

# THE TRIBAL NATIONS EXCHANGE

## INFORMATION SHARING ON

### U.S. ARMY CORPS OF ENGINEERS

### ACTIVITIES IN INDIAN COUNTRY

#### **Army Civil Works Representatives Testify Before Senate Indian Affairs Committee**

In the first of a series of oversight hearings on Federal agency treatment of Indian sacred sites, the Senate Indian Affairs Committee heard testimony on June 4, 2002, from Mr. George S. Dunlop and Mr. Chip Smith, Office of the Assistant Secretary of the Army (Civil Works). Mr. Dunlop, Deputy Assistant Secretary (Policy and Legislation) provided oral and written comments to the Committee, while Mr. Smith, Assistant for Environmental, Tribal and Regulatory Affairs, provided technical assistance in answering Committee member's specific questions.

Committee members in attendance were Senator Inouye (D-HI), Chairman, and Senator Ben Nighthorse Campbell (R-CO), Ranking Minority Member. Senators Inouye and Campbell evidenced interest and concerns in Corps policies and procedures, tribal consultation, resource management (particularly on the Missouri River) and how tribal issues are managed at different levels of the Corps organization.

In all, there were four panels of witnesses but only one other Federal representative, Mr. Philip Grone, Principal Assistant Deputy Undersecretary of Defense (Installations and Environment). A complete witness list, selected transcripts of testimony and additional hearing information can be viewed at the Committee website, <http://www.senate.gov/~scia/nsindex.html>

#### **Quote of the Issue**

"When I was inducted into the service, one of the commitments I made was that I was willing to die for my country—the U.S., the Navajo Nation, and my family. My [native] language was my weapon."

*David E. Patterson, United States Marine Corps, on his time in World War II as a Navajo "Codetalker"*

#### **Tribal Water Resources Website**

*Native Waters* is an outreach program of the Montana State University in Bozeman. It is dedicated to "increasing awareness and respect for tribal water resources." The program web site can be viewed at: <http://www.nativewaters.org/>

*Submitted by Marc Paiva, New England District*

#### ***Hawk***

I fly on Hawk wings caught up  
on strong currents across this mighty land.

Looking down my heart grows heavy  
I see black ribbons that slash the earth.

I search for my strong black brother he is gone.  
Only small herds of his children are left  
In prisons of green pastures.

I search for and listen for the howl of my wise  
gray brother and hear his song no more.

I search for my red brother and find him huddled  
in lost dreams and hovels of loneliness.

The land is lonely for her children  
who once fed upon her bosom and bounty.

Only feeble, weak little creatures are left,  
their hearts and spirits are strange and sorrowful.

They do not know the language of our songs.

The strong and powerful who knew the songs of  
our land  
have been cast aside driven out by strangers.

My wings grow weary in my search. I find only  
emptiness  
the wind cries for our losses and I am alone.

Mary Lee Johns  
Omaha District

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# THE TRIBAL NATIONS EXCHANGE

## JUNE 2002

*Editor's Note: The following editorial was prepared by Congressman Nick Rahall (D- W. Va) and was originally published in **Indian Country Today**.*

### **Protecting sacred lands is an American responsibility**

Whether or not you are a religious person, when you walk into the Sistine Chapel there is a feeling that comes over you that is hard to explain. Visiting this historic and religious site certainly evokes reverence and respect. The centuries-old, detailed artwork by Michelangelo, the knowledge that the next Pope would be selected there, the history of an entire religion enveloped in one space.

Now imagine the Sistine Chapel with an oil rig plopped right under the famous "Creation of Adam" ceiling fresco. Inconceivable, ridiculous, sacrilegious.

Yet, right here in America, oil rigs and mining pits are invading some very sacred places.

Until April 23, the Valley of Chiefs in Montana was one such threatened place, an area under siege by Big Oil interests. This valley of peace was once part of the Crow Reservation and it holds significance to many other tribes in Montana, Wyoming, North and South Dakota and Oklahoma. In fact, in 1999 it was designated by the federal government as an area of critical environmental concern largely because of its spiritual and cultural significance.

After almost a year of negotiations, the oil company has agreed to transfer its oil leases to the National Trust for Historic Preservation. In this case, I deeply appreciate the efforts of all involved, including the oil company, to come to a proper resolution of this dispute. Last year I introduced H.R. 2085, the Valley of Chiefs Native American Sacred Site Preservation Act, which would prohibit the Secretary of Interior from issuing oil and gas leases and drilling permits in this very sacred area. I believe it was this legislation, along with the media attention, which served as a catalyst for reaching an agreement to protect Valley of Chiefs.

But make no mistake about it, there are other Valleys of Chiefs out there crying out for a comprehensive approach to this issue rather than

causing us to fight on a case-by-case basis. Valley of Chiefs provides a glimmer of hope in this uphill battle facing Indian Country. It is also a wake-up call for action, for the pressing need to protect bona fide Native American sacred sites wherever they may lie on the public domain.

The proposed site for a 1,600-acre, open-pit gold mine in Indian Pass, Calif., is a place where "dream trails" were woven. The Bush Administration revoked a Clinton-era ruling that said mining operations would cause irreparable harm to these ancestral lands, an extremely sacred place to the Quechan Indian tribe. Now the tribe is left fighting for its religious and cultural history.

In New Mexico, 60 miles south of the Zuni Pueblo, lies the Salt Lake. When water evaporates in the summer, layers of salt are exposed on the lake bottom. Zuni and other tribal medicine men harvest the salts. Yet a public utility wants to build a massive coal strip mine just 11 miles north of the lake. To operate such a mine the company will have to pump water from the same aquifer that feeds the Zuni Salt Lake, increasing potential harm to the lake and the salt which many tribes use for healing.

Sadly, these examples are just two verses in the Bible of threatened Native American sacred lands.

Long before my ancestors arrived on these shores, American Indians were the first stewards of this land. They respected the earth, water and air. They understood you take only what you need and leave the rest. They demonstrated you do not desecrate that which is sacred.

Most Americans understand a reverence for the great Sistine Chapel, or even for a white-washed church building with a steeple and a bell. But often non-Indians have difficulty giving that same reverence to a mountain, valley, stream or rock formation.

Yet those of us whose forefathers came from Europe, Asia and Africa to form this nation have chosen many of those same natural features to protect and preserve. Look around at our national parks, forests and monuments. We have put the full legal weight and strength of the federal government behind protecting these areas.

Last month the Sacred Lands Protection

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Coalition was formed through the National Congress of American Indians, Association on American Indian Affairs, Seventh Generation Fund and the Native American Rights Fund. The coalition may prove to be the seminal action that finally brings the federal government once and for all to put its muscle behind protecting Native American sacred lands in our country.

I had the honor to speak at the February meeting of the National Congress of American Indians where I discussed several issues facing Native Americans, including protecting sacred lands. Like Indian country, my beloved West Virginia Appalachian home also has deep cultural roots, is rich with natural resources and beautiful landscapes. We are true to our belief in our traditions, our distinct culture, our food, our music, our medicine and our spirituality.

And like Indian country, Appalachia has a bloody history of battling powerful forces coming in promising jobs and a better life, only to strip us of our most profitable minerals and leave behind even more poverty and broken promises. Coal may be a blessing -- we need this energy source and it provides jobs -- but it has left a cruel legacy on our Appalachian landscape. In many places, a tortured landscape.

Prior to the enactment of the Surface Mining Act of 1977, many places West Virginians hold sacred were demolished by strip mining -- including graveyards. The resulting public indignation gave rise to the enactment of the Surface Mining Act to place stringent federal controls on surface coal mining and reclamation.

Yet we balk at providing legal controls over Indian sacred sites. While acts such as the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act and the American Indian Religious Freedom Act have been helpful to a degree, I believe the time has come for us to put a process in statute that stops damaging activity and preserves these areas forever.

Throughout Appalachia and throughout Indian country we have the right to receive respect from those outside our community, including the Federal government. In fact, we have earned that respect.

We can not stand idle as corporate America picks off Native American sacred sites, tribe by

tribe. In this regard, I have developed a legislative proposal that will put "teeth" into federal law and halt any further desecration of sacred lands.

At a time when the Bush Administration is promoting increased energy development, we must have a government-wide, effective, comprehensive process that prohibits the loss of further Native American sacred lands. Now, before more of these unique sites are wiped off the face of the earth.

*U.S. Representative Nick Rahall, D-W.Va., serves as the senior Democrat on the House Committee on Resources, which oversees Native American issues. First elected to Congress in 1976 and serving his 13th term, Rahall specializes his expertise in national policies relating to energy, environment and transportation. Rahall is the second senior Democrat on the Committee on Transportation and Infrastructure.*

### Advisory Council on Historic Preservation to Host Missouri River Meeting

On Wednesday, June 12, 2002, the Chairman and Members of the Advisory Council on Historic Preservation (ACHP) will host a meeting to hear the views of Indian tribes, agencies and organizations, and the public on USACE's management of cultural resources along the Missouri River. The event will be held in Pierre, South Dakota.

In attendance for the ACHP will be Mr. John L. Nau III of Houston, Texas, President Bush's appointee as Council Chairman, and Mr. Philip Grone, Principal Deputy Under Secretary of Defense for Installations and Environment. Scheduled to attend for the Corps are Northwestern Division Commander, BG David Fastabend, other Northwestern Division staff, and representatives of the Omaha District.

The ACHP intends to receive testimony on a series of resource management related questions and "to make recommendations to the Secretary of the Army and others on how the Army Corps can improve the effectiveness, coordination and consistency of its Mainstem System historic preservation program."