

AMERICAN INDIANS AND THE NEVADA TEST SITE A MODEL OF RESEARCH AND CONSULTATION

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FOREWORD

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When I became the program manager of the United States Department of Energy Nevada Operations Office (DOE/NV) American Indian program in April 1991, the agency had already begun to address how it could achieve a better understanding of the natural and cultural resources on the Nevada Test Site (NTS) that are important to American Indians, what DOE/NV could do to protect and conserve those resources, and what method of consultation would ensure that tribal concerns were identified and considered regarding the effect of NTS activities and programs on those resources. Since most of the underground nuclear weapons testing program activities at that time were concentrated on Pahute and Rainier Mesas, which contained the highest densities of known cultural resources, the initial phase of the American Indian program targeted those areas.

Fortunately, the Yucca Mountain Site Characterization Office (YMSCO) had completed its initial consultation with 16 American Indian tribes and three official Indian organizations from Arizona, California, Nevada, and Utah, representing the Southern Paiutes, Western Shoshones, and Owens Valley Paiutes, with cultural or historic ties to the NTS. That consultation focused on identifying resources important to American Indians at the YMSCO. Hence, tribal affiliation with the NTS had been established and the YMSCO consultation methodology served as a model for the work we were about to begin on Pahute and Rainier Mesas. The American Indian program on the NTS has come a long way since its inception in early 1991, and this book presents its history, evolution, highlights, and many of the key accomplishments.

DOE/NV's American Indian program is similar to other consultation programs instituted by federal agencies across the country, except for the fact we interact and con-

sult with 16 tribes, three official Indian organizations, and one urban pantribal organization, representing three ethnic groups and four states. Not having worked with American Indians before, I naturally presumed that all of them would generally agree on most issues. However, I quickly discovered that this was not the case; in fact, significant differences of opinion often divided the ethnic groups and individual tribes.

An important event occurred in 1994 when, at a general consultation meeting, tribal representatives decided to "incorporate" themselves as the *Consolidated Tribes* and to issue a position statement along with their recommendations for cultural resource protection at the NTS. The name *Consolidated Tribes* was subsequently changed to *The Consolidated Group of Tribes and Organizations* (CGTO) to accurately represent the tribes and official Indian organizations that comprised the CGTO. Of course, the CGTO is not composed of totally harmonious tribal representatives who uniformly share the same ideals and opinions. Each constituent ethnic group has particular interests regarding the cultural resources on the NTS. However, in developing protection and conservation alternatives for those resources, Indian, rather than tribal-specific, concerns came to be represented by the CGTO. Its members took concerted action and spoke with a common voice. In my view, this imparted a greater sense of unity to CGTO decisions and recommendations. The CGTO still forms the basis of our present program.

Throughout the program, the CGTO has completed many significant tasks and developed new and innovative ways of accomplishing complex work. For example, American Indian monitors were selected by tribal leaders of each ethnic group to participate in archeological field excavations. This provided opportunities for tribal representatives to gain hands-on experience in archeological field techniques, note taking, cataloging of artifacts, and preparing reports. The program, which still exists today, also ensured that the field excavations were conducted in a culturally sensitive manner.

Without a doubt, one of the most significant CGTO achievements was their development of the American Indian Resource Document for the Environmental Impact Statement (EIS) for the NTS and Off-Site Locations in the State of Nevada. To my knowledge, this was the first time American Indians had been involved in developing text for a major federal EIS. To accomplish this task the CGTO appointed two tribal representatives from each ethnic group to assist the DOE/NV EIS writing team in preparing the American Indian Resource Document. This committee was called the American Indian Writers Subgroup (AIWS) and was the beginning of the use of subgroups to work on DOE/NV projects rather than involving the entire CGTO. The AIWS was assisted by Dr. Richard Stoffle and other ethnographers from the Bureau of Applied Research in Anthropology at the University of Arizona (UofA) in Tucson, Arizona. The final American Indian Resource Document was exceptionally well done and was included as Appendix G of the NTS EIS.

The variety of projects in which the CGTO has been involved constitutes one of the most interesting aspects of the DOE/NV American Indian program. And it should be noted that the UofA and the Desert Research Institute (DRI) have provided invaluable assistance to the CGTO and the subgroups throughout the entire program. In addition to Appendix G of the NTS EIS, these projects have included writing American Indian sections of the *Resource Management Plan for the NTS* and developing a research design, conducting fieldwork, and writing the final report for the American Indian low-level radioactive waste (LLRW) transportation study. This two-year project was another major, precedent-setting achievement of the CGTO in that it represented the first exclu-

sive American Indian study of an environmental issue never before addressed from a traditional Indian perspective. The scope of the project was also significant in that it involved 29 tribes in California, Arizona, Utah, and Nevada.

In 1996, President Clinton issued Executive Order 13007, Indian Sacred Sites. This order directed federal agencies to avoid adversely affecting the physical integrity of Indian sacred sites and to consult with tribes to identify such sites. In response to this order, CGTO representatives began conducting rapid cultural assessments of proposed projects on the NTS and at off-site locations administered by DOE/NV, where Indian sacred sites might be present, and developed recommendations to avoid adversely affecting these sites. Hence, the consultation program was expanded to include another phase of gaining American Indian input that could be incorporated into project decision-making strategies.

Most of the projects of our American Indian program were conducted to comply with legislation and/or regulations. However, at the request of the CGTO, DOE/NV conducted an American Indian Inventory and Interpretation of Rock Art on the NTS. The project was not conducted for compliance but rather to provide the CGTO the opportunity to visit, evaluate, and interpret the significance of NTS rock art sites that were undoubtedly an important part of their traditional cultural heritage. The consultation entailed a systematic ethnographic study of petroglyphs, pictographs, and other rock manipulations. The objective of the study was to gain an understanding of the cultural significance of rock art for contemporary American Indians and its place in their traditional cultural landscapes.

Of all the projects, the most personally rewarding was the repatriation of 251 sacred objects to the CGTO and the reburial of these items on the NTS. The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 requires federal agencies to consult with tribes to determine if their artifact collections contain any sacred objects, human remains, funerary objects, or objects of cultural patrimony. The NTS artifact collection contained over 450,000 artifacts. The CGTO appointed the NAGPRA Subgroup to review the artifacts and associated reports and to select potential NAGPRA items for further review by tribal elders. The NAGPRA Subgroup and tribal elders identified 251 items that they believed were sacred and/or funerary objects and requested that these items be returned to the CGTO member tribes; DOE/NV agreed. However, the CGTO further requested to rebury these items on the NTS and subsequently asked DOE/NV to provide assistance. DOE/NV agreed and in August 1994 spiritual leaders of the Western Shoshones, Southern Paiutes, and Owens Valley Paiutes, along with representatives of DRI and the UofA, and I, traveled to Gold Meadows to conduct the reburial ceremony. We camped out the night before and the reburial ceremony was conducted at dawn the next day. It was a solemn experience—I could sense that this was an important, highly spiritual event, and that it meant a lot for the Indian people to finally return these items to the NTS lands. Although I was asked if I wanted to attend the reburial ceremony, I did not. But I felt honored that the spiritual leaders asked me, as nonIndian people are usually never invited to attend these sacred rites.

Although compliance with applicable legislation has been the cornerstone of this program, we have sincerely tried to accomplish meaningful and worthwhile projects and to protect and to conserve NTS resources in accordance with CGTO recommendations. We have also tried our very best to conduct the program in a culturally sensitive

manner with utmost concern for tribal interests and traditions. DOE/NV remains committed to the government-to-government relationship with the members of the CGTO and to full compliance with the DOE American and Alaska Native Tribal Government Policy. The program has been, and continues to be, very successful; a great deal of that success can be attributed to the DOE/NV Managers, Division Directors, and other agency personnel who supported the program and provided much needed funding. DRI archeologists and UofA ethnographers have also contributed to its success by providing invaluable assistance and advice throughout my tenure. And, of course, the program would have never been a success at all without the support and continued participation of the Indian people.