Native American Tribes
Challenge calls for response! During the 2004 Colorado College State of the Rockies Conference, Charles Wilkinson spoke eloquently to the topic: “Endurance and Sovereignty Among the Indian Nations of the Rocky Mountain West,” saying at one point:

“Over the past two generations the tribes have achieved dramatic successes, heartwarming successes and historic ones. Tribal governments now are clearly the real governments in Indian Country.” 1

Intrigued by the stories Charles related in his talk, the State of the Rockies Project has tackled the issue of Native American “re-sovereignization.” We have explored a series of case studies that illuminate what is happening among Native Americans in the Rockies, both in their lives and within their sovereign nations.

We proceed first by defining “sovereignty” in relation to Native Americans. Then we relate a series of thumbnail sketches that bring substance and reality to abstract concepts such as re-sovereignization.

Regaining Sovereignty
Success Cases

What is Sovereignty?

How should we apply the term “sovereignty” to Native Americans? For answers we first look to the National Congress of American Indians, established in 1944 and now the oldest and largest tribal government organization in the US. They state clearly their view on sovereignty: “Indian Nations are sovereign governments, recognized in the U.S. Constitution and hundreds of treaties with various U.S. Presidents. Today, tribal governments provide a broad range of governmental services on tribal lands throughout the U.S., including law enforcement, environmental protection, emergency response, education, health care, and basic infrastructure.” 2 However, one must keep in mind that, in the words of the great Chief Justice John Marshall, tribes are “domestic, dependent sovereigns” over which Congress has plenary authority. The challenge facing tribal governments is to maintain and exercise their powers of self-government in the context of their relationship with the federal government and state governments.

Next we consider the perspectives of The Harvard Project on American Indian Economic Development. In their soon to be published book “Native America at the New Millennium,” funded by the Ford Foundation, they start by admitting that the term sovereignty has multiple meanings, interpretations, and implications -- even when applied to Indian affairs. The Harvard Project specifies that at the term’s core is “the inherent right or power to govern.” From the earliest days of contact between Europeans and Native Americans, “…Indian nations were, by necessity and nature, sovereign; and the colonists treated tribes as foreign nations, leaving them to regulate their own internal affairs. The colonial powers and later the federal government clearly recognized the sovereign status of the tribes.” The Harvard Project lists three dimensions to tribal sovereignty:

“(1) Indian tribes possess inherent power over all internal affairs; (2) the states are precluded from interfering with the tribes in their self-government; and (3) Congress has plenary power to limit sovereignty. In other words, tribes possess all powers of self-government except those that Congress has specifically removed. Tribal governments, as independent political entities, have the inherent right to make their own form of government, to determine their own citizenship,

to make their own civil and criminal laws and be ruled by them in tribal courts, to license and regulate, and to tax. Tribal governments are responsible for a diverse range of government functions, which include but are not limited to: educating their citizens, providing law enforcement and administering justice, developing economic, social and cultural programs, building infrastructure, and entering into contracts and agreements with other political entities.” 3

Working from this broad sketch of tribal sovereignty, we find encouraging news about what is happening among Native American people of North America in general, and around the Rockies in particular. Observers such as Charles Wilkinson and the Harvard Project agree: there is incredible resilience of Native Americans in the face of centuries of adversity and threat.

“Storms of oppression, racism, disease and attempted extermination have blown over the American Indians as fiercely as over any people in history. Yet with a tenacity that breeds its own offspring in the face of odds so stacked against survival for the last 500 years, America’s Native people enter the 21st Century self-defined by their tribal identifications. Now is a time of proactive striving by Native Americans, individually and collectively, to establish their own fabrics of life by their own designs.” 4

By Walter E. Hecox, Rebecca Schild and Chase Whitney
Wilkinson corroborates a resurgence of hope and action in what he describes as an Indian revival during the second half of the twentieth century that “…deserves to be recognized as a major episode in American history. The modern tribal sovereignty movement can fairly be mentioned in the same breath with the abolitionists and suffragists of old and the contemporary civil rights, women’s, and environmental movements.” He goes on to attribute this “resurgence” to the Native Americans themselves:

This movement presents a fascinating saga, … in part because the successes run counter to widely held assumptions. The fact of the progress, no less its extent and nature, is not commonly understood. Further, this is not a story of what federal officials have done for Indians. The vision and actions of Native Americans themselves created the deep change. Tribal leaders … learned how to use the political and legal system to create a framework within which progress could be made. Then they put those laws and policies to work by painstakingly building creative and effective institutions and programs at home, on the reservations. The modern Indian movement has put on grand display America’s truest nobility – its commitment to give dispossessed peoples the chance to thrive -- but it took the passionate and informed determination of Indian people to activate that impulse.”

What are the dimensions to this “resurgence?” The Harvard Project picks out four major themes from across the spectrum of social, economic, political, and environmental challenges facing tribes:

- **Self Governance**: strengthening tribes’ institutions of governance to more effectively assert their sovereignty
- **Economic Development**: diversifying their economic strengths to better improve their citizens’ well being
- **Social Reconstruction**: innovating their social policies by drawing upon the experience of both the Indian and non-Indian worlds; and
- **Culture and Identity**: tapping and developing their cultural resources – traditional and emergent.

**Native American Fabrics and Designs for Re-Sovereignization Around the Rockies: Case Studies**

The enthusiasm and passion of a keen observer of Native American re-sovereignization like Charles Wilkinson, and the authority brought to the subject by the Harvard Project on American Indian Economic Development are contagious. The Rockies Project has spent six months sifting through dozens of examples of what Native American individuals, communities and tribes are doing to exercise their sovereign authority and regain self-governance in areas of culture and language, social and political conditions, and environment and natural resources. All reflect two observations:

- “At the turn of the new millennium, American Indians face old challenges armed with new-found strengths, and new obstacles braced by deep traditions.”
- “Indian tribal sovereignty is one of the noblest ideals … – every bit as much so as the ideals of freedom or justice, to which tribal sovereignty is closely related. But claims to sovereignty never come easy, especially for small, ethnic governments within a much larger and more powerful sovereign entity.”

For every example presented by the Rockies Project, there is much additional information that expands upon the brief “thumbnail” sketches we provide. And there are dozens of other examples among Native Americans around the Rockies and nationwide that further kindles hope that this American ethic group, so dispossessed of dignity and power for so long, is indeed regaining sovereignty.
Rockies Native American Tribes

(only largest areas, ~ population 1,000+, shown)
City of Albuquerque v. Browner: Landmark Court Decision

Isleta Pueblo, New Mexico

**Issue:**

In 1996, the city of Albuquerque filed a complaint challenging EPA's approval of the Pueblo of Isleta's water quality standards on numerous grounds, presenting the first challenge of Native American sovereignty over water resources. Albuquerque operates a waste treatment facility that dumps into the Rio Grande River five miles upstream of the Isleta Pueblo Reservation. The reservation's water quality standards adopted in 1994 are more stringent than the state of New Mexico, thereby requiring Albuquerque to ensure that upstream water meet such standards. Thus, upgraded technology would be needed to meet the higher tribal standards, with an estimated cost of $58 million. The city of Albuquerque brought suit against the EPA, challenging the validity of EPA's approval of the Pueblo’s water quality standards.

**Background:**

In 1987, Congress amended the Clean Water Act, authorizing EPA to treat Indian Nations as states with regard to the Clean Water Act. Thus, tribes were granted jurisdiction to govern their own water resources, and thereby determine their own water quality standards. Isleta Pueblo was the first Indian tribe in the country to develop its own standards under the amended Clean Water Act.

**Action/Resolution:**

The court found EPA's approval of the Isleta standards in line with the amended Clean Water Act. This was a landmark decision, which set the precedent that tribes have sovereignty and government jurisdiction over water quality and are treated just as states with regard to the Clean Water Act. The court also upheld “that tribes may establish water quality standards that are more stringent than those imposed by the federal government . . . because it is in accord with powers inherent in Indian tribal sovereignty.” (97 F.3d 415, 1996 U.S. App., LEXIS 26314, pg. 7). Furthermore, these standards were justified because of prevailing drought conditions, the need to protect sensitive subpopulations, and the purpose of certain ceremonial uses. The EPA required Albuquerque to upgrade its water treatment facility as a result of this litigation. As of 1998, Albuquerque had implemented $58 million of new sewage-treatment equipment, providing water discharges clean enough to meet Isleta standards. This important court decision strengthened tribal governments’ power to maintain and control their natural resources, allowing Indian Nations around the country to adopt similar measures.

**Contacts/Sources:**

- City of Albuquerque v. Carol Browner, 97 F.3d 415, 1996 U.S. App., LEXIS 26314
Connecting the Navajo

Navajo Nation: New Mexico, Arizona, Utah

Issue:

Sixty percent of the 210,000 residents on the Navajo Reservation are without phone service. With the cost of connecting some homes with a landline reaching up to $100,000, it is obvious that the traditional infrastructure isn’t the solution. The mobile phone infrastructure is also inadequate. For those who can afford cell phones, service is unreliable and difficult to receive at some locations.

Background:

The Navajo reservation is not the only location in the country where receiving phone service is a challenge. Many isolated areas are at a loss for physical telephone service. To overcome the huge cost disparity of connecting remote areas to phone service, most landline and wireless phone customers pay a federal and state universal service charge that is paid primarily to phone companies in markets where connection costs are high. This subsidy will be essential in connecting the Navajo reservation, but as consumers begin to use other services such as Internet calling and loopholes growing demand of domestic energy supply and security.

Action/Resolution:

Despite shrinking funds, the solution to connecting the 25,000 square mile reservation might reside with a new company with local roots named Sacred Wind Communications. A Navajo-run company, Sacred Wind hopes to create a hybrid system of wireless communications with traditional home service. By incrementally expanding a series of radio towers with repeating capability, the most remote residents will eventually have the comfort and convenience of a telephone. New subscribers will need a receiver, but traditional home phones will be able to connect directly into the system. If all goes according to plan, Sacred Wind will have nearly 22,000 subscribers in the next five years.

Contacts/Sources:

- www.navajo.org
- The Denver Post “An answer to tribe’s call” by Tom McGhee, Jan. 9, 2005

Zuni Salt Lake

Zuni Pueblo: New Mexico

Issue:

For nearly two decades the Zuni people have fought a proposed coal strip mine near the sacred Zuni Salt Lake in New Mexico. The tribe was concerned that the pumping of ground water and pollution from the mine would adversely affect the health of the lake. Fears also arose that construction of the mine and its operation would encroach upon “The Sanctuary,” an area surrounding the lake that contains tribal burial grounds and shrines and has historically been a neutral zone among tribes.

Background:

Sixty miles south of the Zuni Pueblo in New Mexico, the Salt River Project (SRP), a large utility, had proposed an 18,000-acre coal strip mine to supply an estimated 80 million tons of coal over the next 50 years to the Coronado Generation Station in St. Johns, Arizona. The proposed mine would have been situated eleven miles from the sacred Zuni Salt Lake. Believed to be the home of the Salt Mother deity, the lake is central to the religion and culture of the Zuni and several other tribes. As part of mine operations, the SRP would pump approximately 85 gallons per minute (2.2 billion gallons over fifty years) from the underlying Dakota Aquifer -- primarily to control dust from excavation.

Action/Resolution:

Two federal agencies agreed that the mining permit should not have been approved, but in 2002 Secretary of the Interior, Gale Norton, approved the mine permit under the growing demand of domestic energy supply and security. Addressing Zuni concerns in an amendment to the federal permit, the SRP was required to pump water out of an adjacent aquifer, but the Zuni did not retreat and maintained that the result would be the same regardless of which aquifer was tapped.

In 1999, three years after New Mexico issued its first permit to the SRP and construction of a railroad line was uncovering burial sites, federal officials determined that the Sanctuary surrounding the lake was eligible for placement on the National Register of Historic Places. In 2003, both Zuni Salt Lake and the Sanctuary were placed on the register and on the list of “The Eleven Most Endangered Historic Sites.” In August 2003, the SRP relinquished its mining permits and dropped plans to develop the coal mine. Instead of opening its own mine, the SRP decided to procure its coal from an existing mine in the Powder River Basin of Wyoming. The decision is seen as a victory for tribes everywhere in protecting their sacred sites and influencing the national interest.

Contacts/Sources:

- www.sacredland.org “Zuni Salt Lake”
- The Santa Fe New Mexican “Utility Drops Plan for Coal Mine” by Ben Neary. Aug 5, 2003 Tuesday
Dine CARE (Citizens Against Ruining our Environment)

Navajo Nation: New Mexico, Arizona, Utah

Issue:

The vast Navajo nation, which sprawls through Utah, New Mexico, and Arizona, is one of the most impoverished reservations, with 80% of households lacking electricity, telephones, or running water. Thus, the Tribe faces continuing pressures and exploitation from development projects that adversely affect their environment, health, and traditional way of life. These problems stem both internally, from tribal government initiatives, and externally, from private development projects and U.S. government legislation.

Background:

Dine CARE originated in 1988 to defend the community of Dilkon, in the Southwestern portion of the Navajo Nation, from the threat of a toxic waste and incinerator dump. The tribal government had already approved the dump, so the community organized and educated itself to successfully fight and stop the toxic waste plans. The all Navajo grassroots environmental organization expanded with the mission of providing innovative solutions to surmount an impoverished communication and information infrastructure, in order to provide a voice and protect traditional beliefs and teachings. Sponsored primarily by foundation grants, members join from all corners of the reservation, with the intention of honoring the relationship with “Mother Earth based on balance and harmony” (http://dinecare.indigenousnative.org), speaking out against issues affecting their communities.

Action/Resolution:

In the late 1980s, the organization led a march on the New Mexico state capitol to successfully advocate the reform of alcohol sales in reservation border towns. In 1990, they co-founded the Indigenous Environmental Network, providing a network for educating Native and non-Native communities alike, and promoting a culturally appropriate, indigenous method for alternative development and environmental protection. In 1991, Dine CARE defended the community of Huerfano, N.M. and its neighboring sacred mountain from a proposed asbestos dump, halting plans altogether. A bigger campaign started in 1994, temporarily stopping reckless timber cutting until environmental studies could be conducted. In conjunction, they started an innovative GIS forest-mapping project, with the intention of reforestation in the Chuska Mountains. One of the biggest successes has been in the reform of the Radiation Exposure Compensation Act in 1988, trying to address victims of radiation exposure on tribal lands. This project is still being tackled, with the hopes of fighting future mining and ensuring all uranium tailings are cleaned-up. The organization’s latest concern is to assist 20 Navajo communities threatened by a coal power generating plant. Dine CARE has won international acclaim for using technology to protect traditional landscapes and sacred sites, winning the Intel Environment Award in November 2004.

Some comments from observers:

· “Many traditional peoples are being discriminated against and exploited right on their own native lands, simply because their ways are not ‘progressive’ or centered around Anglo notions of economic development.” (Testimony of Leroy Jackson before Congressional committee on American Indian Freedom of Religion Act, 1993).

· “Many problems have come from poorly managed attempts at economic development which exploit Navajo lands. These problems are plain to see with regard to the environment, but also seriously threaten our cultural heritage.” (Chuska Mountain Forests: an Issue of Sovereignty).

· “Tech museum president Peter Giles said the [Intel Environment Award] ‘seeks to inspire a new generation of socially conscious leaders who will leverage technology to address the myriad of challenges we face as a global community.”

Contacts/Sources:

· Dine CARE
  10A Town Plaza, Suite 138
  Durango, CO 81301
  Telephone: (970) 259-0199
  Email: kiyaani@frontier.net
· Draper, Electra. “Group’s high-tech efforts to aid Navajo honored.” Denver Post. 11/10/04.
· Dine CARE website.
  http://dinecare.indigenousnative.org
**Issue:**

Peabody Energy, the world’s largest private coal company, daily extracts 3.3 million gallons of water from the N-aquifer underlying the Hopi and Navajo Reservations in Arizona. The water is mixed with crushed coal, which is then slurried 275 miles away to the Mohave Generation Station in Laughlin, Nevada. The Hopi people are now challenging the extraction of this water, and the questionable lease agreements that made its extraction possible.

**Background:**

In 1966, under guidance from their lawyer, John Boyden, the Hopi Nation agreed to lease mining rights to their land to the Peabody Coal Company. Under the agreement, the Hopi and Navajo reservations would split the royalties from the coal extraction and be paid a modest amount for water pumped from the N-aquifer to supply the 275-mile long coal slurry line. Besides the lease agreement being below market value and absurdly small payments for water, the agreement’s legitimacy has been called into question because of the possible duplicity of Mr. Boyden. Through personal accounts and correspondence, it has been claimed that Mr. Boyden was working for both the Hopi Nation and the Peabody Coal Company during negotiations in the mid-1960s. Although the lease agreements were amended to better represent the true value of both the coal and the water, members of the Hopi Nation are demanding that the lease be terminated and the pumping of their water stop immediately.

**Action/Resolution:**

The Black Mesa Trust, a grassroots organization created to safeguard the land and water of Black Mesa, is spearheading the effort. Created in 1999 by the Hopi people, the trust intends to let public opinion have its say on the matter, something they contend did not happen during the original negotiations of the ’60s. By presenting evidence of Mr. Boyden’s double-dealing, The Black Mesa trust hopes to show that the original lease agreements between the Hopi and Navajo people and Peabody Coal are effectively invalid. During an exhaustive discussion on January 17, 2005, the Hopi Tribal Council agreed to postpone any further agreements with Peabody Coal until April 2005, when the Black Mesa Trust will show further evidence of Mr. Boyden’s duplicity.

The goal of the trust may receive some help from the California Public Utilities Commission. In a December 2004 decision, the CPUC unanimously agreed to shut down the Mohave Generation Station at the end of 2005. The shutdown is not necessarily permanent, but is contingent upon resolving outstanding coal and water issues that are impeding its profitability.

The executive director of the Black Mesa Trust, Vernon Masayesva, believes that “transporting coal with ground water is ludicrous,” and better options should be explored. Using water from a larger aquifer, pumping water from the Colorado River, or building a rail line are all possible options, but Mr. Masayesva and many Hopi believe the water options should be taken off the table.

**Contacts/Sources:**

- www.hopi.nsn.us  “Black Mesa Trust: save aquifer from Peabody Coal Company”
- The Associated Press  “Hopi runners trek 265 miles to protest coal company’s water use” Foster Klug, Aug. 14, 2001 Tuesday

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**Na-Wa-Hu Program**

**Sandia Pueblo: New Mexico**

**Issue:**

The difficulty of providing a comprehensive and available health program for Indian reservations has been a continual dilemma for both tribes and the Indian Health Service department. Pressures of increased demand for health services, combined with the lack of adequate government funding, has forced the Indian Health Service to limit its programs. The end result has been the elimination of preventative medicine initiatives and using the few available resources to address acute and chronic care service needs. The tribes are left with the dilemma of increasing health issues and the inability to meet their peoples’ needs.

**Background:**

The leaders of Sandia Pueblo, using financial revenues earned from gaming operations, voted to pursue a more active role in administering, delivering, and financing health care for their tribal members. They recently built a 10,400 square foot “state-of-the-art” medical and dental center, at a cost of nearly $3 million. The Pueblo teamed up with HIS, the University of New Mexico Health and Sciences Center, the State of New Mexico, and the private health care sector to implement their vision of community wellness. So far, success has been astounding, and the tribe has been gaining national acclaim for its innovative measures in health
initiative, a social services program including an assisted living program, and a Health Care Services Trust Fund. Their efforts ensure that all tribal members will have access to health care in future years.

Most notable is the development of the Na-Wa-Hu wellness program and center. This native word, meaning mind, body, and spirit, represents the mission and commitment of promoting community holistic wellness. The center offers regular programs that attempt to address health concerns on a daily basis. After-school activities, such as arts and crafts, sports and fitness, dance, photography, and biking are open to all youth tribal members. There are also day camps for summer recreation, which are designed to develop confidence and good health habits. The outdoor education program works year round to expose youth to environmental issues, adventure recreation, and challenge education. This program will eventually expand to adults and families. In addition, a community garden has been established to rekindle the tradition of agriculture and working with the land, while providing a source of organic produce to the community.

Comment:

· “Sandia recognizes that our destiny is in our own hands and we have assumed a leadership role that we must maintain if we are to succeed in our mission to improve the health status of our people.” - Tribal website.

Contacts/ Sources:

· Wellness Center: 505-867-4696
· Sandia Pueblo website www.sandiapueblo.nsn.us

Navajo Tribal Utility Authority

Navajo Nation: New Mexico, Arizona, Utah

Issue:

The Navajo Tribal Utility Authority or NTUA is incorporating renewable energy to help meet the demand for electricity on its reservation. Normally, the tribe would purchase all of its electricity from suppliers off-reservation and transmit that power to residents connected to existing infrastructure on the Navajo Nation. The addition of renewable energy, such as photovoltaic and wind, will certainly not replace that outside generation completely, but it will provide the tribe with a cost effective and tribally owned alternative for those who could not be cost-effectively connected to the existing utility network.

Background:

The Navajo Nation estimates that 14.2 percent of homes on its reservation are without electricity. Of the 1.4 percent of homes in the greater U.S. without electricity, 75 percent reside on the Navajo Reservation. The immense size of the reservation and the great distances that sometimes exist between homes and infrastructure, make connecting isolated homes prohibitively expensive. This is where the incorporation of renewable energy can satisfy a portion of demand at a lower cost than traditional utility services.

Action/Resolution:

In conjunction with SunWize Technology, the NTUA recently completed a residential renewable energy project. The NTUA implemented the program to give the opportunity for residents without service to enjoy the benefits of electricity at a reasonable cost. Using 880-watt solar power stations, the NTUA was able to provide residents with a minimum of 2kwh of electricity per day, and a battery bank capable of supplying a home for five days without needing to be recharged.

Contacts/Sources:

· www.ntua.com “Navajo Tribal Utility Authority”
· U.S. Department of Energy “Renewable Energy Development on Tribal Lands”
Nuclear Waste on The Skull Valley Reservation

The Skull Valley Goshutes: Utah

Issue:

Nuclear waste disposal usually creates the ultimate “not in my backyard” response from those who live near a proposed storage site. But the Goshutes of the Skull Valley Reservation in Utah are for the most part excited about the opportunity to temporarily host thousands of tons of nuclear waste on their land. The temporary disposal sight would be an economic boom for this small 18,000-acre reservation and 500-member tribe, but the plan has its vocal detractors – like the state of Utah.

Background:

To abide by the Nuclear Waste Policy Act of 1982, the federal government sought volunteer candidates to temporarily store spent nuclear fuel until a permanent facility was completed. As stipulated in the act, the Department of Energy (DOE) was required to begin accepting nuclear waste from utilities by 1998 and storing it permanently. In 1992, the Goshutes of Skull Valley took interest in the program named “Monitored Retrievable Storage” or MRS, and began a study of the benefits and impacts of waste storage. In 1995, a $125 million facility with a storage capacity of 40,000 metric tons of spent fuel was proposed. The economic benefit to the tribe would be immense and allow them to increase the size of their reservation and make necessary infrastructure improvements.

The State of Utah and many other opponents saw the storage of nuclear waste as a permanent problem rather than a temporary one. With continuing acrimony surrounding the DOE’s permanent storage facility “Yucca Mountain,” there are no assurances that the nuclear waste will find its way out of Utah in the foreseeable future. For a state with no nuclear power plants, Utah did not want be in the business of storing the nuclear by-product of other states. Jason Groene-wold, director of Healthy Environmental Alliance of Utah, stated, “We need to remember and be very clear that once the waste gets here, no one else is going to take it.”

Action/Resolution:

Despite delays due to the possibility of Air Force over-flights crashing into the facility, wilderness exemptions, and possible fiduciary mismanagement by the tribe’s chief, the storage facility appears to be on track. If no further delays are encountered, the agreement that was signed in 1997 could receive licensing by early this year.

According to Dennis Rockwell, a County Commissioner for Tooele County, which is immediately adjacent to the Skull Valley Reservation, there is a “70% chance that the licensing will be approved.” Mr. Rockwell and many others in the area are pragmatic supporters of the Goshutes’ decision to host the nuclear waste. “I’m in favor of the Tribe improving their economy,” says Rockwell, and in light of the facts, Mr. Rockwell believes that it is important to be on good terms with the Tribe and be a part of the decision making process, rather than to be opposed and have no say at all.

Contacts/Sources:

- www.Skullvalleygoshutes.org
- National Congress of American Indians “Skull Valley Band of Goshute Sign Initial Agreement for Interim Spent Nuclear Fuel Storage Facility”
- Deseret News (Salt Lake City, Utah) “Goshute N-waste site on track as panel gives OK to rail line” Jan. 1, 2004, Thursday

Pyramid Lake Environmental Program

Pyramid Lake Paiute Tribe: Nevada

Issue:

The Pyramid Lake Paiute Tribe is located 35 miles northeast of Reno, Nevada. Their land sits along the Truckee River which feeds Pyramid Lake, the center of the tribe’s economy and cultural traditions. Over the past century, government military operations and expanding communities in Nevada have placed increasing pressures on the integrity of the environment and the health of the native people. Point and non-point sources of pollution, such as urban storm runoff, past and present mining activities and tertiary treated effluent from the Reno/Sparks sewage treatment plant have greatly contributed to water contamination. Coupled with upstream diversions from the Truckee River and drought years, increasing difficulty is placed on the recovery of two Pyramid Lake endangered fish species important to the Tribe’s culture and traditional way of life. In addition, the reservation contains the last remaining Northern Leopard Frog species along the river, which is considered a threatened species.

Background:

To compound problems, for over fifty years the department of defense has conducted military training and operational activities near the reservation, such as burning munitions at the Sierra Army Depot, torpedo bombing, and low level fly-overs by jet aircraft. The tribe complains of elevated cancer rates, calves dying from unknown respiratory conditions, cows with tumors, a declining white pelican population, fish smaller than normal, and a greater rate of children with learning disabilities.

The Pyramid Lake environmental department began in 1981 with a water-quality monitoring program. It has since expanded to include a wetlands project, funded by a $70,000 grant from EPA, and an air quality program in collaboration with the Department of Defense. In 1944, the U.S. Navy leased 76.5 acres of land from the tribe to establish a land-based torpedo dropping range for the Naval Air Station in Alameda, California. In recognition of their trust obligations from leasing these lands and under the
Native American Lands Environmental Mitigation Program (NALEMP), the Department of Defense, Army Corps of Engineers entered into a Cooperative Agreement in May 2002 with the tribal government to address any adverse environmental impacts of military operations on the reservation. Through these various initiatives, the tribe has become nationally recognized for its protection of vital environmental resources.

**Action/Resolution:**

The water quality program extends to streams and sites along the lower Truckee River as well as Pyramid Lake itself. A new water quality laboratory was completed in the spring of 2002 to analyze and monitor contaminants. The tribe also successfully challenged the state of Nevada’s decision to create upstream water transfers from the Truckee River, which would further threaten the existence of the lake and the Lahontan cutthroat trout and the cui-ui, two endangered fish species. The court decided in favor of the Pyramid Lake Paiute, who see themselves as the keepers of the lake and its inhabitants.

In efforts to address the threat to rich wetland inhabitants, the environmental department began raising frogs from tadpoles found along the reservation since the spring of 2003. The intention is to continue monitoring species, provide education, and reconstruct suitable living and breeding habitats.

The cooperative agreement with the Department of Defense has allowed access to funds for assessing the extent of damages from military operations. The initial mapping project is designed to identify the location of any Navy munitions, enabling the necessary clean-up. The tribe has also begun protesting further burning or detonating bombs and bullets at the Sierra Army Depot.

**Recapturing Arapahoe Language**

**Northern Arapahoe: Wyoming**

**Issue:**

“In short, Native American languages are becoming an endangered species,” a sentiment expressed by James Crawford, a writer who specializes in the politics of languages. This is certainly the case for the Northern Arapahoe of the Wind River Reservation in Wyoming. Only about 1,000 of the 8,000 tribal members are fluent in the Arapahoe language and none are younger than fifty. At the current rate of loss, the Arapahoe language could vanish within 15 years.

**Background:**

Because of suppression, general apathy, and larger concerns, the desire to maintain the Arapahoe language has slipped away. The days of integration and assimilation are over, but their influences are still felt. Many tribe members attended school when speaking their native language was greeted with punishment, rather than encouragement. The continuing economic struggles that are present throughout many reservations emphasize the seemingly uselessness of the old language in earning a living and navigating the modern world. Contrarily, Nelson White, a council elder, believes that during challenging times, the Arapahoe language and culture becomes even more important. “How are we going to pass along our ceremonies to our young children without the language?” he states. “It’s our only way of survival.”

**Action/Resolution:**

This sense of survival is growing – realizing that if the culture and language don’t exist into the future, neither does the tribe. Eugene Ridgely, director of the bilingual education program for the Wind River Tribal College in Ethete, Wyoming, is doing everything in his power to grow Arapahoe fluency among the tribe. “First, we’ve got to get the people to care,” Ridgely said. Their first priority will be lobbying parents to take an interest and immersing their children in their native language and customs at home. At the same time, Ridgely will be working to develop the Arapahoe curriculum in schools. By achieving both of these goals, many believe the language can once again flourish. Using a mandate in President Bush’s “No Child Left Behind” legislation, the Tribal College will also try to secure federal funding by making Arapahoe a language offering to all students on the reservation under the foreign language requirement.

**Comments:**

- “These resources are the cultural bridge between the past and future which ensures the cultural continuity of my people today. Once these bridges are destroyed, cultural continuity ends and annihilation begins.” —Keith Alan Mandall, Tribal Chairman (Associated Press).

- “The decision has been a long awaited sign of promise for our people and reaffirms our claim of stewardship of the lake. The lake is us and we are the lake.” —Keith Alan Mandall, speaking about the court decision to overturn state planned water diversions in the Truckee River.

- “…trying to buy water rights to improve water quality for the benefit of aquatic life.” –Dan Mosley, environmental specialist.

**Contacts/Sources:**

- Dan Mosley, Environmental Specialist, 775-574-0101 x11
- Gerry Emm, Environmental Director
- Anna Keyzers, Environmental Specialist 775-574-0101 x15
  PO Box 256
  Nixon, NV 89424
- Tribal website, Environmental Department. www.plpt.nsn.us
- Jon Ghahate (Laguna/Zuni Pueblo). “Pyramid Lake Paiute: The Lake is Us and We Are the Lake.”
  www.certreearth.com/Tribal/pyramid.html
- “Pyramid Lake Tribe, others, recognized by EPA for environmental efforts.” The Associated Press.
  April 21, 2000
Salish and Kootenai Management of the National Bison Range

Confederated Salish & Kootenai Tribes: Montana

Issue:
The National Bison Range was created in 1908 when 18,500 acres were bought from the Salish and Kootenai Indian land in order to preserve a species that had been almost entirely wiped out. This appropriation was contrary to the Hellgate Treaty of 1855, which established the boundary of the Flathead reservation. Additionally, the bison on the Range are descendants from those preserved by the Confederated Salish and Kootenai people more than 130 years ago. In an effort to regain their cultural position as protectors and stewards of the environment, as well as affirm their tribal sovereignty, the tribe has been petitioning the federal government for rights to manage the National Bison Range since 1994.

Background:
With the passage of the Tribal Self-Governance Act in 1994, Congress granted Tribal governments’ authorization to contract various federal activities, especially those that are located within a Tribe’s reservation and hold cultural, historic and geographic significance to the Tribe. This power was allotted for the purposes of increasing tribal self-governance and facilitating greater participation in federal programs with Reservations. The Confederated Salish and Kootenai first petitioned for management in the mid 1990s during the Clinton Administration, but no agreement was ever reached. Now, through a tribal campaign entitled “Join the Herd,” a final agreement has been decided, but not without opposition.

Opponents are worried that the lands will be closed entirely to the American public and many federal employees will lose their jobs. Some dissenters even question the environmental record of the tribe. However, the Salish and Kootenai people have been recognized as leaders in protecting their environment, being the first Indian nation to designate a tribal wilderness area, as well as working with the wildlife service to reintroduce trumpeter swans and peregrine falcons to the reservation. “The Tribes’ tradition of conservation through environmental stewardship is as old as the land and the spirit and intent of the Range and will truly be honored”. (www.cskt.org/nr/bison.html)

Action/Resolution:
The Salish and Kootenai have reached a resolution with the federal government and Fish and Wildlife Service, accepting significant management responsibilities for the National Bison Range. This new agreement is to take effect early in 2005. The property itself will remain in federal hands, but the management will be contracted to tribal employees. Responsibilities will include monitoring vegetation, bird banding, waterfowl counts, weed control, wildlife management, fire management, and maintenance and visitor services. In addition, a tribal coordinator will be hired to act as a liaison between the Salish and Kootenai tribes and the federal government. This agreement represents a success for all people involved, one that will bring a traditional way of life back to the native people of the Flathead Reservation and a high quality of stewardship in the management of bison. “Contained in their vision and mission statements is a promise to provide the same quality of life to future generations that is currently enjoyed by the tribe.” (Mary Annette Pember, “Salish Kootenai: Control Over Their Land”)

Comments:
- “The Tribes’ presence on the Bison Range is something everybody will benefit from. We owe this to our ancestors. We respect them by doing this right. But it’s really for them and for all of America.” -- Fred Matt, Tribal chairman
- “Those bison come from a herd that was from us -- and that story is even told at the bison range visitor center.” -- Anna Whiting Sorrell, director of tribal support services office.

Contacts/ Sources:
- Confederated Salish & Kootenai Tribes
  PO Box 278, Pablo, Montana 59855
  Phone: (406) 675-2700 or toll free: (888) 835-8766
  Email: csktcouncil@cskt.org
  - Natural Resources Department: (406) 883-2888
  - Tribal website www.cskt.org/nr/bison.html
  - Pember, Mary Annette (Saginaw Chippewa) “Salish Kootenai: Control Over the Land.” CERT website
**Sandia Pueblo: Award-Winning Environmental Department**

**Sandia Pueblo, New Mexico**

**Issue:**

The Pueblo of Sandia spans approximately 23,000 acres in the Middle Rio Grande Valley of central New Mexico. It is in close proximity to two major metropolitan areas: Santa Fe and Albuquerque. The reservation sees the majority of New Mexico’s traffic, as Interstate 25 and the Santa Fe Railroad directly bisect the Pueblo as major transportation corridors. Due to its location, the Pueblo faces many environmental pressures; from expanding communities to the north, south, east, and west, hazardous materials spills along I-25, solid waste dumping on tribal lands, leaking underground storage tanks, and poor air and water quality.

**Background:**

In response to escalating environmental issues, the Pueblo established a community-based environmental department in 1994. The community and Tribal government define the goals and objectives of the department in an effort to reflect cultural ideals and their traditional way of life. An initial environmental survey was conducted, which found that water quality and quantity were the primary concerns of the community, with solid waste issues and air quality being second in importance. In addition, the department recognized the importance of its diverse natural habitats, and has created programs to preserve and restore their myriad environmental ecosystems.

In 1997, the Pueblo was the first tribe to receive the “Partnership for Environmental Excellence Award” from the EPA. In 1999, Sandia Pueblo was one of eight tribes acknowledged with a High Honors Award from the John F. Kennedy School of Government at Harvard University for its “excellence in self-governance on water quality.”

**Action/Resolution:**

Water Quality: The tribe received “treatment as state” status in 1990 from the EPA in determining water quality standards. These standards were then approved in 1993, and are more stringent than the state of New Mexico’s.

Air Quality: As the reservation has a disproportionately high rate of asthma among youth, the air program focuses on determining sources of air pollution and protecting community health. The tribe recently hired an air quality technician and is beginning an investigation of on-reservation emission sources.

Solid Waste/ Recycling Program: The Pueblo was the first tribe in New Mexico to discontinue using an open trench dump, switching to a solid waste transfer station. The station includes a drop off for recycling aluminum cans, cardboard, and white paper.

Boque Restoration Project: The Rio Grande Valley is a wide floodplain primarily used for farming and ranching. While it may appear to be a desolate and uninhabited desert with overgrown brush, it actually sustains an abundant wildlife habitat. The Rio Grande Boque is a riparian forest with woodlands areas along the river. The tribe received federal funds to rehabilitate roughly 20 acres of Boque to a more natural state, with the goals of removing invasive non-native plants, encourage planting of native cottonwood and willow, and monitor water quality to better understand water quality issues and their impact on the riparian habitat.

Wetlands Wastewater Treatment Project: The Pueblo established its own wetlands for wastewater treatment in 1996. The wetlands contain more than 5,000 plants and have the capacity to treat up to 30,000 gallons of water per day.

Education: As recent recipients of a $10,000 grant from Harvard University, the Environment Department created the Harvard Water Quality Classroom, located in the Sandia Lakes Recreation Area. This project focuses on community environmental education, giving presentations to students on environmental issues, protection, and career opportunities. In addition, the department offers Student Summer Science Intern Positions, where Pueblo students are employed to gain field experience about the various issues facing the reservation.

**Contacts/Sources:**

· Executive Director Alex Publisy, 505-867-4533
· Sandia Pueblo website www.sandiapueblo.nsn.us

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**Southern Ute Academy**

**Southern Ute Reservation: Colorado**

**Issue:**

The Southern Utes are trying to save their culture and language from extinction, while equipping their children with the education necessary to succeed in today’s world. Until recently, these two objectives have been conflicting. Children sent to local public schools in Ignacio, a small La Plata county town in close proximity to the reservation, were losing their traditional heritage while also struggling in school. “The Ute children could keep pace until about grade 4, tests showed, but then they would begin to fall behind. And too few young Utes could speak their own language” (Bertha Box, Southern Ute tribe). The tribe held multiple meetings with the Ignacio public schools, attempting to improve their youth’s educational experience, usually to no avail.

**Background:**

Recognizing the dramatic loss of their culture, tribal elders began forming a vision of a tribal school; a “cultural warehouse for the heritage and a means of unification” (Denver Rocky Mountain News). In the 1990s, when the tribe became abundantly wealthy from the development of their rich endowment of natural gas, their first big civic
project was the construction of this private academy in 2000. Several curriculum models were discussed, but the Montessori approach best suited the way in which Native American children learn. The school has about 100 students enrolled -- from pre-school to sixth grade. And they hope to expand until there is a high school from which Ute children can graduate.

**Action/Resolution:**

The Southern Ute Academy embodies the 1984 Tribal Council Proclamation “Excellence in Education” and preserving their valuable culture. With a $2 million a year budget funded entirely by the tribe, the Academy strives to reaffirm a cultural heritage and language which has diminished through the decades. Children learn reading, writing, geology, math, and history in conjunction with the Southern Ute language and way of life. Teachers emphasize traditional Ute ideals: respect for parents and teachers, all living beings, and peace. And so far, students are excelling and responding.

The Tribal government also hopes that students will continue with their education, so it funds fully any member who wishes to pursue a degree at an institute of higher learning.

**Comments:**

- “We don’t just pour Ute culture over education here; we pour education into the culture. The culture is the cornerstone.” - Ann Peck, lead teacher at the academy
- “The important thing is that tribal students have strong basics so they can excel at higher education.” - Pearl Casias, Southern Ute Tribal Vice Chairwoman.
- “The academy is a bid by the 1,350 Southern Utes to reverse a century-long cycle of cultural dilution and federal attempt to extinguish Indian identity.” (Denver Rocky Mountain News, Dec. 10, 2000).
- “When you lose your language, you lose yourself.” - Wha-leah Frost, mother of an Academy student.
- “Physical education and the language program are the cornerstones of the Academy.” - Arnold Sanistevan

**Contacts/Sources:**

- Carol Olguin, Acting Director, 970-563-0100
  Arnold Santistevan- head of school
  Southern Ute Indian Tribe c/o Southern Ute Academy
  PO Box 737 Ignacio, CO 81137
- Southern Ute Home Page www.southern-ute.nsn.us

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**Taos Blue Lake**

**Taos Pueblo: New Mexico**

**Issue:**

Identified as the source of their creation, Blue Lake is essential to the identity of the Taos Pueblo people. Respected as a place of significance since the sixteenth century by outsiders, and recognized by the treaty of Guadalupe Hidalgo, Blue Lake remained under control of the Taos people until the early twentieth century. As a growing number of white settlers moved into Northern New Mexico and made their presence felt, the federal government placed Blue Lake and the surrounding water shed under the control of the Forest Service in 1906. First believing this to be a positive outcome that would protect Blue Lake from exploitation and reserve it for their private use, the Taos Pueblo people soon realized that their aboriginal rights had been stripped away and Blue Lake was now part of the public domain.

**Background:**

In 1924, the Pueblo Lands Board awarded the Taos Pueblo people value-based compensation for Blue Lake and the surrounding area. Although the Taos People agreed to cede any compensation for lands settled by non-Indians in exchange for outright ownership of Blue Lake, the Board would not act. In 1933 the Senate Indian Affairs Committee recommended that title of Blue Lake be restored to the Pueblo people, but in the end, the Pueblo people were only granted Native use rights. Unwavering in their quest to regain Blue Lake, the Taos Pueblo people sustained their campaign. In 1951, it was concluded that Blue Lake was indeed taken unjustly from the tribe and should be returned, but the Indian Claims Commission who made the decision could only offer monetary compensation for the misappropriation. Finally, in 1970, after two more unsuccessful attempts to regain Blue Lake, President Nixon signed House Bill 471 and returned the lake to the tribe.

**Action/Resolution:**

After 64 years, Blue Lake was returned to its rightful steward. The Blue Lake story would finally be closed after Representative Bill Richardson of New Mexico ushered the Taos Bottleneck Bill through the U.S. Congress in 1997. The bill secured the last 765 acres and access rights to Blue Lake for the Taos Pueblo people. The Lake and the land immediately surrounding it are now completely off-limits to anyone who is not a member of the tribe.

**Contacts/Sources:**

- Sacred Land Film Project “Taos Blue Lake”
  www.sacredland.org
- Santa Fe New Mexican “Returning to the Path of Life; Richardson Helps Taos Pueblo Regain Sacred Blue Lake Land”
  Jan. 5, 1997 Sunday