



The Society for Applied Anthropology

ENVIRONMENTAL ANTHROPOLOGY

Environmental Stewardship in Indian Country

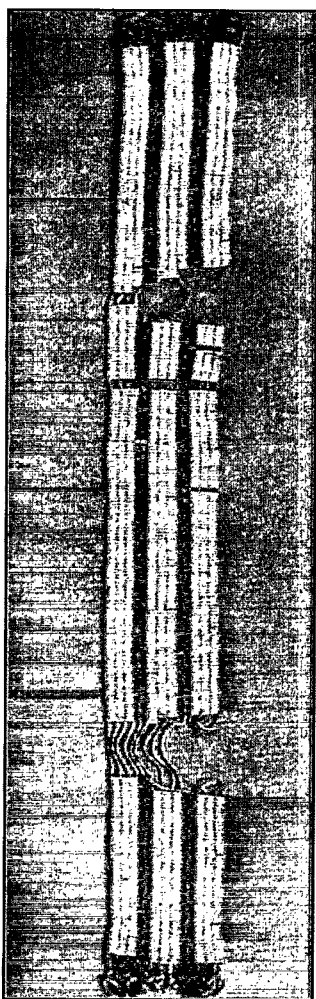


Photo used with Haudenosaunee permission.

The Kaswentha, or Two-Row Wampum Treaty Belt is a Haudenosaunee record of a Treaty with the Dutch crown, a long-standing symbol of government-to-government relations.

The Two-Row Wampum is a beaded belt that records an early nation-to-nation treaty between the Haudenosaunee (also known as the Iroquois) and the Dutch. The belt signifies the relationship of two societies living side-by-side, yet respecting each other's worldview and autonomy. The Two-Row Wampum also serves as a good metaphor for productive collaboration between native and non-native communities in environmental protection efforts.

Tribal governments occupy a distinctive place in the United States federal system. They are political entities with extensive autonomy, although this authority is subject to the plenary powers of Congress. It is important to recognize that not all Native American Nations accept the limitations that have been placed upon their sovereignty by the federal courts or Congress. The Haudenosaunee, for example, reject these limitations as having been imposed without their consent.

Most Indian reservation lands are held in trust by the U.S. government for tribes, reflecting an ongoing responsibility to support the protection and restoration of tribal lands and resources. Today this responsibility is shared between the respective tribal governments and the federal government. It is national policy for federal agencies, such as the Environmental Protection Agency (EPA), to work with tribal governments on a government-to-government basis to protect the rights and resources that have been under tribal stewardship since time immemorial.

Native cultures highly value their role as stewards of natural resources. Fulfilling this role, however, is often constrained by a lack of resources, technical capability, or legal authority. Providing technical and financial assistance for capacity building activities is an important role for the EPA in helping Indian communities more effectively manage and protect their natural resources. The EPA's General Assistance Program, for example, provides tribes with financial assistance to build the capacity to plan and establish environmental protection programs. Federal assistance is also available from a variety of sources to implement such programs, targeted to specific environmental protection activities such as enhancement of air and water quality, vegetation and wildlife habitat restoration, hazardous and solid waste management, pollution prevention, emergency preparedness and response, and environmental education.

Tribal Sovereignty

"Sovereignty" is the right or power that a government draws upon to govern. It comes from itself and no other source. The European conception of sovereignty that the United States received held that a nation could have only one sovereign, the monarch. The U.S. Constitution splits sovereignty between the states and the United States. Both sovereigns derive their authority to govern from the people, and neither depends on the other for its authority. The tribes represent the third sovereign within the United States. Interpreting the Constitution, courts have reasoned that the tribes, because of their existence since time immemorial - prior to the inception of the other two U.S. sovereigns - must derive their authority to govern from their own sovereignty. This stems from the original acknowledgment of the legitimacy of tribal government outside the United States.

The framers of the Constitution recognized that if left in the hands of the newly formed state governments, tribal rights and resources would be quickly eroded as states first looked after the interests of their non-Indian residents. The Constitution named the U.S. Congress - and not state governments - as having *plenary* authority over Indian affairs. This has been interpreted by judicial review to mean that tribes retain the right to govern themselves except where the Congress has placed limits on the exercise of this right.

Given the difference in size and resources between Indian Nations and the U.S. government, approaching capacity building activities as a collaboration of equals can be challenging. However, this approach is key to promoting the two-way flow of information necessary for developing sustainable and effective programs.

This Review discusses the logic behind building tribal environmental stewardship capacities within the federal system, and highlights factors involved in working collaboratively with Native American communities to develop effective, culturally relevant watershed protection programs.

In addition to the cases highlighted here, the Environmental Anthropology Project also involved work by anthropologists at the Zuni Pueblo, the Cherokee Nation of Oklahoma, and the Confederated Tribes of the Umatilla Indian Reservation.

Capacity Building - The Benefits

Capacity building strengthens the ability of a community or organization to define its problems and identify and implement solutions. Given the wide variety of issues involved in managing environmental resources, a broad and holistic view of capacity development is needed. For example, capacity building might include helping communities:

- manage change
- resolve conflict
- manage institutional pluralism
- enhance coordination of activities
- foster communication, and
- conduct research

For many people, the notion of building community capacity has an immediate philosophical appeal because of its implications for human dignity. There are also more practical reasons to invest in capacity building strategies.

First, successful water quality protection programs require cooperation between tribal, state, and federal governments, since water (like many other natural resources) does not respect the boundaries between tribal and non-tribal land. Practices outside of reservation lands affect the quality and flow of water on tribal lands, while practices on reservation lands can affect the quality and flow of water elsewhere. Therefore, investments that help Indians to better manage water resources on their own lands, or that can better help them to communicate with their federal or state counterparts, are in the national interest.

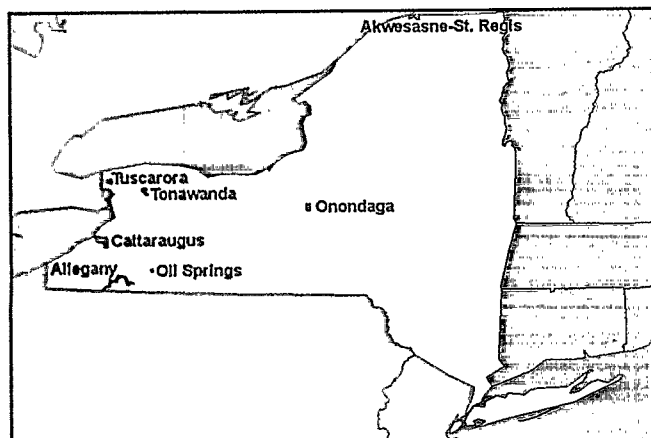
Second, while tribal governments are often on the receiving end of technical and financial assistance, they bring to the table important knowledge and experience about their natural and social worlds. Approaching capacity building activities in a collaborative fashion enables non-Native partners to benefit from the knowledge and experience of Indian tribal members, and help them to design more effective programs.

Key Ingredients to Capacity Building

Tribal governments' capacity to act as stewards for their watersheds hinges upon many factors. Tribal members must have opportunities to participate meaningfully in the protection efforts. Members' involvement and support is especially important where threats to water resources are the unintended consequence of actions on the part of individual households. Tribes must have the legal authority to manage and protect the resources. They must have the technical capacity to monitor changing environmental conditions, recognize problems, develop effective solutions, and promote acceptance of changes in practices that threaten water resources. Finally, they must have the economic means and political will to create and implement policy.

There are more than 560 federally-recognized tribal governments in the United States, ranging in size from fewer than 40 enrolled members to more than 250,000. Their land areas are as small as 40 acres, and as large as 28,000 square miles. Just as diverse is the range in the capacities of tribal governments to protect their rights and resources without outside assistance. Even the largest, best organized tribal governments may lack adequate environmental management capacity.

How do federal agencies work with tribes to determine the focus of capacity building efforts? A collaborative process of research and analysis involving both the tribe and the funding agency is essential. "Donor-driven" capacity building projects have little chance of success because from the outset they undermine a key principle of the capacity-building process, working from locally defined problems and policy priorities. In addition, capacity-building projects cannot be programmed in detail from the outset. They require a flexible process driven approach, which encourages learning, adaptive management, and long term commitment.



The aboriginal lands of the Haudenosaunee Confederacy covered much of present-day New York. Today, these are the remaining reservation lands.

Stewardship and Educational Outreach - *The Tuscarora Nation*

Most members of the Tuscarora Nation get their water from private wells, and a few homes still use outdoor hand pumps. Most of the wells are shallow, while the groundwater recharge areas are usually nearby. Therefore actions of residents in and around their homes can have a direct impact on their own well water quality.

As a member of the Confederacy of Haudenosaunee Nations, the Tuscarora are able to ask assistance from the Haudenosaunee Environmental Task Force (HETF). The Task Force, composed of delegates from Haudenosaunee Nations, helps members access

external funding and technical assistance from EPA and other sources, while protecting tribal rights and resources. With the goal of increasing the Tuscarora Nation's capacity to protect and improve the quality of its water sources, the HETF and the Tuscarora Environment program (TEP) signed a collaborative agreement with Environmental Anthropology Project intern Kreg Ettenger to produce public information materials about water protection that would reflect traditional values while strengthening local environmental protection capacity.

Ettenger began his work by conducting community assessments and identifying household practices that could threaten the quality of drinking water sources. Potential threats he noted included:

- old vehicles, either abandoned or in storage
- burning or dumping refuse
- keeping pets or other animals in enclosures or tied up near a well
- disposing of household products and other potential contaminants improperly; and
- maintaining household septic systems

However, he also found that local residents did not always believe these activities were particularly harmful to the environment. Since few residents had their wells tested on a regular basis, there was no way for them to know if they were, in fact, contaminating their well water through such practices.

The HETF and TEP knew from past experience that "top-down" methods based on regulation and enforcement were largely ineffective, especially when concerned with the actions of individuals on their own properties. While there is a strong sense of shared community responsibility among the Tuscarora Nation, there is also a deep respect for individual autonomy. Ettenger worked closely with both the HETF and TEP throughout this project. These collaborators continually refined their ideas about the most useful outcome of Ettenger's research. Through an iterative process of consensus building, they decided that the most relevant approach to protecting water sources would be to focus on education and individual responsibility. They also decided that an educational booklet would be an effective communications tool.

The booklet's message builds on traditional Tuscarora values and promotes individual responsibility toward family and community health. To produce something that would appeal to local audiences, Ettenger collected traditional legends, knowledge, and environmental values that relate to water sources. He then framed technical information within the context of local knowledge and used local photos and cultural images for illustrations. The intent was for the booklet to be distributed at public fairs and events. Its contents are to be published on the Tuscarora Nation's website and incorporated into public school environmental curriculum.

In this instance, collaborators decided that a booklet would provide an important stepping-stone to greater community awareness and action. As a complement to printed booklets, other ways of raising community awareness might include outreach through radio broadcasts, community documentaries, popular theatre, speeches at traditional gatherings, and youth group projects.

A Balancing Act - The Lower Elwha Klallam Tribe

Among the members of the Lower Elwha Klallam Tribe, many families want to move home to the reservation, located on Washington's Olympic Peninsula. But the only places where new housing can be built are in the groundwater recharge zone for the reservation's community drinking water wells. The shallow water table and groundwater supply on the reservation are easily susceptible to contamination from the septic systems that treat wastewater from the planned housing developments.

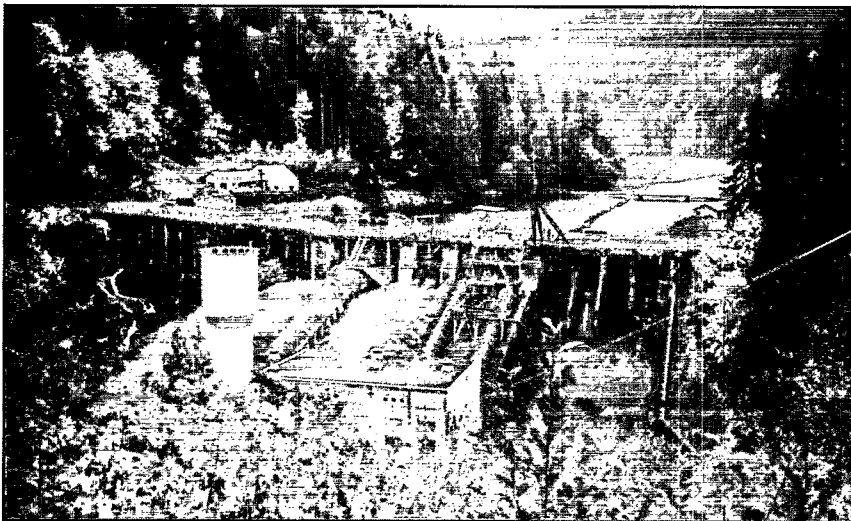


Photo: Ed Liebow

The Elwha Dam, upstream from the Lower Elwha reservation, may soon be breached to help restore the watershed's salmon fishery. The water table and location of buildable areas will change with the return to the natural river flows.

The tribal government wants to accommodate the demand for reservation housing, but land is scarce without encroaching on flood zones or the groundwater recharge zone.

Executive Order 13175 - Consultation and Coordination with Indian Tribal Governments

The history of Federal Indian policy has been one of dramatic reversals, with a series of laws, regulations, and administrative policies put in force to strike a balance between national interests - as viewed at the time - and the interests of conquered tribal peoples. A period of policies forcing tribes' removal from areas of Euroamerican settlement gave way to reservation land set-asides, then parceling out these reserved lands to hasten Indian assimilation into mainstream agrarian society, then a reorganization of federal administrative responsibilities to reverse the erosion of tribal land base, followed by attempts to terminate the special trustee relationship that was to protect tribal rights and resources, and finally the present era of policies intended to support tribal governments' powers to promote the well-being of their people.

Executive Order 13175 (November 6, 2000), "Consultation and Coordination with Indian Tribal Governments" is the most recent action aimed at defining the scope of tribal government authority, and the ways in which the federal government should help tribes exercise this authority. This order affirmed the federal commitment to tribal governments' self-determination rights and authorities. The order also directed all federal executive agencies to establish procedures for consulting with tribes before and during the course of crafting policies that potentially affect these rights and authorities. For the text of this executive order, and successive policy statements by the past several administrations, please see the EPA's American Indian Environmental Office web site: www.epa.gov/indian/polin.htm

Additional Resources

For information on Kreg Ettenger's project see "Source Water Protection in Traditional Haudosaunee Nations: Report on SFAA/EPA Environmental Anthropology Fellowship" in *Practicing Anthropology* (2001) 23(3): 23-27.

For information on Aaron Scrol's project with the Lower Elwha Klallam Tribe see <http://www.sfaa.net/eap/scrol/scrol.pdf> and "Community Dynamics of Source Water Protection: The Lower Elwha Klallam Tribe" in *Practicing Anthropology* (2001) 23(3):28-32.

Other Environmental Anthropology Projects included Carmen Burch's work with the Zuni Pueblo, Jill Blankenship's internship with the Confederated Tribes of the Umatilla Indian Reservation, and Brendan Lavy's internship with the Cherokee nation.

Additional guidance on working with American Indian communities can be found the Guide on Consultation and Collaboration with Indian Governments and the Public Participation of Indigenous Groups, prepared by the Workgroup of the Indigenous Peoples Subcommittee of the National Environmental Justice Advisory Council. May 25, 2000. Washington DC: U.S. Environmental Protection Agency. <http://as.epa.gov/oeca/main/ej/docs/cons152.pdf>

Tools that help strengthen internal community capacity to evaluate and participate in research and technical assistance in meaningful ways, include the *Model Tribal Research Code: With Materials for Tribal Regulation for Research and Checklist for Indian Health Boards*. 3rd ed., 1999. American Indian Law Center, Albuquerque, NM. Initially drafted as a tool to help American Indian communities review health research proposals, this model code is readily adaptable to meet environmental protection concerns. Also, see the Akwesasne Task Force on the Environment Research Advisory Committee's *Protocol for Review of Environmental and Scientific Research Proposals* at: www.slic.com/atfe/Prot.htm.

To help balance these conflicting demands between housing development and water source protection, environmental anthropologist Aaron Scrol worked with the Lower Elwha Klallam Tribe to help decide how the tribe could best increase its capacity to protect its source water.

Technical assessments of water quality and potential damage had already been done. However, follow-up mechanisms to create and implement a policy based on these assessments were missing.

Scrol observed that the tribe's governance system focuses much of its attention on dealing with the world outside the reservation. But for internal matters, the Lower Elwha Klallam place high values on individual and household responsibility. Households and kin networks traditionally hold the authority in resource management decisions. Imposing judgments on other tribal members and family members, suspending water service for non-payment of fees, or limiting tribal development activities are often viewed as illegitimate meddling in the lives of individuals and their families. Tribal members have begun to recognize, however, that with the increasing residential density they would need a more formalized and centralized management of community source water. What was called for was a culturally appropriate management model.

The collaboration between Scrol, the Lower Elwha Klallam Tribe's Community Development staff, and EPA Region 10 staff resulted in the idea of creating a local utility board. The board would be created through a tribal utility ordinance and governed by community advisors rather than tribal government staff. The utility board would review water management and land use issues first, and then formally present their review to the tribal council, thus ensuring serious deliberation. Accountable to the community advisory group but independent from the tribal council, such a utility board could, in effect, serve as an advocate on behalf of sensitively planned expansion of the reservation's utility infrastructure. In this scheme, it would still be up to the tribal council to balance development needs against the importance of protecting sensitive areas. But land use planning and water management issues would be given the careful attention they deserve, and the tribe's collective interests would be better balanced against the interests of individual Indian allottees wishing to build on their lands.

Scrol's research also highlighted ways in which the Lower Elwha Klallam Tribe's ability to manage and protect water resources was constrained by the many jurisdictional conflicts between tribal and state authorities, especially when drinking water sources are affected by the actions of multiple users who may not reside within tribal lands. To address this issue of authority, Scrol helped tribal leaders prepare an application to EPA for Treatment as a State (TAS) for the purpose of setting and regulating surface water quality standards for reservation waters. TAS status puts tribes on equal jurisdictional footing with state governments, and potentially represents an important step in the development of tribal water resource protection programs.

Summing Up

Non-Indian environmental managers and their tribal counterparts share basic concerns for the environment, but stewardship of tribal lands and other natural resources must take place within a complex federal framework. No single perspective can dictate effective, widely accepted solutions to watershed management problems, especially with watersheds that transcend political boundaries. Collaboration is an essential ingredient for effective environmental stewardship in Indian country. Anthropologists can make a significant contribution by richly characterizing the distinct perspectives that are shaped by differing cultural backgrounds, assumptions, and value orientations.

The Haudenosaunee and Elwha cases provide examples of anthropologists working with tribal partners to define and integrate cultural understandings and knowledge in environmental protection processes. However, capacity development activities might look very different depending on the challenges and resources at hand. In one situation, community education or awareness programs might be needed. In another, changes in political organization might be the key. In yet another instance, the need might be for cross-cultural understanding that could help resolve an unproductive conflict.

Technical assistance and other capacity building activities must be framed as collaborative partnerships, with an emphasis on consensus-based approaches to problem definition and needs assessment. Collaboration between autonomous partners provides the opportunity to support each side's needs, interests and core values, and allow for a two-way exchange of information, ideas, and assistance. The process of defining and engaging in these collaborative partnerships can, in itself, strengthen American Indian capacity to protect local environmental resources.

Additional Resources

EPA's American Indian Environmental Office

(www.epa.gov/indian/)

The American Indian Environmental Office (AIEO) coordinates the agency-wide effort to strengthen public health and environmental protection in Indian Country, with a special emphasis on building tribal capacity to administer their own environmental programs. AIEO oversees development and implementation of the agency's Indian policy. The EPA's General Assistance Program is administered out of this office, along with training programs to increase EPA staff awareness of how to work effectively with tribal governments. AIEO is developing databases and other decision support tools to assist tribal environmental managers in their work.

National Tribal Environmental Council (www.ntec.org)

NTEC was formed in 1991 as a membership organization dedicated to working with and assisting tribes in the protection and preservation of the reservation environment. Ten years later, it has nearly 150 member tribes, and offers a variety of training, technical assistance, research, and information sharing services on environmental protection matters in Indian country. NTEC's offices are located in Albuquerque, NM.

National Tribal Environmental Research Institute

(www.nteri.net) The National Tribal Environmental Research Institute (NTERI) was developed by the Intertribal Council of Arizona in partnership with the US Environmental Protection Agency. Its mission is to promote informed deliberation and comment on important federal and other proposed laws, rules, actions initiatives, and programs.



Environmental Anthropology Projects focused on community-based approaches to environmental protection throughout the U.S.

Environmental anthropologists analyze and resolve human and ecological problems posed by energy extraction and use; agriculture, forestry, fisheries, mining, and other resource development; pesticide exposure, toxic waste disposal, and other environmental health issues; environmental restoration; tourism, public lands, and cultural resource management; the protection of traditional knowledge, values, and resource rights; and environmental education

The Society for Applied Anthropology was incorporated in 1941, with the mission of promoting the scientific investigation of "the principles controlling the relations of human beings to one another" and the wide application of those principles to practical problems."

In 1996 the Society established the Environmental Anthropology Project, funded through a five-year cooperative agreement with the U.S. Environmental Protection Agency. The aims of the project were to provide technical support for community-based approaches to environmental protection and to improve the understanding of how cultural values and social behavior affect environmental management decisions.

Theresa Trainor served as EPA's project officer from the project's inception. Barbara Rose Johnston directed the project for its first four years; Robert Winthrop served as director for the final year of the project. The Review series was produced by Barbara Rose Johnston, and Gabrielle O'Malley and Edward Liebow of the Environmental Health and Social Policy Center. The Reviews solely reflect the views of their authors, not those of the Environmental Protection Agency. Society officers (including Jean Schensul, John Young, Linda Bennett, and Noel Chrisman) and a project advisory group provided oversight during the course of the agreement. Many Society members served as mentors for the project's interns and fellows, and as reviewers for its reports and publications.

The Society for Applied Anthropology is grateful for the financial support and professional cooperation of the Environmental Protection Agency and its staff. For more information on the Society and the Environmental Anthropology Project, please see our web site: www.sfaa.net.

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