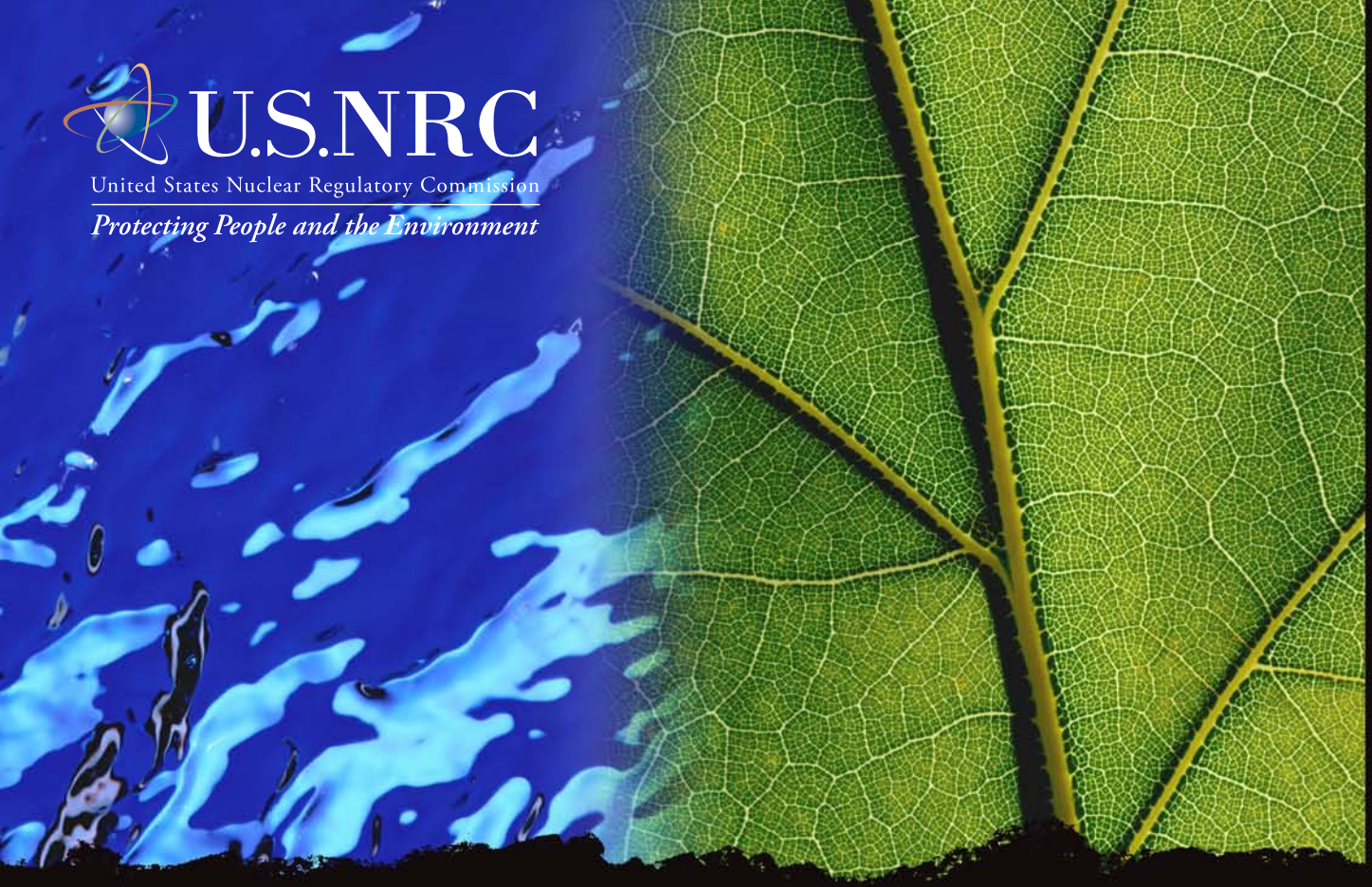
U.S.NRC

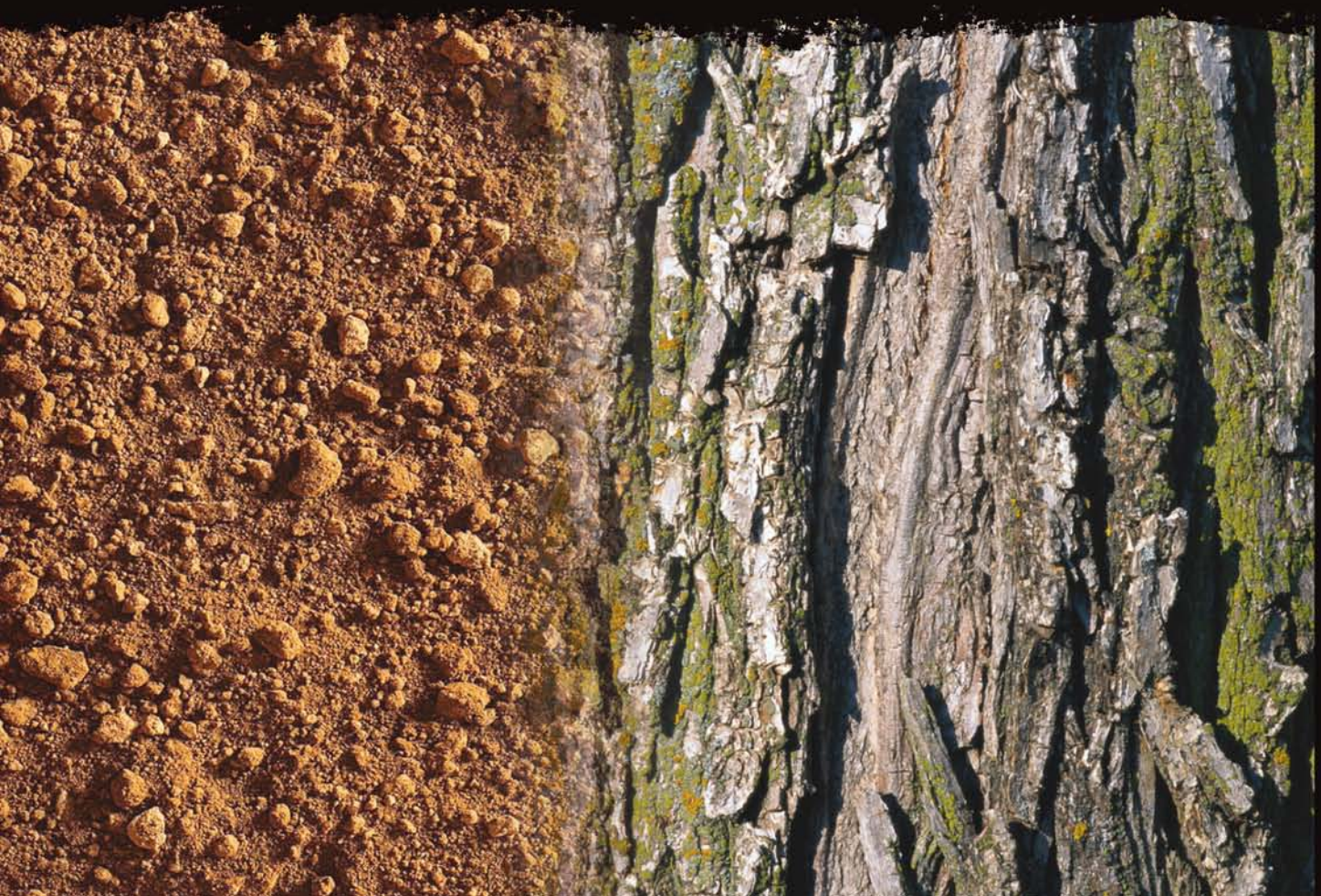
United States Nuclear Regulatory Commission

Protecting People and the Environment



TRIBAL PROTOCOL MANUAL

Guidance for NRC Employees



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ABSTRACT

The U.S. Nuclear Regulatory Commission's (NRC's) Tribal Protocol Manual provides guidance to foster effective interaction between NRC staff and tribal governments and instructional background information to NRC staff on the historic relationship between the Federal government and Native Americans.

INTERNAL AGENCY GUIDANCE ONLY

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INTRODUCTION

The Tribal Protocol Manual is a reference tool, produced as a result of information collected from multiple sources including interviews with NRC staff and management with tribal experience, interviews with personnel at other Federal agencies with established tribal outreach and communication programs and interviews with tribal representatives. NRC management and staff can use this manual to develop and maintain government-to-government relationships with tribal governments affected by NRC activities. The authors of this manual acknowledge that NRC staff have a wide breadth of experience working with Native American Tribes. This manual is intended to supplement that experience and will be particularly useful to those NRC staff who have had only limited interactions with Native American Tribes.

In this manual, various names are used when describing Native American peoples. As a point of reference, in a recent speech, given November 5, 2009, before roughly 400 Federally recognized tribes, President Obama addressed his audience using such terms as "Native Americans," "First Americans," "Tribal Nations," and "Alaska Natives.[1]"In President Clinton's November 6, 2000 Executive Order 13175[2], the terminology "Indian Tribe" and "Tribal officials" is utilized. The Department of the Interior, Bureau of Indian Affairs, uses the term "American Indian," while the National Congress of American Indians prefers "Native American." Accordingly, there is no official determination of the proper vernacular to be used by staff in its communication with, and its reporting about, Federally recognized tribes and tribal governments.

Some Native American nations and tribes have a regulatory relationship with the NRC; i.e., they are NRC licensees. This manual is not intended to recommend or suggest that the NRC adopt a regulatory relationship with license holding Native American nations or tribes that is different from relationships conducted with other NRC licensees.

One of the more important messages to take away from this manual is that tribes are unique governmental entities and are not extensions of State or local governments. Each of the 564 Federally-recognized tribes is a sovereign nation and has its own customs, cultures, concerns, interests and needs. NRC's Tribal Protocol Manual is intended to help NRC staff in recognizing these distinctions and creating a more open and productive working relationship between NRC staff and Native American tribes in their government-to-government interactions.

[1] *http://www.whitehouse.gov/the-press-office/remarks-president-during-opening-tribal-nations-conference-interactive-discussion-w*

[2] *http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=fr09no00-167.pdf*

CHAPTER 1
Historical Perspective On U.S. And Tribal Relations

SECTION 1.A
Shaping The Relationship Between Tribes And The Federal Government

The relationship that exists today between the Federal Government and Native American tribes developed over hundreds of years. It spans the arrival of Europeans in the 15th and 16th centuries, evolved through the American Revolution and the War of 1812, and continues through various eras defined by Federal actions, legal decisions by the courts, wars, and other watershed events throughout the 19th and 20th centuries. This complicated relationship evolved as the Federal government enacted treaties, laws and policies to clarify the relationship between the Federal government and the various Indian nations, often reflecting the national interests of particular time periods.

The following chronology is intended to trace at least seven distinct eras, as viewed by historians, of the United States and Native American relations. These are:

- **Treaties (1608-1870)**
- **Removal (1830-1850)**
- **Reservations (1850-1871)**
- **Assimilation (1871-1928)**
- **Reorganization (1928-1942)**
- **Termination (1943-1968)**
- **Self-Determination (1968-present)**

This outline provides a framework to discuss the evolving relationship between Native American tribes and the Federal government, and identifies important events that have shaped this centuries-old relationship.

Treaties (1608-1870). A treaty is a formal, written contract that spells out the terms of an agreement between two sovereign nations. Treaties were the legal instrument of choice of the British and Colonial governments that defined United States-Indian relations. Between 1607 and 1776, at least 175 treaties were signed with the British and colonial governments. The United States Constitution included a provision that implied Federal authority over the conduct of Indian relations. Thereafter, the Federal government—not State governments—was empowered to deal directly with Indian nations. From 1787 to 1868, 371 treaties were ratified by the United States government. While treaty provisions varied widely, it was common to include a guarantee of peace, a clarification of boundaries and an understanding of any specific lands ceded to the Federal government, a guarantee of Indian hunting and fishing rights (sometimes on ceded lands), a statement that the tribe recognized the authority or protection of the United States government, and an agreement about trade regulation and travel of non-Indians in Indian territory. As a result of a treaty, many Native American populations were required to move from their historic land.

Five examples of historically significant treaties include:

1778 - Treaty with the Delaware Indians. While this predates the U.S. Constitution, this treaty is generally considered to be the first official treaty between the United States and an American tribe. The treaty memorialized the parties' agreement to grant forgiveness of all previous offenses and hostilities, perpetual friendship, allegiance by the Delaware during time of war, and free passage for United States troops through Delaware lands. In exchange, the Federal government promised "articles of clothing, utensils and implements of war," and to build a fort in Delaware country "for the better security of the old men, women and children, whilst their warriors are engaged against the common enemy." The treaty also recognized the Delawares as a sovereign nation and guaranteed their territorial rights.

1795 - The Treaty of Greenville. This treaty marked the end of an undeclared and multi-tribal war begun in the late 1770s and led by the Shawnees who fought to resist American expansion into Ohio. In 1795, over a thousand Indian delegates ceded two-thirds of present-day Ohio, part of Indiana, and the sites where the modern cities of Detroit, Toledo, and Chicago are currently situated. The tribes, in return, were promised a permanent boundary between their lands and American territory.

1810 - Treaty of Fort Wayne. This treaty contained the Delawares, Potawatomi, Miami, and Eel River Miami nations' agreement to cede 3 million acres of their land along the Wabash River to the United States.

1814 – Treaty of Fort Jackson. This treaty followed the Creek War. The Creeks agreed to cede 23 million acres (or two-thirds of their tribal lands), which represents half of present day Alabama and part of southern Georgia. This was the single largest cession of territory ever made in the southeast.

1835 - Treaty of New Echota (Georgia). This treaty established terms under which the entire Cherokee Nation was expected to move to westward Indian Territories. Although it was not approved by the Cherokee National Council, it was ratified by the U.S. Senate and became the legal basis for the forcible removal known as the "Trail of Tears."

Removal (1830-1850) The Indian Removal Act was passed by Congress in 1830. Its passage created an official policy removing Southeastern tribes from their lands. Removal was considered necessary by the United States government because great tracts of southeastern land were essential for expansion. Members of the Chickasaw, Choctaw, Creek, Seminole and Cherokee tribes living in the South, were asked to move to the Oklahoma territory. The Indian Removal Act provided funds for the government to facilitate removal. President Andrew Jackson, the 7th United States President and a staunch advocate of Indian Removal policy, was the first United States President to implement removal of Native Americans. With the passage of the Indian Removal Act of 1830, the Choctaw were the first to be removed in 1831, and they became the model for all other removals. After the Choctaw, the Seminole were removed in 1832, the Creek in 1834, the Chickasaw in 1837, and finally the Cherokee in 1838. The Cherokee called this journey the "Trail of Tears," because of its devastating effects: Many Native Americans suffered from exposure, disease, and starvation while en route to their destinations, and 4,000 of the 15,000 relocated Cherokee died on their way west to Oklahoma.

Reservations (1850-1871) Reservations were parcels of land, often sections of Indian land that had previously been reserved by tribes themselves during treaty signing and removal actions that were then allocated to the tribes for habitation. In 1851, Congress signed the Indian Appropriations Act, which allocated Federal money to move tribes onto reservations.

Assimilation (1871-1928) The Federal government dramatically changed its policy towards Native Americans to encourage their assimilation into "mainstream" American society. This effort was facilitated by passage of the Dawes Act of 1887, which provided for the granting of landholdings to individual Native Americans, replacing communal tribal holdings, and thus subdividing reservations into smaller parcels for farming (160 acres for families and 80 acres for single parties). The Dawes Act sought to break up the Indian tribes and their reservations, providing each Indian family a plot of land for farming. As a result, the Federal government no longer dealt with Native American tribes as sovereign nations. Other policies included removing Native American children from their families and educating them in government run boarding schools. The Federally run schools forbid Native American language, customs, religious ceremonies and family visits.

The Assimilation era ended after the "Meriam Report" of 1928 (entitled *The Problem of Indian Administration*) investigated the living conditions on Indian reservations in 26 States and concluded the assimilation policy was a failure. The report, which found that conditions on the reservations could no longer be ignored by Congress, led to the implementation of new Federal policies governing the Federal government's relationship with Native Americans.

Reorganization (1928-1942) Congress implemented a new covenant with Native Americans through passage of the Indian Reorganization Act (also known as the "Wheeler-Howard Act") of 1934. The Act worked to implement reforms springing directly from the "Meriam Report." The Act called for conservation and development of tribal lands and resources, the right of tribes to establish businesses and other orga-

nizations, to establish a tribal credit system, to grant certain rights of home rule to tribes and to provide vocational education and training to tribes. The Indian Reorganization Act was the basis for later tribal legislation and is considered a cornerstone for achieving independence and self-determination by Native American tribes.

Termination (1943-1968) This policy dismantled tribal governments and took the official government position that Native Americans were subject to the same laws as applied to all American citizens. Under House Concurrent Resolution 108, the trust relationship with many Indian tribes was terminated. Terminated tribes were then subject to State laws and their lands were sold to non-Indians. Termination severed the government-to-government policy that had been and in effect, and reversed many of the reforms that had been implemented during Reorganization. Termination greatly undermined the trust relationship between the Federal government and Native Americans.

Self-Determination (1968-present) President Richard Nixon stressed the importance of Tribal self rule after the failure of the Termination policy. During his July 8, 1970 "Special Message on Indian Affairs" speech, President Nixon stated that any and all U.S. policies concerning Indians should serve "to strengthen the Indian sense of autonomy without threatening his community." The trust relationship between Native Americans and the United States government was reaffirmed and financial support for tribes guaranteed. The passage of the 1975 "Indian Self-Determination Act" was a milestone moment in U.S. Indian relations. The Act allowed Indians the power to contract with the government on their own and it also allowed tribes to determine how Federal monies were to be spent on Indian matters.

Today, Native American tribes are achieving greater assertion of their sovereign rights and experiencing greater political and economic potential through tribal self-determination. Much of this has occurred through heightened tribal cultural awareness, cultural assertiveness and supportive Federal Executive Orders and Court rulings.

SECTION 1.B

Government-To-Government — What Does It Mean?

The U.S. Federal government has unique legal and political relationships with Native American tribes that stem from Article I of the United States Constitution and are reinforced by Federal treaties, judicial decisions, executive orders and Federal statutes. The U.S. government recognizes tribes as sovereign nations, which refers to the inherent authority of indigenous tribes to govern themselves. Absent Congressional action, tribes retain the inherent right to self-government; with only certain exceptions, no state may impose its laws on tribal reservation lands. The Federal government recognizes tribal sovereignty and demonstrates a commitment to government-to-government relations with Federally-recognized Native American tribes.

The relationship between NRC staff and Native American tribes, particularly with members of tribal governments, should follow this government-to-government protocol. Federal government representatives should not view tribal governments as special interest groups, "stakeholders," members of the general public, or offshoots of State and local government.

Initiating Dialogue With Native American Tribes

Before contacting tribal representatives, NRC staff should determine at what level of tribal government they wish to engage in dialogue. Often, initial "formal" contact should be made by an NRC employee in a leadership position, such as Director or Deputy Director of a Division.

The NRC staff who interact with tribal governments should make contact and establish relationships with tribal members who hold similar levels of authority. Thus, NRC management-level personnel, not staff-level personnel, should establish communications with tribal leaders and tribal council members. Staff-level personnel may initiate such requests on behalf of their NRC management or in preparation for preliminary meetings or information sharing with a member of NRC management. After

becoming more acquainted with a tribe and tribal contacts, individual staff relationships may influence the expectations of both parties beyond the guidance provided here.

SECTION 1.C
Federal Government's Trust Responsibility To Tribes

In *Seminole Nation v. United States* (1942), the Supreme Court noted that the Federal government is, "charged with moral obligations of the highest responsibility and trust.[3]" The Federal government has a trust responsibility to Federally-recognized tribes. Essentially, the Federal government acts as a trustee while the tribes serve as beneficiaries. The trust responsibility applies to all executive departments and Federal agencies that deal with Native Americans, including the NRC. In general, the trust responsibility establishes fiduciary obligations to the tribes, including duties to protect tribal lands and cultural and natural resources for the benefit of tribes and individual tribal members/land owners. However, the NRC exercises its fiduciary duty in the context of its governing statutes (i.e., Atomic Energy Act and National Environmental Policy Act) and implements any fiduciary responsibility through assuring that tribal members receive the same protections from our implementing regulations that are available to other persons.

Executive Orders and Presidential Memorandums dating back to President Richard Nixon's "Special Message on Indian Affairs" in 1970 have addressed legislative and policy-making implications in regard to the American Indian community.[4]

In November of 2000, President Clinton sought, "…to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have Tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes" by issuing Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.[5] The Order sets forth the fundamental principles along with policymaking criteria that agencies should adhere to when forming and implementing policies with tribal implications.

According to Executive Order 13175, agencies shall be guided by the unique trust relationship along with the following principles: right of Indian tribes to self-governance, tribal sovereignty and self-determination. President Clinton's Order required each agency to have an accountable process for ensuring meaningful and timely input by Tribal officials in the development of regulatory policies with tribal implications. It recognized that the right of Tribal self-governance compels the interaction between tribes and the U.S. government to take place on a government-to-government level.

In a recent memorandum, dated November 5, 2009, President Obama declared his commitment to fulfilling the consultation requirements of Executive Order 13175. President Obama supports implementation of this policy and has called on federal agencies to submit their detailed plans for implementation within 90 days from the issuance of his memorandum.[6]

As an independent regulatory agency, the NRC is not required to implement policies and procedures required by Executive Order 13175. However, the Commission has determined that the NRC supports the spirit of Executive Order 13175 and will seek to meet the underlying goals and objectives of the Order during its interactions with tribes.

[3] *Seminole Nation v. United States, 316 U.S. 286, 296 (1942).*

[4] *In 1970, President Nixon issued a "Special Message on Indian Affairs." Subsequently, President's Ronald Reagan, George H.W. Bush, William J. Clinton and George W. Bush have issued policy statements regarding the Federal government's relationship with Native American tribes.*

[5] *Executive Order 13175 was issued on November 6, 2000, and was published in FR 65 218 on pages 67249-67252. It is available online at: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2000_register&docid=fr09no00-167.pdf.*

[6] *http://www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president*

SECTION 1.D

NRC's Case-By-Case Approach To Interactions With Native American Tribes

NRC's case-by-case approach allows both NRC and the tribes to initiate outreach and communication with one another. NRC staff can identify and initiate dialogue with Federally-recognized Native American tribal governments during the course of NRC regulatory processes and activities. NRC staff should focus their outreach efforts on Native American tribes that may be affected by, or have an interest in, activities regulated by NRC. Additionally, NRC staff may expand discussions by highlighting opportunities for tribal involvement and consultation during the regulatory process thereby involving tribes in the decision making process. NRC staff should maintain regular channels of communication with engaged tribes and tribal organizations and provide general information upon request.

Native American tribal officials sometimes initiate interactions with staff based on tribal interest in particular NRC-regulated activities. Tribal concerns often reflect issues associated with NRC licensed (or proposed) activities, located on or near official reservation lands, and in the vicinity of places of historical or cultural tribal importance located off reservation lands. Tribes are also interested in, and seek involvement with, NRC-regulated activities for which the tribe has developed a policy statement or position.

This two-way, case-by-case approach establishes a foundation of government-to-government working relationships that respects the right of Native American tribal self-government and self-determination. To date, this approach has been successful, having contributed to productive, government-to-government relationships in support of NRC staff's limited, but significant, interactions with tribes. Staff and tribes have worked together in the following areas: uranium recovery activities, reactor operations and license renewal, high-level and low-level radioactive waste storage and disposal concerns, and spent fuel transportation and disposal. In each of these activities, NRC staff made extensive efforts to seek to meet the underlying goals and objectives of Executive Order 13175.

While NRC has limited experience interacting with tribal governments, the following are a few examples of successful government-to-government interactions undertaken by NRC staff and tribes regarding NRC regulated activities.

Power Reactor Inspections and License Renewal - Prairie Island Indian Community (PIIC)

Located within the 10-mile Emergency Planning Zone of the Prairie Island Nuclear Generating Plant (PINGP) in Welch, Minnesota, the PIIC is the tribal community most closely located in the vicinity of an operating nuclear power reactor. In 1997, after the PIIC expressed interest in accompanying NRC inspectors during inspections, the Commission determined that tribal representatives could observe NRC inspections at the plant. The PIIC was authorized to observe NRC radiation protection inspections later that year.

In 2008, the PIIC signed a Memorandum of Understanding (MOU)[7] with NRC to become a cooperating agency for the purpose of preparing the Environmental Impact Statement for the proposed license renewal of the PINGP and to work with NRC to review potential environmental impacts of the proposed license renewal of the PINGP. Pursuant to the MOU, the PIIC provided expertise

[7] *PIIC Memorandum of Understanding ADAMS ML081630555*

and assistance to the NRC staff in four discrete areas: archaeological and historical resources, socioeconomics, land use, and environmental justice. This was the first NRC MOU with a tribal government that dealt with a reactor license renewal environmental review.

In 2009, the Prairie Island Indian Community Tribal Council President participated, as an observer, during the Prairie Island Regional Lead License Renewal Program Inspection.

Proposed Waste Repository – Timbisha Shoshone Nation

From 2001-2008, the NRC conducted ongoing tribal outreach related to the proposed Yucca Mountain high-level waste repository site in Nevada. In 2001 and 2003, the Commission hosted workshops for Native American Tribes with ties to Yucca Mountain. During that time, NRC staff learned of the Timbisha Shoshone Nation's pursuit of "affected status," under the Nuclear Waste Policy Act (NWPA), from the Department of the Interior (DOI) with regard to proceedings associated with the proposed waste repository. Under NWPA, Affected Tribes are afforded special rights of notice, participation, consultation and financial assistance. NRC later met with DOI representatives, providing information on NRC regulations and hearing procedures and conveying the NRC's interest in a timely decision on the Tribe's request. In 2006, NRC staff visited the Timbisha Shoshone in Death Valley, California. In 2007, NRC staff met separately with DOI representatives at DOI headquarters in the District of Columbia regarding the Tribe's renewed efforts to petition to DOI for "affected status." The Tribe had applied for "affected status" in 2001, and absent any official reply from DOI, applied again in 2006. In 2008, after DOI granted their petition, NRC staff again visited the Timbisha Shoshone to provide them with detailed information on the NRC's licensing and hearing process, and how the tribe could participate. In 2009, the Timbisha Shoshone Tribe was admitted as a party to the Yucca Mountain hearings, with eight admitted contentions.

Uranium Recovery and Legacy Waste Associated with Uranium Mining and Milling - Various Tribes located in Indian Country in the Vicinity of Southwestern U.S. and in South Dakota

In 2007 and 2008, NRC met with several Native American Tribal governments in New Mexico and Arizona, specifically the Navajo Nation, the Hopi Tribe, the Pueblo of Acoma, and the Pueblo of Laguna, on regulatory issues related to uranium milling operations and environmental restoration.

Beginning in late 2007, staff participated with the U.S. Environmental Protection Agency, the U.S. Department of Energy, the Bureau of Indian Affairs, and the Indian Health Service in multiple briefings and roundtable discussions with the Navajo Nation in the development of a 5 year plan to address legacy uranium mine and mill waste in Navajo Country. The agencies drafted a plan to address uranium contamination on Navajo lands and proposed solutions, issues raised by U.S. House Representative Henry A. Waxman at an October 23, 2007, hearing on Capitol Hill. In addition to numerous meetings with Senior Navajo Government officials as part of this effort, NRC staff briefed the Navajo Nation Resources Committee in Window Rock, AZ, on the NRC portion of the plan in April 2008. Also present were representatives of the Navajo Nation EPA and the Navajo Nation Department of Justice.

In February and April of 2009, NRC staff coordinated individual government-to-government meetings with representatives of the Navajo Nation, Pueblo of Zuni, All Indian Pueblo Council, Pueblo of Laguna, and Pueblo of Acoma, to share information related to the licensing of uranium recovery facilities. The

meetings were structured to explain the licensing process, to address Native American concerns related to the licensing process, and to identify opportunities for Native American tribal governments to participate in the licensing process.

Potential Small Nuclear Power Reactor Proposed for Galena, AK – Various Alaskan tribes as represented by the Yukon River Inter-Tribal Watershed Council (YRITWC)

In February 2005, staff met with representatives of the YRITWC, an organization that currently represents 53 Federally recognized tribes in Alaska and 17 First Nations (Native tribes in Canada) located in the Yukon River Watershed. Staff met to discuss and answer questions on opportunities for communication with tribal Governments with concerns about the potential siting of a nuclear reactor in Galena, Alaska, as initiated by the City of Galena in talks with Toshiba Corporation in 2003. Since its first meeting, NRC established a tribal Consultative Team to address issues arising from YRITWC concerns about the possible siting of a reactor at Galena, and has maintained regular communications with the YRITWC. In August 2009, the YRITWC held its 2009 Bi-Annual Summit at which NRC staff participated by speaking with the Executive Directors of the YRITWC and with tribal leaders about the development of NRC tribal protocols and the current status of the potential nuclear power reactor proposal.

CHAPTER 2
Guidance On Tribal Protocols And Interactions

SECTION 2.A
Differences In Tribal And Non-Native American Cultures

Recognizing important and significant differences between tribal cultures and non-native American cultures will assist NRC staff in their interactions with tribal governments.

Examples of Cultural Differences:

- **Some Tribal government representatives may place less priority than federal employees on the time-lines, schedules and agendas established by U.S. government agencies. NRC activities and staffs' approach to task management tend to be schedule driven because of imminent deadlines, which may conflict with the expectations of tribal representatives.**
- **Some tribes may place greater value than federal agency personnel in face-to-face interactions, and request meetings in their offices in order to reach conclusions and consensus with all tribal members. Like other groups with whom staff interact, tribal representatives may have limited resources for travel.**
- **In general, tribal elders are treated with great respect, whether or not they hold elected office or are in an official position.**
- **In many tribes, group harmony and cohesiveness is valued more than individual accomplishments. In some tribes, dependence on the group, not independent thought, may be the desired priority.**
- **As with the many ethnically and religiously diverse groups within the United States, religious and spiritual beliefs among Native Americans vary widely.**
- **Many tribes place great emphasis on spirituality, and many Native Americans place great importance and spiritual value on the relationship between them and the environment. Staff should be aware that many Native Americans feel a strong commitment to respecting the earth and that many tribes are cautious when considering actions that may harm the earth.**

Some Native Americans believe that all living things are interconnected and that the spiritual worlds and natural worlds are one. Because of this, perceived threats to their environment may be viewed as direct threats to their health, culture and spiritual well-being. Plants and animals may possess spiritual significance and serve ceremonial purposes in addition to being a source of food. Accordingly, sites for gathering food or medicinal plants may also be historically and culturally significant for a particular tribe.

For many Native Americans, spirituality is also woven into tribal lifestyles through ancestral teachings and beliefs that are handed down from generation to generation. In some tribal cultures, celebrations, stories, songs and dances teach skills as well as entertain. Additionally, some tribes use subsistence activities, such as hunting, fishing and foraging, to help teach the children respect for these activities and for the past.

Because of cultural differences, NRC employees may misunderstand, or be misunderstood by, members of Native American tribes. By practicing open communication, adaptability, and open-mindedness in your interactions, staff can develop positive working relationships with tribal members.

SECTION 2.B
The Meaning Of Tribal Consultation

Tribal governments usually place great importance and meaning on "consultation" on a government-to-government basis when dealing with Federal government representatives. Staff should be cognizant when using the term, both in writing and orally, so that tribal representatives do not misunderstand the objective of a meeting, presentation, or conversation. While consultation typically denotes a formal process, useful information sharing meetings, background information presentations, preliminary discussions, introductory briefings, information gathering sessions, and other such venues for communication can achieve multiple objectives without parties entering into consultation. Staff should take steps to ensure they correctly "consult" with tribes at the appropriate time and with the understanding of all parties that the formal process of "consultation" has been entered into.

SECTION 2.C
Protecting Tribal Lands

A number of Federal statutes require Federal agencies to consult or coordinate with Native American Indian tribes. This section will address only those applicable in the areas of historic preservation, natural resource protection, and cultural resource protection. It is useful to be familiar with these various statutory requirements not only to ensure compliance, but also to explore opportunities to maximize consultation opportunities. Section 106 of the National Historic Preservation Act of 1966 as amended (NHPA), 16 U.S.C. Section 470f, requires federal agencies to take into account the effects of their undertakings on historic properties. The NHPA requires that, in carrying out the requirements of Section 106, each federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by the agency's undertakings.

NHPA's 1992 amendments include provisions for Indian tribes to assume the responsibilities of the State Historic Preservation Officer (SHPO) on *tribal lands*, and establish the position of a Tribal Historic Preservation Officer (THPO). *Tribal lands* are defined in the NHPA as, 1) all lands within the exterior boundaries of any Indian reservation; and 2) all dependent Indian communities. As the Tribal counterpart to the SHPO, the THPO may assume some or all of the duties for historic preservation on *tribal lands* that the SHPO performs on private, state, or federal lands. These responsibilities may include maintaining an inventory of historic properties under its jurisdiction and assisting federal agencies in the review of Federal undertakings. The NRC meets its Section 106 requirements in conjunction with its NEPA responsibilities.

There are multiple places in the United States Federal law that require consultation between at least one Federal agency and tribal governments. The following are some statutes requiring consultation that may apply to NRC licensing activities at a particular site: the National Historic Preservation Act (NHPA), the American Indian Religious Freedom Act, and the Archeological Resources Protection Act of 1979 and the Native American Graves Protection and Repatriation Act (NAGPRA).

SECTION 2.D
Generic Guide To Arranging Meetings With Tribal Representatives

Face-to-face meetings are an important part of government-to-government communications between tribal governments and Federal agencies. Meetings serve to address issues of mutual concern, resolve issues in dispute, avoid conflicts and future litigation, and most importantly, strengthen communication between Federal agencies and tribal governments. The following guidelines supply meeting options and possible meeting scenarios to assist in planning and developing specific meeting strategies.

Pre-meeting Planning:

Staff will benefit by first holding internal NRC meetings prior to scheduling meetings with tribal participants. The purpose of these pre-meetings is to:

a) Identify the tribal participant(s) and their role, position and status within the tribal community;

b) Identify the issue(s), evaluate the information to be presented and decide what level of meeting should be held and the purpose of the meeting. When meeting with Tribal leaders, expect that there will be two different agendas: the NRC's and the tribe's. Both agendas must be aired, and;

c) Identify the desired outcome: Consider why NRC is meeting with the tribe and determine the expected outcome of the meeting.

Identifying and Planning:

Identify the type of meeting - Is the meeting going to be an informal meeting between specified NRC staff and Tribal technical representatives? Is the meeting going to be a more formal one between senior NRC staff and the tribal Chairperson or tribal Council? Give thought to the type of meeting and determine if there is an established relationship with the tribe. Possible meeting formats might include: Presentations followed by discussions, listening sessions, small "breakout" groups, question and answer sessions, or a combination of all of the above.

CHAPTER 2
Guidance On Tribal Protocols And Interactions

Remember that many NRC meetings include not only tribes but other vested third parties such as:

- State or Local government representatives
- Representatives of local public interest groups
- Contractors and/or Consultants
- Other Federal Agency employees

Staff should try to familiarize themselves with, and address each participant's motivation for attending the meeting and their particular concerns.

Meeting Logistics:

Select meeting sites or locations that are reasonably accessible to all parties from both a logistic and economic perspective.

Visual Aids:

Visual aids are very useful and greatly appreciated by non-technical audiences. Maps, facility plans, and Power-Point presentations can assist in illustrating and punctuating NRC's verbal presentations. Advanced technical data may be difficult to comprehend depending on the expertise and experience of your audience. Accordingly, seek to know your audience and use plain language. Strive to ensure that your presentation is easy to understand so that your audience fully understands what is being presented.

Refreshments:

The Standards of Ethical Conduct for Employees of the Executive Branch regulations in 5 CFR Part 2635 allow NRC employees to accept modest items of food and refreshments that are not part of a meal. NRC employees may also accept food and drink offered as part of a meal as long as it does not exceed twenty dollars ($20.00) in value. NRC staff should inform tribal government representatives of these restrictions when arranging meetings to avoid potentially awkward situations. NRC staff should also contact the Office of General Counsel to check if there are restrictions on providing refreshments when NRC is hosting a meeting and using NRC funds.

Press or Media Involvement:

If staff anticipates media presence at a scheduled meeting, NRC personnel should work with the Office of Public Affairs to issue a press release or a handout prior to the start of the meeting.

Meeting Outcomes or Conclusions:

During meetings with Native American Tribal representatives, staff should seek to:

a) Exchange all information and ideas with the appropriate tribal attendees;

b) Obtain reactions to proposed NRC plans or actions with the appropriate tribal attendees;

c) Reach agreement on processes or procedures for maintaining communication and solving disputes; and

d) Seek to develop communication and understanding, along with concurrence.

NRC staff should hesitate assessing a meeting's outcome immediately following the meeting. Although it may appear that parties have reached consensus or are in concurrence, tribes, like other sovereign governments, may have additional meetings and may need to follow additional processes independent of the meeting with NRC, in order to develop and incorporate final thoughts, opinions, and plans of action.

When preparing notes or summaries of the meeting, staff should make efforts to hold follow-up meetings or communications in which designated parties from the tribes, the NRC and other stakeholders present, have a chance to review the "draft" summary. This will ensure an accurate accounting of the views and intents of all parties.

Whenever possible, staff should consider including in the summary an informal assessment of the meeting from a tribal member (if a previous relationship has been formed).

If a dispute or difference of opinion arises regarding the meeting summary, consider oral inquiries or discussions, in order to clarify issues and to resolve differences. Most tribes prefer face-to-face and, to a lesser degree, telephone exchanges as the preferred means of information exchanges.

After such conversations, staff should send a letter recapping NRC's understanding of the meeting. **Reminder–As with correspondence with other parties, all correspondence written to a tribal representative should be followed up by a telephone call to the tribal contact if a reply is not received within a reasonable amount of time.**

SECTION 2.E
Tribal Meeting Etiquette

Clear and respectful communication is paramount in Tribal meetings. When people from different cultural backgrounds meet, problems can occur and are often manifested in differences in body language, response or lack of response to specific issues, cultural interpretations, and unexpressed expectations.

These communication challenges can be met through various means, such as cross-cultural awareness training, recognition of possible personal bias or preconceived notions, and cultivation of a responsible tribal contact, who can instruct NRC staff on customary and acceptable behaviors of the tribe.

Tribes place great value in listening to their guests and to other tribal members, and often reserve comments until all pertinent tribal members have been informed. Accordingly, it is important that NRC staff acknowledge this approach to communication, and practice respect and patience when meeting with and discussing issues with tribal representatives. Likewise, many tribal members appreciate reciprocal treatment when they are speaking, preferring not to be interrupted until they have completed communicating their ideas and concerns.

In addition, although most tribes will be comfortable participating in meetings being conducted in English, certain tribal members, such as elders, might be more comfortable and receptive when presented with the option of having an interpreter present at the meetings.

The staff should contact FSME's Intergovernmental Liaison Branch for assistance in arranging for translators. Because meetings with tribes are official meetings with another government entity, staff should seek to respect tribal leaders and address them by their proper titles and names. Tribal participants should always be introduced first and allowed to address the meeting participants first, if desired.

Often, a tribal representative, including an elder or spiritual leader, will open a meeting with a prayer, a song or an invocation. While Staff need not participate in such, staff should display respect for the tribes' customs and beliefs in this tradition.

Tribal members often will not start a meeting until everyone is present, and NRC staff should recognize that some tribes may delay meetings and pace agendas accordingly. This means that although a meeting may be set for a certain time (start, duration, and end), the meeting may start fifteen, twenty, or thirty minutes later than the stated opening time. Awareness that other cultures may have a different approach to time constraints and scheduling should help put at ease those with a more structured approach to these considerations, and will help staff demonstrate patience, understanding and acceptance.

Staff and management should promise only what can be delivered. Views, opinions, materials and ideas must be presented honestly and openly. Statements made by NRC staff and management to tribal leaders should be expected to be taken on face value and will often be viewed as representing the position of the NRC. As in communications with all others, staff and management should offer, discuss and promise only what can realistically be delivered.

SECTION 2.F
Reservation Etiquette

Tribes differ significantly in their willingness to allow visitors on parts of the reservation away from official buildings or tourist attractions. It is advisable to inquire in advance about specific tribal rules, attitudes, and customs before visiting parts of the reservation away from "public" areas. **Above all, the reservation is the home of the tribe and its people and the privacy of the people should be respected.**

Some things to know about visiting reservations include:

- Do not assume that you are free to wander the reservation or ask tribal members direct questions about their lives. This may be considered particularly rude in most Indian cultures.
- Some tribes consider pointing to be offensive and some tribes may attach cultural, religious, and metaphysical significance to pointing that makes it even more so.
- NRC staff may find it useful to develop personal working relationships with members of the Tribe who can help with communication and protocol information.
- Photography may be restricted. Ask permission to photograph individuals, ceremonies, or meetings. Do not assume that it is permissible or appropriate to take photographs.
- When visiting cultural or sacred sites, ask the tribes how you should behave at the site. Be respectful of all artifacts. Refrain from handling or otherwise disturbing these artifacts.

SECTION 2.G
Recommended Behaviors And Other Communication Considerations

- Before you meet with the tribe, learn to pronounce the tribe's name. Always pronounce it properly.
- Be conscious of your conduct. Many Tribal cultures place great emphasis on judging character by one's action, conduct, and response. The appropriate conduct is to be conservative and considerate. Often credibility and integrity will be judged during the first 5 minutes of conversation or introduction. As a representative of the Federal government and NRC, your actions are indicative of your awareness of the government-to-government relationship with tribal nations.
- Try not to be judgmental about how tribal meetings are run. Tribal sovereignty includes the tribe's rights to reach decisions and conduct meetings however they wish.
- Keep your voice at a moderate or reasonable level. Speaking loudly may be interpreted as arrogant or disrespectful.
- Elders are highly respected in tribal communities, whether or not they hold any official position. They are the repository for the continuity of tribal culture and are often the source of considerable intuitive wisdom.
- When speaking with and listening to tribal elders and other tribal representatives, practice patience. Some tribal members allow for greater pause time between speakers, even in their own language; a pause indicates the other person is considering what you said. Some Indian elders may respond by telling a story or an analogy to illustrate a point. A hurried follow-up question may disrupt their response to your initial questions. Therefore, if you are in a hurry, you may get no answer at all.
- Staff should give their undivided attention to the person who is speaking. By practicing impatience, staff may display culturally inappropriate behavior. If an issue is important to discuss, it is important that all parties give the time necessary to adequately discuss and ultimately resolve the issue. It is considered especially rude to look at your watch, yawn, walk out, raise your hand, or shake your head while a tribal elder is talking.
- Sometimes prolonged eye contact is inappropriate. Not making or holding eye contact is respectful behavior. While in meetings, maintaining direct eye contact for extended amounts of time with tribal elders, leaders, and members is considered inappropriate in many tribal cultures.
- When beginning an important discussion, or when responding to questions by tribal elders or officials, inappropriate laughter may be considered a lack of respect or seriousness, or as belittling the subject of the questioner.
- The NRC staff should dress respectfully as for any business meeting with a high elected official or a distinguished representative of another government. Some tribal leaders are sensitive to unprofessional, overly casual attire when meetings are held with representatives of the Federal government, especially at meetings held in the Washington, D.C., area, such as at NRC headquarters' offices. More casual attire may be appropriate when meetings are held at locations outside of the D.C. Metropolitan

area, such as those held in states located in the West, and particularly for attendees who meet regularly with tribal officials, and/or go directly from their work place to attend such meetings.

- Tribal representatives may not be familiar with NRC terms, vocabulary, acronyms, vernacular and standard operating procedures. NRC staff should seek to develop an understanding of prior involvement, education and training of the tribe as these relate to the technical or licensing matter at hand. Some tribes may be better served by NRC staff limiting use of, or providing greater explanations for, certain technical or licensing terms or phraseology, while other tribes may have greater experience with, and understanding for, the subject matter. Staff should respect, and not underestimate, the knowledge of tribal officials, while being conscious of the use of terms and concepts presented to ensure that both Tribal officials and NRC staff communicate effectively.

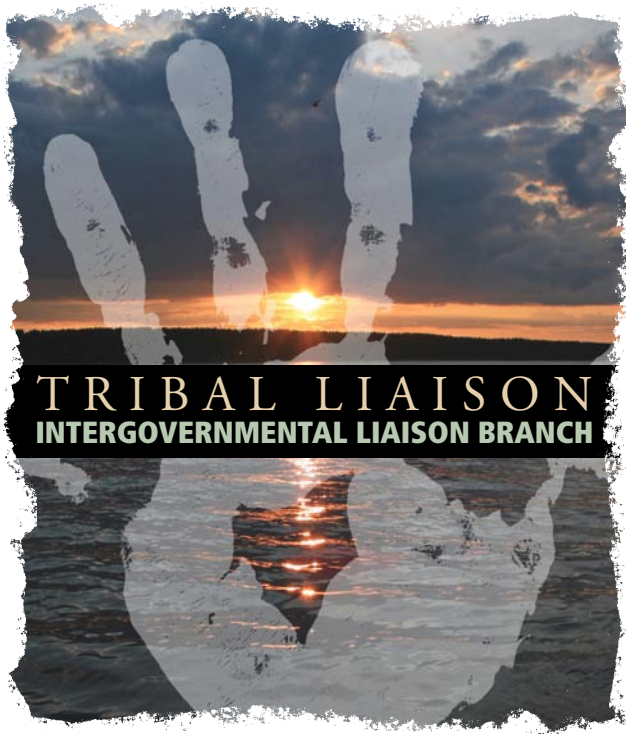
In summary, strong relationships are built on trust and honesty. As representatives of a professional government agency, consider:

- RESPECT…For tribal interests, cultural diversity, customs, agendas.
- RESPECT…For tribal Council leaders as officials of another government.
- LISTEN…Carefully; ask questions for clarification.
- CONSIDER…What you say; do not promise what you may be unable to deliver.
- COMMUNICATION…Is key to successful relationships. Communication established early and often in the process results in more effective communication throughout the process.
- STAFF FAMILIARIZATION…With tribe-specific information. Get smart, understand the tribal history and current tribal issues, concerns, and expertise of the tribe or tribes you may find yourself working with.
- FACE-TO-FACE MEETINGS…Get to know the tribe and its technical resource staff and council representatives. Meetings are the most effective method for achieving this important goal, followed by phone calls. Letters are essential, but can be bureaucratic and inefficient methods of communication.
- FAMILIARITY AND CONTINUITY…Is essential for establishing and maintaining effective relationships.
- VISIBILITY…Tribes and their concerns should be highlighted during introductions and at the meeting table.
- ADAPTABILITY…Exhibit flexibility, sensitivity and empathy in tribal relations.
- PATIENCE…Take time to understand, communicate with, and work with the tribes who have an interest in NRC activities

CHAPTER 3
NRC's Tribal Contacts: Reference Tools

SECTION 3.A
NRC's Tribal Liaison Point Of Contact

The Intergovernmental Liaison Branch (ILB) of the Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs (FSME), maintains the day-to-day experience and knowledge management necessary to perform Tribal liaison. ILB works in close coordination with the Deputy Executive Director for Materials, Waste, Research, State, Tribal and Compliance Programs and NRC Program Offices and Regions, to fully implement NRC's Internal Tribal Protocol. Staff is encouraged to contact ILB with any questions regarding outreach and communication with Native American Tribal communities and Tribal representatives.



tribal_outreach.resource@nrc.gov

Division of Intergovernmental Liaison & Rulemaking
Office of Federal and State Materials and
Environmental Management Programs

SECTION 3.B
Federal Agency Tribal Website Links

1. **U.S. Department Of The Interior, Bureau Of Indian Affairs**
   www.bia.gov

2. **U.S. Department Of Homeland Security**
   www.dhs.gov/ynews/releases/pr_1236118838765.shtm

3. **U.S. Department Of Transportation**
   www.fhwa.dot.gov/tribal/index.htm

4. **U.S. Department Of Energy**
   www.congressional.energy.gov/tribal_affairs.htm

5. **U.S. Federal Emergency Management Agency**
   www.fema.gov/government/tribal/natamerpolcy.shtm

6. **U.S. Department Of Health And Human Services**
   www.itmatrustfunds.org

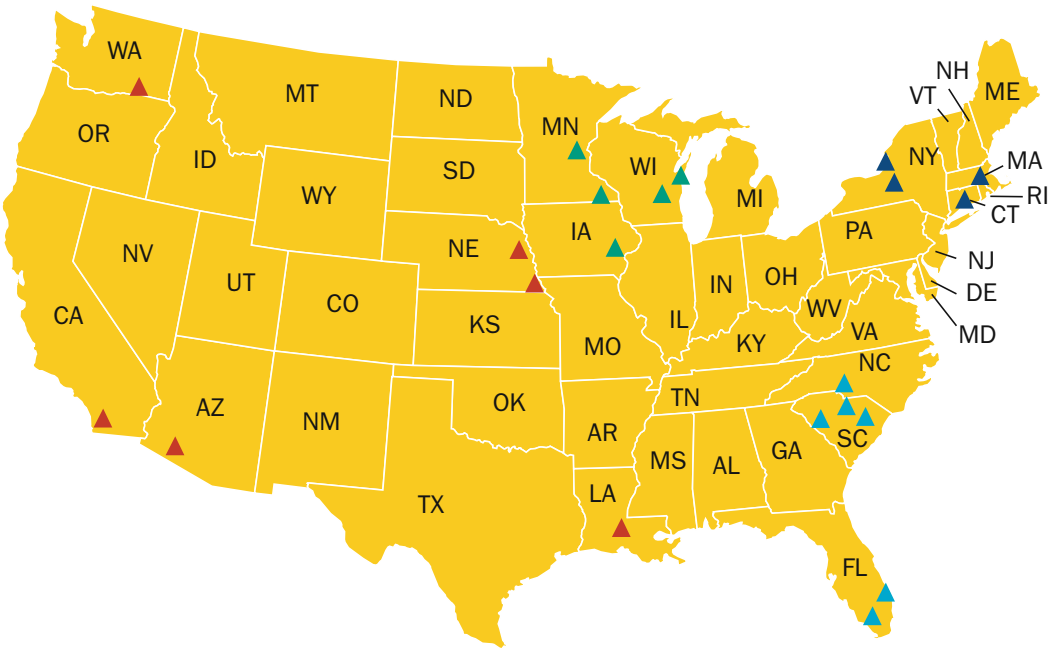
7. **U.S. Federal Energy Regulatory Commission**
   www.ferc.gov/legal/maj-ord-reg/policy-statements.asp

8. **U.S. Federal Communications Commission**
   www.fcc.gov/indians

9. **U.S. Environmental Protection Agency**
   www.epa.gov/tribal/

SECTION 3.C

Tribes Physically Located Within A Fifty Mile Radius Of Nuclear Power Plants



REGION I

CONNECTICUT

- **Millstone**
  - Mohegan Reservation
  - Mashantucket Pequot Reservation
  - Narragansett Reservation

MASSACHUSETTS

- **Pilgrim**
  - Wampanoag Tribe of Grey Head (Aquinnah) Trust Land

NEW YORK

- **FitzPatrick**
  - Onondaga Reservation
  - Oneida Reservation
- **Nine Mile Point**
  - Onondaga Reservation
  - Oneida Reservation

REGION II

FLORIDA

- **St. Lucie**
  - Brighton Reservation (Seminole Tribes of Florida)
  - Ft. Pierce Reservation
- **Turkey Point**
  - Miccosukee Reservation
  - Hollywood Reservation (Seminole Tribes of Florida)

NORTH CAROLINA

- **McGuire**
  - Catawba Reservation

SOUTH CAROLINA

- **Catawba**
  - Catawba Reservation
- **Oconee**
  - Eastern Cherokee Reservation
- **Summer**
  - Catawba Reservation

REGION III

IOWA

- **Duane Arnold**
  - Sac & Fox Trust Land
  - Sac & Fox Reserve

MINNESOTA

- **Monticello**
  - Shakopee Community
  - Shakopee Trust Land
  - Mille Lacs Reservation
- **Prairie Island**
  - Prairie Island Community
  - Prairie Island Trust Land
  - Shakopee Community
  - Shakopee Trust Land

WISCONSIN

- **Kewaunee**
  - Oneida Trust Land
  - Oneida Reservation
- **Point Beach**
  - Oneida Trust Land
  - Oneida Reservation

REGION IV

ARIZONA

- **Palo Verde**
  - Ak-Chin Indian Community
  - Tohono O'odham Trust Land
  - Gila River Reservation
  - Maricopa Reserve

CALIFORNIA

- **San Onofre**
  - Pechanga Reservation of Luiseño Indians
  - Pala Reservation
  - Pauma & Yuima Reserve
  - Rincon Reservation
  - San Pasqual Reservation
  - La Jolla Reservation
  - Cahuilla Reservation
  - Soboba Reservation
  - Santa Ysabel
  - Mesa Grande Reservation
  - Barona Reservation

LOUISIANA

- **River Bend**
  - Tunica-Biloxi Reservation

NEBRASKA

- **Cooper**
  - Sac & Fox Trust Land
  - Sac & Fox Reservation
  - Kickapoo
- **Fort Calhoun**
  - Winnebago Trust Land
  - Omaha Reservation
  - Winnebago Reservation

WASHINGTON

- **Columbia**
  - Yakama Reservation
  - Yakama Trust

Dated July 6, 2010

Note: NRC-abbreviated reactor names listed
Source: U.S. Nuclear Regulatory Commission

SECTION 3.D

Instructional Guide To NRC's FSME Phone Book

(State Contact Database Containing Tribal Listings)

Purpose:

The Federal And State Materials And Environmental Management Programs (FSME) Phone Book is a single source of up-to-date intergovernmental communication information which provides NRC staff with up-to-date contact information for State government and tribal contacts.

This Microsoft Access Phone Book contains the names and addresses of State and tribal personnel including Governors, Governor-appointed State Liaison Officers, Radiation Control Program Directors, 10 CFR Part 71/ Part 73 State Transportation contacts, Native American tribal contacts and State Emergency Management Directors.

Access:

NRC staff can access the FSME Phone Book by left clicking on the Windows Start button in the lower, left hand corner of the PC monitor screen. Selecting Agency Wide provides a drop down box with a U.S. yellow map icon. Select the map icon to open the application, allowing for the selection of custom report parameters.

FSME maintains responsibility for the database, which includes ensuring the accuracy of the data, and providing "helpdesk" support for the application. The FSME Phone Book is accessible Agency-wide and allows for customization of individual information requests. Specific examples of Phone Book utilization include: 1) distribution of NRC advisories; 2) maintenance of distribution contacts for various Agency mailings; 3) automatic printing of mailing labels (including First Class and Federal Express addresses) to specific individuals; 4) exportation of e-mail addresses via Microsoft Outlook; and 5) various sorting capabilities (i.e., geographical regions, facility types, positions).

Contact:

For questions regarding the use of the FSME Phone Book, generally or specifically as it pertains to Tribal Contacts, or assistance to access the FSME Phone Book, please contact Patricia McGrady-Finneran by telephone at (301) 415-2326, or by e-mail at Patricia.McGrady-Finneran@nrc.gov.

SECTION 3.E

Miscellaneous Tribal Information

The NRC, through its regulatory process, deals directly with Federally recognized tribes. To better understand the distinctions and determinations of what constitutes a Federally recognized tribe, the Department of the Interior, Bureau of Indian Affairs website: http://www.bia.gov/FAQs/index.htm is a valuable resource tool.

How Is Federal Recognition Status Conferred?

Historically, most of today's federally recognized tribes received federal recognition status through treaties, acts of Congress, presidential executive orders or other federal administrative actions, or federal court decisions.

In 1978, the Department of the Interior issued regulations governing the Federal Acknowledgment Process (FAP) to handle requests for federal recognition from Indian groups whose character and history varied widely in a uniform manner. These regulations – 25 CFR Part 83 – were revised in 1994 and are still in effect.

Also in 1994, Congress enacted Public Law 103-454, the Federally Recognized Indian Tribe List Act (108 Stat. 4791, 4792), which formally established three ways in which an Indian group may become federally recognized:

- **By Act of Congress;**
- **By the administrative procedures under 25 CFR Part 83; or**
- **By decision of a United States court.**

However, a tribe whose relationship with the United States has been expressly terminated by Congress may not use the Federal Acknowledgment Process. Only Congress can restore federal recognition to a "terminated" tribe. The Federally Recognized Indian Tribe List Act also requires the Bureau of Indian Affairs, Department of the Interior to publish annually a list of the federally recognized tribes in the Federal Register. The list was last published on August 11, 2009 (74 CFR 40218) at: http://www.bia.gov/idc/groups/public/documents/text/idcoo2652.pdf

Federally Recognized Tribe Requirements

1. The Petitioner has been identified as an American Indian entity since 1900;
2. A predominant portion of the petitioning group comprises a distinct community;
3. The petitioner has maintained political influence or authority over its membership;
4. The group has governing documents which include its membership criteria;
5. The petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity;
6. The membership of the petitioning group is composed primarily of persons who are not members of an acknowledged North American Indian tribe;
7. Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship;

How To Contact Tribes That Are Not Federally Recognized

NRC staff can contact tribes that are not federally recognized but are interested in a particular NRC regulated activity in the same manner as any other stakeholder or public interest group. One example of this group would be a "State-recognized tribe." These tribes are not federally recognized, but have been acknowledged by state law, and sometimes reside on state-recognized reservations. To assist NRC staff in identifying tribes that are not federally recognized with regard to nuclear facilities located in a State, the following websites list Federally Non-Recognized Tribes by date:

- **http://500nations.com/tribes/Tribes_State-by-State.asp[2010]**
- **www.accessgenealogy.com/native/nofed.htm [2009];**
- **www.manataka.org/page237.html [6/18/08];**
- **www.kstrom.net/isk/maps/tribesnonrec.html [4/5/97]; and**
- **www.csulb.edu/~gcampus/libarts/am-indian/tribes/ [5/15/95];**

Tribal Historic Preservation Officers (THPOs)

The following website lists Tribal Historic Preservation Officers that are members of the National Association of Tribal Preservation Officers (NATHPO) at http://www.nathpo.org/mainpage.html#top [10/9/09].

Governors Interstate Indian Council

The Governors Interstate Indian Council (GIIC) may help individuals find State tribal offices. A brief description of the organization's mission as posted on the GIIC website at http://w1.paulbunyan.net/~giic/ [7/31/05] is to improve and promote "cooperation between the states and tribal governments" through the following:

- **Promote and enhance government-to-government relations between the Tribes and States;**
- **Respect and recognize the individual sovereignty of the Tribes and the States;**
- **Support the preservation of traditional Indian culture, language and values; and,**
- **Encourage socioeconomic development aimed at tribal self-sufficiency.**

A list of State Indian Affairs Offices may be found on the website at "Office Directory".

Finally, individuals may check on State Government's websites for this information.

Major Tribal Culture Areas

A culture area is a region where tribes shared certain characteristics, such as housing and hunting practices, all of which were based on the climate and resources of the area. These are the major North American Tribal culture areas:

1. Arctic and Subarctic
2. Eastern Woodlands
3. Southeast
4. Plains
5. Southwest
6. Plateau and Great Basin
7. Pacific Northwest
8. California

Types Of Indian Lands

According to the U.S. Environmental Protection Agency, there are seven types of Indian lands in the United States:

1. **Reservations:** Lands set apart for the use of designated Tribes.

2. **Trust Lands:** Lands held in trust by the U.S. government for Indians, usually a Tribe.

3. **Checkerboard Lands:** Lands that are a combination of nonmember owned parcels and Tribal parcels, resulting in a checkerboard pattern.

4. **Fee Lands:** Lands owned by non-Indians within the boundaries of a reservation.

5. **Dependent Indian Community:** Lands set apart for Indian use under the superintendence of the U.S. government.

6. **Allotments:** Lands held in trust by the U.S. government for individual members of a tribe.

7. **Ceded Territory:** Lands within a reservation or aboriginal area that have been sold by a tribe or taken by the U.S. government on which tribe members retain certain rights, such as hunting, fishing and gathering plants.

The Most Populous Tribes

The following Tribes make up 0.41 percent of the U.S. population or 1,150,263 tribal members:

Tribe	Population
1. Cherokee	302,569
2. Navajo	276,775
3. Sioux	113,713
4. Chippewa	110,857
5. Choctaw	88,692
6. Pueblo	59,621
7. Apache	57,199
8. Lumbee	52,614
9. Iroquois	47,746
10. Creek	40,487

United States Nuclear Regulatory Commission
Office of Federal and State Materials and Environmental Management Programs

March 2010

INTERNAL AGENCY GUIDANCE ONLY