of the persons contacted indicated that these types of sites will require greater attention in the future.

Table 1 Number of Bases Contacted					
Bases Contacted	Department				Total
	Army	Navy	Air Force	Marine Corps	
With known sites	23	8	14	3	48 (62%)
With no known sites	2	3	23	2	30 (38%)
Total	25 (32%)	11 (14%)	37 (48%)	5 (6%)	78 (100%)

Table 2 Number of Military Facilities with Native American Issues					
Department with Jurisdiction over Site	Type of Site¹				
	Historical/ Archaeologi- cal	Burial	Botanical	Hunting	Sacred
Army (n = 23)	15	8	5	2	7
Navy (n = 8)	3	5	0	0	2
Air Force (n = 14)	11	7	1	0	3
Marine Corps (n = 3)	0	3	0	0	0
Total (n = 48)	29	23	6	2	12

¹ Some facilities have more than one type of site.

Through the process of collecting information, a number of issues emerged that were significant to military personnel regarding interactions with native groups. These issues fall into three categories: (a) issues of general concern to all military facilities; (b) issues particular to the level of interaction with tribes, including access to military properties and to the consultation process; and (c) special topics, such as base realignment and closure and concern with aircraft flyovers.

General Issues

Awareness

At many facilities, the subject of Native American interaction was unfamiliar to most people other than the archaeologist or cultural resource officer. Telephone operators, public affairs officers, and persons in environmental

management were frequently unable to identify the persons at their facility who would have responsibility for this information. Several persons believed they were the ones responsible for handling the dissemination of information or requests for access to the facility; nevertheless, they expressed uncertainty about how to respond to the questions they were asked. Also, although several public affairs officers stated that their office would be a point of contact for tribal members, there is no central or uniform point of contact from one facility to another through which information about native access can be gathered. Several respondents remarked that they had never before had requests for this type of information. In addition, at several bases, the individuals were unaware of their service's policy regarding native groups or of a larger structure of which they were a part and to which they could turn for more information on this particular subject. Other than archaeologists or designated cultural resource managers, only two Air Force contacts mentioned any knowledge of recent communication from Air Force Commands regarding AIRFA or NAGPRA.

Though a lack of awareness was common at bases without existing relationships with tribes, this also proved to be a problem at some bases with extant agreements or documents that specifically addressed tribal interactions. Unless a named cultural resource manager could be located, the caller was often shuffled from office to office. This uncertainty among base personnel creates a potentially significant problem for tribal members who would contact a facility seeking information or access.

Reasons identified for the lack of awareness include the high turnover rate and short time that many individuals had been in their positions. New employees generally knew nothing about the interactions occurring on their base. A standardized system of handling these issues within the military branches of service would facilitate information transfer.

Priorities

Native American issues have not received much attention at many of the bases contacted. Native concerns have not been given priority among the competing demands facilities face. Several contacts remarked that their bases had been dealing extensively with hazardous wastes and related issues on which they have received pressure to address. They reported that under the existing circumstances, little attention had been given to interactions with native groups because of the absence of pressure in that direction. Some contacts indicated that they believe that military installations have tried to ignore the native issues as much as possible. They acknowledged past failures to take these issues into account or to contact tribes when it would have been appropriate. One individual commented that native groups should be involved early in consultation activities, preferably before a proposed action when people are already upset. Several observed that military installations need to incorporate individuals sensitive to native concerns and familiar with the involved tribes who have prior experience working with native people rather than relying on

people who have no experience in this area. These observations are consistent with the ACHP's June 1993 policy statement that includes specifically that "communication with Native Americans should be initiated at the earliest stages of Section 106 process" (ACHP 1993: 2), and that Native Americans must be approached in "culturally informed ways" (ACHP 1993: 3). A copy of that policy statement is provided in Stoffle, Austin, and Fulfrost (1992).

A few facilities have had extensive involvement with native groups. Much of that has grown out of a trial and error approach to issues that have been raised by tribal members. Even where there is attention to native issues, though, most has been focused on archaeological sites and artifacts with little attention to consultation with tribes over other cultural resources. The few exceptions are discussed in greater detail under the next category of issues.

Access to facilities

Native Americans seek access to military facilities for a number of reasons. Two of the most commonly stated purposes are visits to sacred sites in order to conduct ceremonials and visits to harvest plant or animal resources. The policies and procedures regarding Native American access to DoD facilities are not uniform. Access has generally only been incorporated into formal agreements and policy statements where these issues have been a problem. Two Army bases, one naval station and one Air Force installation have particular policies to facilitate access by native people. For example, a memorandum of agreement (MOA) between the Commander Naval Weapons Center and the Coso Ad Hoc Committee of the Owens Valley Paiute-Shoshone Band of Indians reserves eight weekends per year exclusively for visits by members of the Owens Valley Paiute-Shoshone Band of Indians and/or the Kern Valley Indian Community to Coso Hot Springs, located within the Naval Weapons Center, China Lake, CA.

Generally, contacts stated that Native American access issues that might arise would be handled through the facility's general access policies applicable to all persons or dealt with informally. Native requests for access are handled through normal public relations procedures or in some cases through the museum director's office. For example, an area of sand dunes that is considered sacred by some Native Hawaiian people is located within naval property on Kauai. No formal agreements provide for visitation by Native Hawaiian people, but the base has a fairly open access policy requiring only that visitors sign in at the gate. At Fort Wainwright in Alaska, where access to game harvests has been an issue, procedures concerning access to hunting grounds are the same for any citizen, regardless of whether the citizen is a native with traditional subsistence ties to land on the facility.

Some policies have become institutionalized but nevertheless remain informal. For example, Fort Huachuca allows Apache people to harvest nuts at the fort in what was described as a "traditional" agreement between the tribe and the base. Lack of formal procedures governing access appears to be

typical for facilities where access to botanical, sacred, or other cultural sites have been issues. Also, access has been granted at many installations as a result of informal agreements associated with construction projects like the Army's Facilities Construction Program of 1941 and 1942 during which many installations were built over burial sites.

Some contacts reported that they had never received any specific requests for access even when there were culturally significant sites at their facility. There are several cases where native tribes have come on to the installations to investigate newly discovered archeological or cultural sites but have not specifically requested access to the sites. At some locations, there appears to be greater interest among anthropologists than native groups regarding culturally significant sites. For example, Lone Rock at the Navy's Bravo 20 Target Range in Nevada has been identified by anthropologists as a feature in Paiute mythology, but native groups have not contacted the naval offices with concerns. Formal contacts with the tribes in the region regarding their interest in the site are now beginning as part of an environmental assessment of the range.

Level of Interaction with Native Groups

Access to military facilities is a particular area of concern for Native Americans. However, interaction with DoD departments also involves access to information about artifacts and archaeological resources discovered on military properties and consultation regarding those and other cultural resources. Most military facilities with sites of archeological or cultural significance to native peoples have no formal agreements or policies that specifically address Native American access or consultation. Interactions with Native Americans at these facilities are usually dealt with through normal public relations procedures or through informal, nonbinding agreements with native groups. For example, Fort Sam Houston will enter into consultation with any "interested parties" in order to comply with the requirements of Section 106 of the NHPA, but Native American groups receive the same treatment as other public groups with whom base personnel interact. Where consultation relationships exist, these are often included within procedures or policies related to environmental assessments (EAs), environmental impact statements (EISs), natural or cultural resource management plans (NRMPs, CRMPs), historic preservation plans (HPPs), or programmatic agreements (PAs) generated through the Section 106 process of the NHPA. For example, Redstone Arsenal in Alabama has an MOA with the State Historic Preservation Office (SHPO) regarding the protection and management of historic properties on the facility that indicates a need to consult with Native American groups. This MOA was written in order to fulfill the facility's requirements under Section 106 of the NHPA.

Though memoranda of agreement regarding archaeological and historical sites exist at several facilities, they do not always require consultation nor are they agreements with the affected native groups. Many of these agreements

incorporate native groups as "interested parties." Other facilities, without MOAs or memoranda of understanding (MOUs), send informal letters of consultation to native groups regarding proposed projects or excavations. For example, White Sands Missile Range sent a letter of consultation to the Mescalero Apache Tribe as part of an EIS for its Aerial Cable Test Capability Project. These formal agreements or informal letters of consultation are usually completed in order to fulfill the requirements of NHPA, NAGPRA, AIRFA and other relevant laws. Such policies are not tribal-specific and do not recognize the particular interest of identified Native American groups to specific sacred sites. Therefore, for the purposes of this report, they are treated separately from the agreements and policies that are specific to particular Native American groups.

Where Native American sacred sites are present at DoD facilities, there are also differences in the degree of interaction that personnel there have with native groups. The extent of interaction has been divided into four levels, as shown in Table 3. Facilities at Level One have had no interaction with Native American groups. Facilities have been included at Level Two if their interactions with tribal groups have been limited to informal meetings or minimal contact with native groups regarding cultural resources. Facilities have been included at Level Three if they have had sustained interactions with Native American groups, but they do not have formal policies or agreements specifically with or naming those groups. Finally, facilities with formal agreements

Table 3
Number of Military Facilities Contacted with Known Sacred Sites
by Level of Interaction with Native Groups and Department

Level of Interaction	Type of Site				
	Army	Navy	Air Force	Marine Corps	Total
Level One	6	2	2	1	11 (23%)
Level Two	5	4	7	0	16 (33%)
Level Three	7	0	3	1	11 (23%)
Level Four	5	2	2	1	10 (21%)
Total	23 (48%)	8 (17%)	14 (29%)	3 (6%)	48 (100%)

Note:

- Level One: Facilities with no interactions with Native American groups.
- Level Two: Facilities with limited interactions with Native American groups; such interactions are not governed by tribal-specific policies, if any policies exist at all.
- Level Three: Facilities with sustained interactions with Native American groups, but no agreements or policies specifically with or naming those groups.
- Level Four: Facilities with formal agreements and policies that are specific to particular Native American groups.

and policies that govern interactions with Native American groups and are specific to those groups have been included at Level Four.

Level 1: Facilities with known sites but no interactions with Native American groups

Twenty-three percent of the facilities with known sites that were contacted have no interaction with Native American groups. Several of these have no mechanism for contacting tribes. Some of these contact archaeologists or SHPOs directly if they discover artifacts or sites. Contacts reported that they have curated artifacts not presently receiving attention or Indian mounds that they have agreed to leave undisturbed. At most facilities, there appears to have been little archaeological research done. These facilities generally have not completed the surveys of the land under their jurisdiction. It is anticipated that further research in this area will result in increased concern for consultation and access issues. In some cases, contacts reported that they had policies that would lead them to treat Native Americans as "interested parties" in consultation, but they had never contacted native groups under those policies. The HPP for Redstone Arsenal in Alabama includes a requirement to consult with Native Americans when burials are discovered; however, they have not reached this consultation stage.

Individuals at several facilities reported that they recognized the deficiencies in their existing programs, but did not have the resources to devote to improving the situation. Several are waiting for a response to proposals they submitted as part of the Legacy demonstration program that would specifically address the archaeological or cultural resource issues at their facilities. One such proposal is the request for resources for the completion of surveys of the test and training ranges at Hill Air Force Base in Utah.

Level 2: Facilities with limited interactions with Native American groups

More than one-third of the facilities contacted had only limited interactions with Native American groups regarding known sacred sites. These interactions include informal meetings or isolated contact with native groups. Facilities with limited interactions may have developed MOAs or CRMPs that require the base to contact native groups regarding cultural resources, but they have not received any responses nor have they attempted to initiate further interaction. For example, Fort Sam Houston in Texas sent out letters of consultation to Native American groups as part of the facility's CRMP requirement to consult with "interested parties." This stipulation was created in order to fulfill the consultation requirements of the NHPA. The base has never received any response from these consultation letters.

Several facilities that have been slated for closure under the Base Realignment and Closure (BRAC) procedures have discovered sacred sites or artifacts

in the environmental impact studies required at all such facilities. In most cases, these facilities have had no prior interactions with Native American groups; but these have been identified and contacted, or efforts are underway to contact them as a result of those finds.

A number of facilities are in the process of trying to improve communication with identified native groups in their area. Contacts reported they had initiated some interaction or had intentions to send letters and hold meetings with tribal representatives. For example, the presence of cultural resources at the Goldwater Air Force Range under the jurisdiction of Luke Air Force Base (AFB) has led base personnel there to announce at a public forum the intention to try to incorporate Native American input into their cultural resource management planning. Input has not yet been solicited.

At some facilities where sites exist, there are no regular interactions with tribes because no Native American groups have expressed interest in the area. According to the "Special Nevada Report" (U. S. Department of the Air Force, Navy, and Interior 1991: 2-85), "Nellis AFB officials have previously corresponded to Native Americans without reply." Also, contacts at a few facilities felt that their attempts with either the tribes or umbrella organizations such as the Native American Heritage Commission (California) have been ignored. They have not received responses to requests for information or involvement. The lack of response requires further investigation.

Some contacts expressed a need for clarification of the treaties presently in force with native groups and the current legal situations regarding who must be contacted as required by Federal laws and regulations. In addition, concern was expressed over what to do and who to contact when facilities are located in areas with few remaining tribes or with groups that have not achieved Federal government recognition. Several individuals requested copies of reports, examples of existing agreements, or other information to use as guidance in developing their Native American programs. (Note: Copies of existing MOAs, MOUs, and other agreements having to do with Native American access and consultation issues have been compiled and are included as appendices in Stoffle, Austin, and Fulfroft (1992)).

Level 3: Facilities with sustained interactions with Native American groups not governed by specific tribal agreements or policies

Twenty-three percent of the facilities contacted have had more sustained interaction with Native American groups. These facilities have been involved with Native American groups on an ongoing basis regarding access, reburials, cultural resource assessments, etc. They have had multiple contacts with these groups as relevant issues have arisen at their facilities. Nevertheless, these facilities have no agreements or policies that are with or specific to particular Native American groups. For example, interactions with tribes at Mountain Home AFB are handled through that base's contractor and include involvement since 1989 with the local Shoshone and Bannock tribes to fulfill NEPA

requirements as well as recent contacts with the tribes regarding a proposed bombing range expansion. Recently, a liaison has been established at the base to interact with persons at the Duck Valley Indian Reservation regarding aircraft flyovers. As another example, Fort Carson in Colorado has an MOA with SHPO and the ACHP regarding historic properties that requires consultation with "interested parties" including Native Americans. The facility has consulted with native groups on at least two occasions in order to fulfill its legal requirements under NHPA and NAGPRA.

At some facilities, informal interactions take place with nearby non-recognized native groups. Contacts at some of these locations have indicated that they plan to seek out and establish contact with officially recognized tribes that have historical ties to the military properties but were relocated to other areas in the past. For example, personnel at Eglin AFB in Florida have informal agreements with a local Native American group that is attempting to obtain Federal recognition but intend also to contact three Federally recognized tribes, including tribes now living outside Florida, for future consultation.

Fort Sill in Oklahoma is in a unique situation because they have had extensive informal interactions with native groups but are only now in the process of developing formal agreements with specific Native American tribes. These formal agreements concern Native American access to and consultation over burial grounds located on the base.

Level 4: Facilities with formal agreements/policies specific to Native American groups

These facilities have developed either formal agreements with specific native groups regarding access or consultation, or they have formal agreements or policies that require consultation with specific native groups. Formal agreements between military facilities and native groups regarding archaeological, historical, or other cultural resources have generally taken the form of memoranda of understanding or agreement. These agreements specify and describe tribal consultation procedures for the treatment of culturally significant properties found on the facilities. When the agreement concerns human remains, issues of access to the reburial sites are often incorporated in these agreements.

A few facilities have full Native American participation in consultation and the development of procedures to facilitate access. The policies at these facilities include MOAs, MOUs, HPPs, and agreements with individual tribal members and tribal councils. One such program is found at Vandenberg Air Force Base, CA, where a comprehensive program has developed over a 15-year period. The interaction involves the facility and the Santa Ynez Band of Mission Indians, incorporating both representatives of the tribal council and individual tribal members. The report by Stoffle, Austin, and Fulfroost (1992) includes 23 documents generated over the years by this program.

Another example of extensive interaction between a military facility and Indian groups regarding access is Fort Lewis in Washington. This military base has a formal policy regarding Native American access to the facility. In addition to this Native American access policy, the base has an MOA with the Yakima tribe and an MOA with the Nisqually tribe regarding access to and use of lands on the facility and its accompanying training center. The base has also sent a letter of agreement to the Wanapum tribe that allows them access to the facility for purposes of hunting, fishing, gathering, and conducting ceremonies.

Four locations identified by Stoffle, Austin, and Fulfrost (1992) have agreements or policies with Native American groups that are specific to Native American access to military installations. These are as follows:

- a. Memorandum of Agreement between Commander, Naval Weapons Center and Owens Valley Paiute-Shoshone Band of Indians (signed 1979). This agreement allows Native American access to the Coso Hot Springs, a Native American sacred site, under provisions of AIRFA and NHPA. The agreement stipulates the primacy of the military mission of the facility over granted access and limits the number of visits per year, the number of individuals, and the area into which access is allowed.
- b. Letter of Access to North Vandenberg Air Force Base (signed 1992). This letter granting access to a single female member of the Santa Ynez Band of Mission Indians allows access to collect plants for a 1-year period. The communication stipulates that more than a dozen candidate threatened and endangered plants (a list of the plants, including common and scientific names and habitat is attached to the letter) are not to be disturbed by the collecting activities. The letter also specifies that the collector will be asked to vacate the area if hazardous or security operations are occurring.
- c. Memorandum of Understanding among the Commanche Tribal Council, the American Indian Resource and Education Coalition, Inc., and the United States Army at Fort Hood, TX, on the use of Federal land for reburial of repatriated human remains (signed 1991). This MOU acknowledges that the Commanche Tribe historically controlled the central Texas area where Fort Hood is now situated and sets aside up to 5 acres of the facility for the appropriate reburial of curated human remains. The cemetery will be located within a previously fenced parcel that contains the Leon River Medicine Wheel, a site that has significance in Native American religious practice. The cemetery is restricted to human remains that have been previously excavated and those derived from future archaeological contexts. The memorandum also allows Native American access to the Medicine Wheel site for religious ceremonies and, at the same time, allows for continued scientific study of the site, as long as such investigations are conducted in a sensitive manner consistent with the site's religious significance.

- d. Memorandum of Agreement between the United States of America, Secretary of the Army, and the Nisqually Indian Community of the Nisqually Reservation (signed 1987). This agreement allows the Nisqually Indian community access to about 150 acres of Fort Lewis, WA, in accordance with provisions of three treaties granting this native group fishing rights. The major result of the agreement will be construction and operation of a fish hatchery at the location, although it also provides continuance of existing tribal hunting and fishing rights. As part of the agreement, the Nisqually Community conveyed right, title, and interest to two tribal sacred sites, Lake Nisqually and a historic tribal cemetery site that lie on Fort Lewis. The Tribe maintained that these sites occur on land that was reserved for them under Executive Order in 1857. The deed conveying these rights stipulates that the sites will revert to Tribal ownership whenever the United States ceases to use the land for military purposes.

Where access has not yet become an issue, formal agreements or policies pertaining to specific Native American groups usually require consultation over cultural resources. Archaeological and ethnographic research is often conducted on military facilities as part of EISs, CRMPs, HPPs, or even NRMPs in order to identify sites that are culturally significant to Native Americans. Some examples of existing formal agreements with specific Native American groups that address consultation issues are listed below. (Copies of these agreements can be found in the source document report by Stoffle, Austin, and Fulfrost (1992))

- a. 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 the Nevada State Museum (signed 1991).
- b. Memorandum of Agreement between Vandenberg Air Force Base, the Santa Ynez Band of Mission Indians, and the Elders Council (signed 1991).
- c. Memorandum of Agreement between St. Louis District, U.S. Army Corps of Engineers, and Naval Air Weapons Station, China Lake, California (signed 1992).

Several facilities require consultation with native groups through stated consultation relationships found within CRMPs, MOAs, MOUs, or related documents. The Navajo Army Depot in Arizona has an MOA with SHPO requiring that its CRMP be prepared in consultation with a number of specific tribes. The Yuma Proving Grounds in Arizona has an MOA with SHPO and ACHP that also requires consultation with a number of specific tribes.

Though many of the military facilities contacted acknowledged that little archaeological research had been completed at their locations, a few have done

extensive work. An example of a developed research program is that at Naval Air Weapons Station, China Lake, CA. As part of the program, meetings have been held with interested parties to discuss NAGPRA compliance, and a NAGPRA implementation plan and bibliography of archaeological and cultural resource surveys at the facility have been prepared.

Special Topics

Base realignment and closure

BRAC procedures have caused many facilities to consult with native groups over issues of access or consultations in archaeological surveys, often for the first time. Environmental impact studies are underway at all facilities undergoing or recommended for closure. Future research and consultation associated with programs like BRAC were cited as reasons why access issues are expected to become more prevalent in the next few years. Examples include the interaction with the Narraganset Tribe and the Naval Battalion Center in Davisville, RI, over burials discovered there and the MOA at the Yuma Proving Ground in Arizona that was proposed as part of BRAC construction and spelled out the facility's obligations to concerned Native American tribes.

Involvement with other government agencies

The activities at several facilities regarding archaeological or cultural resource projects have required the involvement of government agencies in addition to the military services. In some cases, the responsibility for tribal interaction has been left solely to the nonmilitary agency. Examples of inter-agency involvement include the activities regarding the bombing range expansion that involve the Air Force, the Bureau of Land Management, and the State of Idaho, the management of a Native Alaskan burial site on the Adak AFB property by the U.S. Fish and Wildlife Service, and the interaction between Air Force facilities and the National Park Service at several locations. In addition, the need for expertise regarding cultural resource issues has led to an agreement assigning the U.S. Army Engineer District, Mobile, to act as the cultural resource advisors for Headquarters Marine Corps and an MOA between the U.S. Army Engineer District, St. Louis, and Naval Air Weapons Station, China Lake, for technical assistance in the inventory and evaluation of Federally owned and administered archaeological collections at that facility.

Interactions between military installations and State agencies have generally involved the SHPO of the States in which the facilities are located. Within the Northern Division Naval Facilities Engineering Command, for example, naval interactions are with the SHPOs as governed by Executive Order 12372, "Intergovernmental Coordination of Federal Programs." The SHPOs then contact the tribes as needed. Neither the Navy nor the Northern Division Command have entered into any agreements directly with the tribes for either

the exchange of information or coordination of efforts. Because of the extensive military activity within the State of Nevada, a comprehensive report, the "Special Nevada Report" (U.S. Departments of the Air Force, Navy, and Interior 1991), has been prepared there. The report contains a description of defense-related activities in the State as required by the Military Lands Withdrawal Act of 1986.

Aircraft flyovers

High-speed, low-altitude military aviation training missions that fly close to the contour of the ground can have a significant impact on both natural and cultural resource management. Siehl (1991) provides an overview of the potential impacts to natural resources, many of which could also affect Native American hunting activities and associated religious values. Since military flyovers occur over large areas beyond military installation boundaries, the potential for widespread impacts of this sort are great. Flying missions can also lead to access restrictions on military lands for various types of sacred sites such as plant collecting areas or fasting/meditation places. An example of this type of restriction is found at Fallon Air Force Base in Nevada where Native American access to a highly significant curing rock involves both hampered access and disruption of ceremonies. The Department of the Air Force has examined this issue and has developed a draft report entitled "Effects on Native Americans Resulting From Noise Associated With Low Altitude Flying Operations." The report will be made available from Air Force Headquarters in 1993.

Withdrawn lands

Nonmilitary land in four states of the United States has been used for military activities. To provide clear legal authority for military use of that land, the Military Lands Withdrawal Act was passed November 6, 1986. The withdrawn lands require special attention with regard to Native American concerns; several individuals at the military bases contacted referred specifically to the withdrawn lands under their jurisdiction. As required by the Act, by 1998, the Secretary of each concerned military department must publish a draft EIS, consistent with the requirements of NEPA, for any withdrawn lands for which that Secretary intends to seek continued or renewed withdrawal. The completion of an EIS will require that the Secretary invite the participation in the scoping process of any affected Native American groups. Withdrawn lands with known sites of interest to Native Americans include the Bravo-20 Bombing Range in Nevada, the Nellis Air Force Range in Nevada, the Barry M. Goldwater Air Force Range in Arizona, and the Fort Wainwright Maneuver Area in Alaska.

Lands returned to Native American groups

Several military properties are being returned to States and subsequently to Native American groups. For example, the Kaho'olawe Training Area in the Hawaiian Islands is being turned over to the State of Hawaii. Similarly, Fort Richardson in the State of Alaska is on the list of bases facing possible closure. Native corporations have top-filed on this land as part of the Alaska Native Claims Settlement Act (ANCSA). At closure, the base will probably be returned to these native groups. These property transfers may require special attention.

Summary

Based on the results of the bibliographic and telephone surveys conducted by the University of Arizona Bureau of Applied Research in Anthropology, several issues can be identified. The subject of native interactions with military installations has not received much attention in either the published literature or among military employees. There is a consequent lack of formalized policies and procedures regarding native access and consultation. It has become evident that there is a need for education and readily available information about archaeological, historical, and cultural resource issues for military personnel. There is also a need for formalized policies and procedures regarding these issues.

4 Conclusions and Recommendations

Meeting the needs for Native American access to traditional and sacred sites on military lands involves a complex set of issues and is a problem not easily resolved. On the military side, various necessary actions must be taken into account, including training mission requirements, both land and air, scheduling, and security needs and other management concerns, such as recreation management of cultural and natural resources.

At the same time, however, there must be recognition of tribal sovereignty and respect for tribal cultural values on the part of DoD. Native Americans have both a moral and legal right to religious practice, and it must be recognized that expression of this right involves many types of places and concepts that may be difficult for non-Indians to fully comprehend. Just like the military, Native American religious leaders are, at times, concerned about confidentiality regarding sacred sites and disclosure of intimate details concerning their religious and cultural beliefs and practices to total strangers. Furthermore, most of the religious and sacred places associated with these traditional beliefs, as well as most of the ceremonies, take place outdoors.

Several recommendations for understanding the access needs of Native Americans to religious and sacred sites on DoD installations can be listed based on the foregoing discussion. While these can be enumerated specifically herein, in reality they should be considered in concert with the findings of both the Legacy Cultural Resources and Native American Task Areas in order to arrive at comprehensive interactions between DoD and all native groups. Such activities are also necessary to meet the specific mandates of various historic preservation laws, such as NHPA, AIRFA, and NAGPRA.

The recommendations offered regarding Native American, Native Hawaiian, and Native Alaskan access to religious and sacred sites on DoD installations are as follows:

- a. The first step in the process is recognition by the DoD of Native American groups' rights. As noted earlier, the Air Force is the only branch of service with written guidelines for Native American consultation, although implementation of this guidance is optional at the

installation level. Clearly, policy statements or regulations with implementing guidelines are essential at three levels: (a) at DoD, where a statement should be prepared by the Secretary of Defense; (b) at the service level, where each branch of the military should build on the Secretary's policy statement with regard to its own mission and requirements; and (c) at the installation level, where the policy and procedures must be effectively implemented.

- b. The second step involves identification of the interested parties and their concerns. Each installation within the DoD framework needs to identify those native groups or individuals who have a legitimate interest in traditional sites on lands under its control or use. This may include both land within the military reservation boundaries and other lands, both public and private, that may be affected by DoD actions.

It has already been proposed within Legacy that computerized databases be developed for each installation for Native American consultation needs (Briuer and Hebler 1992). The database would be incorporated within a geographic information system format and include various types of data; for example, maps and information on Federal lands, treaty rights and other legal considerations, maps and information describing the evolution of tribal lands through history, and an electronic bulletin board.

Development of such a database at both national and installation-specific levels is critical to future success in DoD/Native American consultations. The various data in the system will have to be derived not only from documentary sources, but also through effective interaction with the affected tribes as well.

- c. Once the affected parties are identified at the installation level, the next step is to achieve understanding on the issues on both sides. Programs to enhance awareness, education, and relations between military commanders/resource managers and affected Native American/Hawaiian/Alaskan groups are essential to finding compatibility between the various values and needs. Without a doubt, some areas of conflict between military needs and native group concerns will arise. The differences between military needs for security purposes and Native American desires for religious confidentiality are an example of a potential access conflict of great significance. Training scheduling and ceremonial calendars is another example. In the end, effective training/education programs will be necessary to sensitize each side to the other's needs.
- d. Concurrent with the above programs, effective management practices for traditional and sacred properties must be developed within each branch of service and for each installation historic preservation program. It can be fairly stated at this time that virtually no DoD installation or activity manages these types of resources in a completely effective manner. It must be noted, however, that good starts in this direction can be found at some facilities, as discussed in the previous

chapter. DoD should undertake a major effort to improve and implement its identification and management of such sites, along with boosting its interaction with native groups as part of the process.

The telephone survey discussed in this report indicates a current lack of policies and procedures and a lack of awareness of many of the central issues at the installation level. Military personnel are generally not aware of who should, or how to, handle situations related to access concerns. In addition, there are no established points of contact for concerned Native American organizations or individuals. Part of the education and effective management process will be to identify personnel at each installation who are knowledgeable about the issues and the procedures for addressing them.

Proper identification of the resources present is paramount. It is just as necessary to firmly establish that native religious or sacred sites are not present at a given facility. It is not justifiable today to simply assume that just because an issue has not been raised, there are none in existence. This type of management attitude reflects the presence of a reactive management program. Such issues need to be fully identified, evaluated, and integrated into installation management and planning .

Completely acceptable procedures for proper identification and handling of Native American religious and sacred sites have yet to be developed. Certainly, Native Americans themselves must be thoroughly involved in the process. It is not enough to simply rely on archaeologists, anthropologists, historians, or other non-Indian specialists. At the same time, military personnel must be careful that all issues important to a given tribe are identified, not just those vital to selected factions or individuals. Proper site identification methodologies should be developed as part of the consultation leading to meaningful policy and procedure statements at the service and installation levels. In some cases, the methods may have to be region-, tribe-, or installation-specific, because of the types of issues.

Once identified, religious and sacred sites on DoD lands must be managed in a manner that provides Native American access and use within the context of the military mission. While the military mission is critical, it should not be accepted without complete evaluation of the situation that it supersedes any other value. For example, is it absolutely necessary to conduct a given type of training at a specific locale on a particular date if a significant conflict with a Native American sacred place or scheduled ceremony is present? Consultation and cooperative interaction will likely result in the realization that the needs of both groups can be met if the mutual concerns are understood and the land is effectively managed. It may be, for example, that once a sacred site is identified, a buffer zone may need to be established to enhance the preservation of the site, protect its sanctity, and allow ceremonies to take place uninterrupted.

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Appendix A

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Appendix B

Telephone Survey

Questionnaire

Contact Person _____
Agency _____ Phone _____
Location _____
Talked to _____ Date _____

1) Agency policy and procedures concerning Native American consultation

2) Formal agreements such as MOAs or MOUs concerning the particular division/site and any Native American tribes

Who with:

What access is for:

When agreement was made:

Where for:

3) Any regular interactions with Native American tribes (i.e., specific requests, programs)

4) Have Native American tribes ever contacted you about archaeology or to come visit the property (to hunt, gather, conduct ceremonies)?

Who requested access:
What access was for:

When requested:
Where for:

5) Did any EIS, cultural resources plans, etc., yield recommendations about tribal access?

Were these followed? How?

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