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LAND OPERATIONS
OBJECTIVE1.1 OBJECTIVE

The objective of Land Operations is to furnish technical advice to the Commissioner for use in performing the Bureau's trust responsibilities to Indians as applicable to the development and conservation of their soil, plant and water resources; to assist Indians through technically coordinated programs to assume their responsibility in the conservation, use, development, management and educational processes as they pertain to farming, ranching and outdoor recreation. This is accomplished by:

- A. An Agricultural Educational Program. To encourage and promote farming, ranching, and outdoor recreation. (See 1.6)
- B. Conservation Program. To assist Indian people in the preparation, implementation, and maintenance of a plan of conservation operations for every land use unit in the process of which each land operator is trained in treating each acre according to its needs and to use each acre according to its capabilities to insure its continued and permanent productivity and value. (See 55 BIAM Supplements Nos. 1, 2, 3, 4, and 5)
- C. Irrigation Program. To construct and manage irrigation and related power facilities and provide for just and equitable distribution of water on Indian lands. (See 55 BIAM Supplements Nos. 2, 3, 4, and 5)
- D. Range Management Program. To preserve through proper grazing of the forage, the land, and the water resources on the Indian reservations, and the building up of these resources where they have deteriorated, and the issuance of grazing privileges in a manner which will yield the highest return consistent with sustained yield management. (See 55 BIAM Supplements Nos. 1, 2, and 5)
- ~~E. Outdoor Recreation, Fish and Wildlife Program. To encourage the wise use and management of outdoor recreation, fish and wildlife resources. (See 1.7)~~
- F. Coordination. To protect Indian resources from avoidable loss and deterioration. The Land Operations Officer shall determine, by review and approval of all plans of project activities or types of land use, how such projects or activities may be affected by, or may affect, wind or water erosion, drainage, flooding, sedimentation, water

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spreading and utilization, water supply and other soil and water resource values.

G. Legislation. The obtaining of necessary legislation to achieve the objectives sought when conditions warrant.

- 1.2 POLICY. It is the policy of the Bureau of Indian Affairs to administer land use and development programs with consideration given equally to conservation of the land, including soil, water and dependent living resources, cultivated crops, recreation, range forage and wildlife improvement, and to the production of livestock and agricultural products in a manner that will produce a fair margin of profit for the efforts of the operator. ~~The successful economic and social rehabilitation~~ of the Indian people who remain on the reservations depends in part upon the ability of their lands to produce profitably and their ability to manage and utilize their lands in proper fashion. No permanent security can be assured the rural Indians without the conservation, restoration and improvement of their natural renewable resources and their receiving fair returns from using, leasing or permitting their lands.

Indian people are included in all phases of preparing and initiating a program of farm and ranch improvement and proper land use as a means of providing training in wise management and use of his land, and to assume proper consideration of Indian interests in watershed protection projects and in balanced multipurpose river basin programs. The Indian people shall be assisted in developing cordial working relationships with all agencies who can help them in their overall program now and in the future in an everlasting degree as they progressively assume a full role of responsibility in society. First, an inventory of all physical land, water, and forage resources and their condition is essential to guide the utilization and treatment of these resources providing permanently for sustained yield production on cultivated and range lands; to reduce flood crests

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and to safeguard land from overflow and sedimentation; to reduce impairment of reservoirs by sedimentation; to develop available irrigation water and to maintain underground water supplies; to develop and to maintain all cultural, recreational, fish, wildlife, and other land use practices in accordance with the potential capability of each parcel of land. The Indians' consent should be obtained prior to the initiation of any project on Indian lands.

1.3 ORGANIZATIONAL RELATIONSHIPS.

- A. Central Office. The Chief of Land Operations, under general administrative supervision of the Office of Economic Development, acts as staff advisor to the Commissioner in meeting the latter's responsibility for all activities related to the planning management, conservation, development and utilization of the Indians' soil, water, range, outdoor recreation, fish and wildlife resources. The Chief supervises the formulation of general plans, policies, standards, and procedures, for: agricultural education in farm, ranch, and outdoor recreation improvement; for the management, investigations, plannings, construction, and maintenance of all Indian irrigation (including Power), range, recreation, soil conservation, and wildlife developments and projects. (Note: A number of Indian irrigation projects also furnish water and electricity to water users on lands owned by non-Indians whose lands have been included in Indian projects.)
- B. Area Office. The Area Director, in accordance with authority delegated by the Commissioner of Indian Affairs and in accordance with policies, standards and procedures established by the Commissioner, will direct the Superintendents in the development, implementation and continuance of programs designed to secure optimum development, conservation, and utilization of Indian farm, soil, water, range, outdoor recreation, fish and wildlife resources and simultaneously to provide the best income to all of the Indian people concerned. The Area Land Operations Officer, under the general administrative supervision of the Office of the Area Director, guides and advises the Agency application of the Area Director's program and when required he or his technical assistants may be assigned to carry out operational duties on agencies. While assigned, they will act under the administrative direction of the agency superintendent.

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- C. Agency. The Agency Land Operations Officer, under the administrative direction of the Superintendent and technical guidance and assistance of the Area Land Operations Officer, supervises and directs the agricultural educational, planning, developmental and operational phases of the irrigation (including Power), range, soil and moisture, outdoor recreation, fish and wildlife programs on individual land use units, irrigation projects, watersheds and reservations as a unit. He directs and supervises the Soil Conservationists (Land Use Planners); Range Conservationists; Outdoor Recreation Specialists; Agricultural, Conservation, Civil, Electrical, Mechanical and General Engineers; Soil Scientists; Laboratory Technicians, and other Land Operations personnel assigned to the agency.
- D. Independent Irrigation Project Organization. Four Indian Irrigation Projects, the San Carlos Project in Arizona, the Flathead Project in Montana, the Wapato Project in Washington, and the Navajo Project in New Mexico, because of their magnitude, are operated independently of Agency authority. Project Managers in charge of these projects are administratively responsible to their respective Area Directors but technically responsible to appropriate area staff.

1.4 STATUTORY AUTHORITY.

A. Agricultural Education

- (1) General Authority. The providing of agricultural education services to the Indians is directed by the Commissioner pursuant to his responsibility under the law to administer the execution of various functions vested in the Indian Bureau by the United States Congress.
- (2) Contract Authority. The Act of June 4, 1936 (49 Stat. 1458; 25 U.S.C. Sec. 452) authorizes the Secretary of the Interior to enter into contract with any state or territory or political subdivision thereof, or with any other appropriate state agency or institution for agricultural assistance.

B. Development and use of Indian Water Resources for Irrigation

- (1) Congressional Authorization. Authority for this activity is provided by the Acts of Congress of February 8, 1887 (24 Stat. 390; 25 U.S.C. 281), August 1, 1914 (38 Stat.) 583; 25 U.S.C. 385), and November 2, 1921, (42 Stat. 208; 25 U.S.C. 13). There are also numerous individual Acts authorizing the construction and management of projects.

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- (2) Inclusion of Indian Lands in Bureau of Reclamation Projects. The Act of March 3, 1909 (35 Stat. 798) provides authority to include allotments made to Indians under the fourth section of the general allotment act in reclamation projects under the jurisdiction of the Bureau of Reclamation. Maintenance charges may be fixed and reimbursement and apportionment of construction costs may be required pursuant to the Acts of April 4, 1910 (36 Stat. 270) and August 1, 1914 (38 Stat. 583; 25 U.S.C. 385).

The repayment of irrigation construction charges against Indian lands shall be in accordance with the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a).

- (3) Adjustment or Elimination of Reimbursable Charges.
- (a) The terms and conditions of the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a) provide for the adjustment or elimination of reimbursable charges of the Government of the United States existing as debts against individual Indians or tribes of Indians in such a way as shall be equitable and just in consideration of all circumstances under which such charges were made.
- (b) Investigations and adjustments of irrigation charges may be made on lands of non-Indians within projects on Indian reservations and on those projects where the United States has purchased water rights for Indian lands where the lands are no longer in Indian ownership, subject to the requirements of the Act of June 22, 1936 (49 Stat. 1803; 25 U.S.C. 389).
- (4) Apportionment of Charges. Apportionment of the cost of irrigation projects including maintenance charges shall be made as provided for by the Act of March 7, 1928 (45 Stat. 210; 25 U.S.C. 387).
- (5) Reports on New Irrigation Projects. The construction of new irrigation projects on Indian lands is prohibited until an estimate of maximum possibilities in each project is ascertained from properly approved surveys and reports and no project shall be undertaken without specific authorization of Congress where the project cost will exceed \$35,000. See Act approved April 4, 1910 (36 Stat. 270; 25 U.S.C. 383).

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- (6) Early Irrigation Developments. The first appropriation for irrigation development on a specific reservation was made in 1867 for the construction of an irrigation canal on the Colorado River Reservation in Arizona. See Act approved March 2, 1867 (14 Stat. 514). Prior to that time irrigation developments of a minor nature had been initiated by the Army on several reservations. Indians also had a few irrigation systems developed prior to the coming of white men.

C. Improvement and Utilization of Indian Soil and Water Resources

- (1) General Provisions. It is the responsibility of the Secretary of the Interior to assure that Indian lands and resources are managed and utilized in such a manner that they are protected against waste and are conserved. Overgrazing, unregulated timber cutting, fires, improper cropping and cultural practices and other factors which destroy vegetation and lead to soil and water losses are among the more serious practices and hazards which may be prevented or controlled by authority vested in the Secretary. They are often difficult to apply because they deal primarily with other matters, particularly to the production, protection, and disposition of vegetation. With respect to Indian reservations upon which the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 1964 ed. Sec. 466) is applicable, the action of the Secretary must follow the direction laid down in Section 6 of that Act.

"Sec. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes."

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AUTHORITY(2) Forage Resources(a) Basic Statutory Authority

5 U.S.C. 301; R.S. 463, 25 U.S.C. Sec. 2;
R.S. 465, 25 U.S.C. Sec. 9; Sec. 6, 69 Stat.
986, 25 U.S.C. 466; R.S. 2078, 25 U.S.C. 68;
R.S. 2117, 25 U.S.C. 179; Sec. 3, 26 Stat. 795,
25 U.S.C. 397; Sec. 1, 28 Stat. 305, 25 U.S.C.
402; Sec. 4, 36 Stat. 856, 25 U.S.C. 403;
Sec. 1, 39 Stat. 128, 25 U.S.C. 394; Sec. 1,
41 Stat. 1232, 25 U.S.C. 393; C. 158, 47 Stat.
1417, 25 U.S.C. 413; Secs. 16, 17, 48 Stat. 987,
988, 25 U.S.C. 476, 477; C. 210, 53 Stat. 840,
25 U.S.C. 68a, 87a; C. 554, 54 Stat. 745,
25 U.S.C. 380; Secs. 1, 2, 4, 5, 6, 69 Stat. 539,
540, 25 U.S.C. 415; 415a, 415b, 415c, 415d

(b) Regulations

General Grazing Regulations 25 CFR 151
Grazing Navajo Reservation, 25 CFR 152

- (3) Basic Soil Conservation Act. The basic authority for carrying on soil and moisture conservation is contained in the Act of April 27, 1935 (49 Stat. 163, 16 U.S.C. 590a, b, c, d, and the amending Act of February 29, 1936 (49 Stat. 1148, 16 U.S.C. 590g.)

The Act of April 27, 1935 reads in part as follows:
"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall

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coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time---

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act.

Sec. 2. The acts authorized in section 1 (1) and (2) may be performed---

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(b) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

Sec. 3. As a condition to the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require---

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion;

(2) Agreements or covenants as to the permanent use of such lands; and

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(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

Sec. 4. For the purposes of this Act, the Secretary of Agriculture may---

(1) Secure the cooperation of any governmental agency; * * * ."

The Act of February 29, 1936 reads in part as follows:

"Sec. 7.(a) It is hereby declared to be the policy of this Act also to secure, and the purposes of this Act shall also include, (1) preservation and improvement of soil fertility; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; * * * ."

Under the President's Fourth Plan of Government Reorganization (House Document 692 - 76th Congress, 3rd Session, 5 FR 2421, 54 Stat. 1235), certain functions of the Soil Conservation Service were transferred to the Department of the Interior.

Section 6 of the Fourth Plan provides as follows:

"Certain functions of the Soil Conservation Service transferred. The functions of the Soil Conservation Service in the Department of Agriculture with respect to soil and moisture conservation operations conducted on any lands under the jurisdiction of the Department of the Interior are transferred to the Department of the Interior and shall be administered under the direction and supervision of the Secretary of the Interior as the Secretary shall designate."

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D. Fish and Wildlife Management

(1) In the absence of contrary legislation by Congress, State fish and game conservation laws and regulations are inapplicable to Indians who hunt and fish on trust or restricted lands within Indian reservations. Except where limited by Federal statute or treaty, the regulation of hunting and fishing within Indian reservations is generally under the jurisdiction and control of the Indian tribes. The term "hunting" as used herein means any game or wild fowl taking activity; and the term "fishing" is considered to mean the taking of any fish or other aquatic life by any means.

(a) Indians Fishing and Hunting on their Reservation. With the exception of such inclusive legislation as the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), the Act of June 8, 1940 (54 Stat. 250) for the protection of the American Bald Eagle (50 CFR 7), and the Act of August 12, 1958 (72 Stat. 563) for more effective integration of a fish and wildlife conservation program with Federal water-resource developments, and for other purposes, Congress has not authorized the issuance of general regulations for fish and wildlife conservation and control of hunting and fishing activities among Indians on Indian Reservations. Generally speaking, Indians enjoy the exclusive right to hunt and fish on their trust or restricted lands within their reservation. In some cases this right has been provided by treaty with Indians; and in others it has been upheld by the Federal courts as impliedly reserved by the Indians. In these circumstances Indians may hunt or fish on such lands without infringing State fish and game laws. In view of the many treaties entered into with Indians, it is essential that the treaty or treaties with a particular tribe and the court decisions relating thereto be carefully studied to determine the fishing or hunting rights of the members of that tribe.

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Where lands have been allotted to individual members of the tribe, Indians other than the particular allottee have no right to hunt or fish upon the land without the consent of the allottee. Fish and game are a resource of the reservation and as such may be regulated to sustain the resource similar to forage and timber on reservations.

Commercialization of the resource has resulted in regulations of size of take and payment to a tribe (see 25 CFR 89 Commercial Fishing on Red Lake Indian Reservation and 25 CFR 256 - Off-Reservation Treaty Fishing). Regulation does not deny treaty rights but provides mechanism for sustained yield of the resource for all members of the tribe.

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Indians Fishing and Hunting Off Their Reservation. Indians, except where their treaties otherwise provide, who hunt or fish outside their reservation or on lands which are no longer restricted or held in trust are subject to the State fish and game conservation laws. Treaties with certain tribes reserve to tribal members, however, a right to hunt and fish on ceded lands outside their reservation, or to "fish at all usual and accustomed places, in common with the citizens of the Territory" (now State). The right provided by treaty for Indians to hunt outside their reservation is usually limited by such phrases as "so long as the same (ceded lands) shall remain property of the United States" or "during the pleasure of the President," or to "open and unclaimed land." A State cannot by legislation or otherwise deny the Indians these rights guaranteed by treaty but the State may enforce reasonable conservation laws applicable alike to all citizens of the State. See Tulee v. State of Washington, 315 U.S.C. 681 (1942). See Wilson "Off-Reservation Treaty Fishing" is regulated by 25 CFR 256.

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- (c) Hunting and Fishing by Non-Indians on an Indian Reservation. Non-Indians and Indians who are not members of the particular tribe have no right to hunt or fish on the trust or restricted lands within a reservation without the consent of the tribe. Non-Indians and Indian non-tribal members who have the consent of the tribe to hunt or fish within the reservation do not have a right to hunt or fish on trust or restricted allotted land without the consent of the particular allottee. Non-Indians who have received tribal consent to hunt or fish must not only comply with special tribal rules and regulations as may be in force on the reservation, but are also subject to State and Federal laws.
- (d) Hunting and Fishing Regulations on Indian Reservations. An Indian tribe may regulate and control game and fish-taking activities of Indians and non-Indians by enacting a suitable ordinance (18 U.S.C. 1165). Non-members of the tribe (includes non-Indians) are subject to State laws and regulations pertaining to State licenses, seasons, and bag limits unless exceptions have been granted by the State (see "State May Regulate Fish Game on Indian Reservations - not pre-empted. State v. Danielson, 427 P. 2nd 689 (Montana) Supreme Court of Montana, May 12, 1967").

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1.5 COOPERATIVE RELATIONSHIPS

- A. General. Since wind and water respect no county, state or property line, there can be no adequate conservation program within a watershed, reservation or district without the whole-hearted understanding and backing of all the people and agencies who live on the land or administer its use. Conservation measures, of course, may be applied upon any unit of land, but these measures will not protect this land against run-off or seepage from untreated lands above. In regions where wind erosion is active, much can be done to lash the soil to the earth on a particular land unit, but windblown soil from surrounding untreated or abandoned areas may largely nullify conservation measures. Apart from the necessity for the cooperation of neighboring land users for effective erosion control, there is abundant evidence that entire watersheds or other comparable land areas can be more economically treated for effective conservation when worked as a unit.

Control measures may be fitted to the land, instead of being restricted by artificial legal boundaries, by building terraces, dikes, outlet channels, watercourses, drainage ditches, wind-breaks, and other conservation measures across farm or administrative boundaries. Planning, construction and maintenance are also simplified. Grazing, Drainage, Weed Control, Reclamation, Soil Conservation and other similar Districts furnish established means through which these objectives may be attained. But in areas where such Districts are not organized, or in the areas where lands adjacent to Indian lands are administered by the Forest Service, Bureau of Land Management, or other Federal and State agencies, every effort should be made to cooperate with these agencies in a coordinated, economic, effective approach to the initiation and application of a program for conservation and optimum use of soil, water, forage and wildlife resources. Other agencies, whose primary function is not the administration of lands but maintain survey and research organizations like State experiment stations, State Extension Staffs, Agricultural Research Service, Forest Service, Experimental Stations, Soil Conservation Service and Geological Survey, can render valuable and indispensable services. Agricultural Conservation Program Service and the Farm Home Administration can render material financial assistance in putting conservation measures into effect. No land use planner can render effective service without keeping himself fully conversant with the information and assistance available through these agencies, and acquainting the Indians with available sources of assistance and encouraging them to take an active part in committees and governing bodies.

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B. Federal Agencies.(1) Department of Agriculture.

- (a) Agricultural Conservation Program Service (A.C.P.). All Superintendents and branches responsible for administration of Indian lands and Indian organizations are urged to cooperate fully with county and State A.C.P. committeemen. Individual users of Indian lands, tribal, livestock and other Indian associations concerned in land use, can secure material assistance from the A.C.P. in conserving Indian lands by participating in available benefits.

Memorandum No. 1278, of February 15, 1951, and subsequent actions of the Secretary of Agriculture realigned certain responsibilities with relation to the Department Agricultural Conservation Program and the Soil Conservation Service, the latter assuming the technical responsibility for permanent type soil conservation work, except forestry. Locally the County Agricultural Stabilization and Conservation Committee administers the Agricultural Conservation Program including the processing of applications and payments. The memorandum permits the Soil Conservation Service to delegate its responsibilities. As a result of conferences and negotiations between representatives of the Departments of Agriculture and Interior, the Bureau will cooperate with the Soil Conservation Service at local levels in determining standards of work. Bureau technicians will, however, be responsible for the design, installation, final inspection and reporting to the local A.C.P. with recommendation for payment.

Bureau personnel can be particularly helpful in assisting county and state committeemen in determining the most useful conservation practices for Indian lands and the rates of payments. These committees invite such participation and the Bureau urges it.

- (b) Soil Conservation Service. The Soil Conservation Service has a very extensive organization, fully staffed with trained technicians. They maintain well equipped cartographic and information units. They are concerned in overall conservation problems and willingly make

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available many of their facilities at nominal or no cost. Cordial relationships should be cultivated with the Soil Conservation Service by frequent consultation with them and cooperative action wherever advisable.

It is recommended that physical inventories be made cooperatively with the Soil Conservation Service where Soil Conservation Districts include Indian lands which are intermingled with non-Indian owned land. Physical inventories are necessary for supplying the basic information for farm planning in order to promote soil and moisture conservation and best utilization of Indian land. The Bureau of Indian Affairs' personnel will confine their survey activities to Indian land except where, in the interest of efficiency, it may be advantageous to survey small areas without regard to ownership. The Soil Conservation Service will furnish technical assistance sufficient to cover acreage equivalent to all non-Indian owned land and will, in the interest of efficiency, survey small acreages of Indian land equivalent to non-Indian owned land covered by the Indian Bureau personnel, if proper cooperative agreement has been entered into.

- (1) Cartographic Units. Maps, aerial photographs, enlarging of photographs, prints of photographs, and photostating are among the supplies and services that the Soil Conservation Service Cartographic Unit can supply at nominal cost.
- (2) Information Units. Each State office has available great numbers of charts, posters, slides, films, photographs, and other facilities which are almost indispensable in conducting a well-rounded soil and moisture conservation program. Each conservationist is urged to acquaint himself with the services available. Many of the posters, charts and photographs can be secured without cost, the films and slides can be secured on loan and, in many cases, they will send a lecturer to explain them. Work unit leaders can help Indian Service teachers by acquainting them with this material and helping them secure it. They have much to offer us. Nearby stations are working on the problems that perplex us in many cases. Visit

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them. Take groups of Indians and users of Indian lands to see their experiments and demonstrations. It will save you a lot of talking and time if they can see results already accomplished.

- (c) Agricultural Research Service. This organization conducts an extensive research program and cooperates with state experiment stations working on problems related to soil and water conservation, watershed hydrology, farm and ranch management, home economics, human nutrition and related subjects, field crops, entomology, animal husbandry and many others. They also maintain regulatory services such as animal diseases, plant pest control, plant quarantine, animal inspection and quarantine.
- (d) ~~Farm Home Administration. The Bureau personnel should cooperate fully with the Farm Home Administration in preparing farm plans which provide for adequate soil and moisture conservation operation of the farm. Cooperation among soil-conservation agencies has progressed to such an extent in some areas that the Farm Home Administration will make loans only on the condition that the borrower observes the provisions of a plan of conservation operations on the land he is using, and further that creation of proper home conditions be a part of the farm and home plan.~~
- (e) U. S. Forest Service. The United States Forest Service has had many years of experience in dealing with land use problems and in the protection of natural resources. Their cooperation should be secured wherever problems are comparable or when the use of Indian lands are influenced or affected by United States forest land, or vice versa.
- (f) Resource Conservation and Development Projects. The Food and Agriculture Act of 1962 authorized the U. S. Department of Agriculture to give technical and financial help to local groups in resource conservation and development (RC&D) projects. Aim of the projects

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is better economic opportunities in rural areas through speeding up conservation and development of the area's natural resources.

The Soil Conservation Service (SCS) has the leadership in the program. It works with local, State, and other Federal agencies in assisting project sponsors. Bureau personnel should cooperate fully with this program and encourage Indian cooperation to assure maximum benefits to Indian people.

- (g) Great Plains Conservation Program. The Great Plains Conservation Program, established by Public Law 1021 (1956) is a voluntary one. Its core is a complete soil and water conservation plan based, (1) on the soil, the plant conditions, the available water; and (2) on the problems and the needs of the farmer or rancher. Through a long-term contract it guarantees cost sharing to complete conservation plans. The program is geared to going programs of soil conservation districts. It makes use of help from other programs, agencies, and organizations at county, State, and Federal levels. Bureau personnel should cooperate fully with this program and encourage Indian cooperation to assure maximum benefits to Indian people.

(2) Department of the Interior.

- (a) Bureau of Land Management. A very large portion of Indian lands are adjacent to or intermixed with lands under the administration of the Bureau of Land Management. Indians in many cases use these lands and in others exchange use. In planning usage of Indian lands and watersheds for soil and moisture conservation, our plans must be coordinated with theirs if the plans of either of the Bureaus are to be adequate and effective.
- (b) Geological Survey. The Geological Survey maintains stream-gauging stations which provide the run-off and silt load data essential to our planning. They provide information and assistance in determining water yields of drainage basins. Their geologists have provided us with valuable information on water-bearing strata and other data essential in locating wells and earthen tanks.

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- (c) Bureau of Reclamation. Land Operations staff should cultivate cordial relationships with the Reclamation Bureau. Their present and prospective developments often vitally affect our program and ours affect theirs. We cannot effectively plan for conservation and irrigation projects until their plans are known.
- (d) Bureau of Sport Fisheries and Wildlife. Arrangements are provided in the Departmental Manual, Part 501.2 to promote maximum conservation, development and utilization of the fish and wildlife resources of land and waters of Indians through cooperative efforts of the Indians, Bureau of Sport Fisheries and Wildlife, and the Bureau of Indian Affairs. See 55 IAM 6.6A.
- (e) National Park Service. In many instances lands under the jurisdiction of the National Park Service are interspersed or adjacent to Indian lands. Proximity of these areas, and relationships of programs require a mutual knowledge of each others' activities and cooperative action where it is essential to adequate control or development. Arrangements are provided in the Departmental Manual Part 502.1 to provide assistance for Indian action programs in the fields of outdoor recreation, natural beauty, historical sites and archeological remnants through cooperative efforts of the Indians, National Park Service, and Bureau of Indian Affairs.
- (f) Other Branches of the Bureau of Indian Affairs.

Fire Control. In the absence of a forest officer (Branch of Forestry) at the Area and/or Agency Office, the Branch of Land Operations will be responsible for the forest and range fire control program on the affected reservations. The program for fire control will be in accordance with instructions contained in 53 IAM.

LAND OPERATIONS
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C. State Agencies.

- (1) State Extension Service. The conservationist cannot do the most effective work without the support and cooperation of the County Agent. The latter is the local representative of the State Extension Service and is most familiar with the work of the State Experiment Stations. Through this capacity, together with 4-H Club work and various other federal agricultural programs, he frequently contacts most of the local farmers. Farmers have known the County Agents for many years and respect his judgment. Every facility of his office should be utilized to the fullest possible extent by establishing favorable working relationships with him.
- (2) State Colleges and Experiment Stations. Facilities of State colleges and experiment stations should be utilized to the fullest possible extent. This cannot be emphasized too strongly as many technical personnel in the Bureau of Indian Affairs do not avail themselves of or are acquainted with the information and services the State can offer. The technical excellence of our work has not only suffered from this condition, but the State, in many cases, has not been receptive to Bureau proposals because they have not had an opportunity to know us or our problems. Most States have seed testing and soil laboratories which facilities they will make available at a very nominal cost.
- (3) Other State Organizations. The cooperation with state welfare, highway, fish and wildlife, engineers office, and other agencies is encouraged to promote good will and better working relations.
- (4) Soil Conservation Districts.
 - (a) General. It is the policy of the Bureau to cooperate as closely with Soil Conservation Districts as legal authority, available resources, and the need for soil conservation on Indian lands will permit. All Superintendents and Indian organizations are urged to cooperate to the fullest extent with Soil Conservation Districts in the carrying out of a complete conservation program on Indian lands within organized Soil Conservation Districts. The Bureau helps foster the establishment of Soil Conservation Districts. It recommends the inclusion of Indian lands in the formation of new districts and encourages the enlargement of established districts to include Indian lands. Special reports are required on this relationship.

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- (b) Types of Agreements. Cooperative agreements may be executed between the Indian Bureau and Soil Conservation Districts in accordance with the following procedure.
- (1) Plan 1. This plan provides for a separate coordinated soil and moisture conservation program which is to be carried out by the Soil Conservation Districts and the Indian Bureau. On reservations having adequate personnel, and where the lands in the Soil Conservation District are largely in Indian ownership, Plan No. 1 may be the most satisfactory. In carrying out this type of program, S. C. Form 501 shall be used until further notice. The original and three copies of this field agreement will be submitted through the Area Land Operations Officer to the Area Director for approval. When approved the original and one copy will be returned to the Agency; one copy will be retained by the Area Land Operations Officer; one copy will be sent to the Central Office.
- (2) Plan 2. This plan provides for a soil and moisture conservation program wherein the Indian Service loses its identity and becomes an integrated part of the Soil Conservation District program. This plan will be more applicable where Indian lands are scattered and constitute a minor part of the Soil Conservation District. It likewise has advantages for agencies having limited personnel and funds. In accordance with this agreement, agency personnel, supplies and equipment may be used on non-Indian lands providing there is a compensating benefit to Indian lands. To accomplish the foregoing, the Superintendent may turn over to the Soil Conservation District whatever personnel, supplies and equipment are available. The services of personnel may be either full time or part time, and will be indicated in S. C. Form 504, along with supplies on S. C. Form 505 and equipment on S. C. Form 506.

Supplies and materials may represent a grant, and their use will ordinarily be restricted to Indian lands. Equipment may be granted or turned over to the Soil Conservation District on a loan basis

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with the Soil Conservation District agreeing to operate and maintain it. In carrying out Plan No. 2, S. C. Form 502 shall be used until further notice. The original and three copies of this field agreement will be submitted through the Area Land Operations Officer to the Area Director for approval. The original and one copy, when approved, will be returned to the Agency; one copy will be retained by the Area Land Operations Officer; one copy will be sent to the Central Office.

- (3) Plan 3. This plan provides for making cash payments to a Soil Conservation District for carrying out soil and moisture conservation practices and control on Indian lands. This plan would be applicable only where the Soil Conservation District is willing to do conservation work on Indian lands with the Indian Service supplying the funds. Where Plan No. 3, is used, S. C. Form 503 should be prepared. The original and four copies will be submitted through the Area Land Operations Officer to the Area Director for approval. The approved original will be held at the area office; two copies will be returned to the Agency; one copy will be sent to the Central Office. The original copy of the contract shall be retained at the Area Office for site audit by a General Accounting Office representative. Payments can be made by using either Standard Voucher Form 1034-Rev. or Voucher and Schedule of Payments, D. I. Form I-1034, supported by invoice. (See 42 IAM 6.3.3)
- (4) Subsidiary Forms. In preparing farm or other land unit plans with owners and operators in a Soil Conservation District, Soil Conservation District forms may be used.
- (5) Irrigation and Drainage Districts. Where problems of joint concern arise between non-Bureau irrigation and/or drainage organizations and Bureau projects the local management shall cooperate in the solution of

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such problems to the extent permissible under existing regulations and the availability of funds. Where it appears that the joining of Bureau facilities and management with those of non-Bureau organizations is a possible solution, the matter shall be studied and reported to the Central Office with specific recommendations from the Area Director. Such report shall contain information as to the feelings of the Tribal Council on the matter and any resolution or other action it has taken. Indian lands held in trust may not be included in joint ventures between Bureau and non-Bureau organizations until permissive legislation is enacted.

- (6) Weed Control Districts. Where organized Weed Control Districts are adjacent to or include Indian lands local technicians and land users are urged within the limitation of funds and personnel available to cooperate and actively participate with such districts in the development and execution of programs for the effective control of weeds. Maximum effectiveness in the control of these plans can be obtained only through the eradication of all sources of infestation within an area.

D. Tribal

(1) Tribal Council.

- (a) Committees. Active participation of committees appointed by tribal governing bodies insures better understanding and cooperation with land use activities of the staff. All land operations personnel should encourage and give their wholehearted support to tribal committees such as planning land use, appraisal, loan, leasing advisory, etc.
- (b) Tribal Funds. It is undesirable for the government to wholly finance forage, wildlife, soil and water conservation and development measures and practices. In keeping with the theory that local participation and contributions should be commensurate with values received, tribal participation in all phases of planning and application of measures and practices shall be secured.

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- (2) Indian Soil and Moisture Conservation Associations. It is essential that some sort of formal soil conservation committee, association, or enterprise be formed at each reservation before the Indian people can effectively participate in helping prepare long range soil and moisture conservation programs or long-time projects. An Indian conservation association properly organized puts the Indians into the active business of planning, executing and maintaining a soil and water conservation program. Equipment procured with Soil Conservation funds (1830) may be granted or loaned to such associations, who in turn can operate, rent and utilize it in the application of conservation practices to the land. (55BIAM 1.5). They can buy and sell seed, fertilizer and necessary materials insuring a readily available supply at reasonable prices. They are recognized as vendors by Production Marketing Administration in many states greatly facilitating the receipt of Agricultural Conservation Program benefit payments to small Indian operators, many of whom would not otherwise be in a position to do conservation work. The Soil Conservation Association can be one of the very best mediums for selling the program to the Indian people at large.
- (3) Indian Livestock Associations. Such associations form a nucleus around which proper land use and livestock improvement can be attained. Their continued success depends upon their managerial ability, available range resources and quality of livestock. They present an excellent opportunity for group activity in the various fields of agricultural education, range management and conservation. Technicians are encouraged to advise and encourage such group activities. Technicians are not to become involved in their management or to do work which members of the association should be doing.
- E. Loan or Grant of Equipment. Equipment and materials purchased by funds allotted to SMC or which have been transferred to SMC may be loaned or granted by the Bureau to duly constituted organizations by the authority found under Legal Authority, (55BIAM 1.4 C (3)). See 55 BIAM 1.5C(4)(b) and appropriate section of the Property and Supply Manual.

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AGRICULTURAL EDUCATION

1.6 AGRICULTURAL EDUCATION

A. Program

- (1) Purpose. The major purpose of the Agricultural Education program of the Branch is to develop and utilize new or existing methods to encourage Indian people to accept modern techniques in the development and use of their resources. It should explore, acquire, interpret, demonstrate and disseminate pertinent agricultural information among Indians in a manner which is usable by them in farm, ranch and outdoor recreation use and development.

- (2) Development. Special consideration shall be given to the social and economic needs as expressed and desired by the Indians themselves. In cases where the Indians lack the interest to follow agriculture endeavors for their livelihood, or where other reasons exist such as inadequate or unsuitable land, they should be encouraged to seek other ways of gainful self-support.

The effectiveness of the Land Operations Agricultural Education Program depends on the ability of its technicians to maintain workable liaison and cooperative relationships with all interested individuals and organizations who work with the land, its use, conservation, and development. The technicians who work with the various phases of land resources are specialists in their fields and are interested in fitting their scientific findings to the problems and desires of the land user, in order that all resources which stem from the land may be used in a manner that is best for human welfare. Since a technician can not possibly be an authority on all phases of land use, conservation and development, he must necessarily rely on the cooperative arrangements that he, and his organization, can establish and maintain with other technicians and specialists in their various fields of activity. The Land Operations technician must keep open his sources of information, through the specialist and other technicians, and continue to solicit assistance in the interpretation and application of such information. He must be constantly aware of the

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best processes to employ in relaying useable knowledge to the land user who will benefit both socially and economically from that knowledge. A basic material consideration in planning with the farm family is the land, its present use capacity, as well as its potential. Technicians including soil scientists, engineers, range conservationists, soil conservationists, land use planners, and other specialists have or can provide the basic information upon which better resource programs can be prepared.

B. Procedures and Methods

- (1) General Procedures. The following procedural guides are suggested for use of personnel engaged in agricultural education activities:
 - (a) Solicit cooperation and understanding from individuals having natural ability as leaders and who have confidence and trust of the community.
 - (b) On the basis of individual or family contacts make informal get-acquainted visits; gain their confidence before attempting any major project; help them to appraise their natural and human resources and to work on their problems.
 - (c) Work individually, in small groups of neighboring families or communities as the situation requires. In teaching better use of resources, the use of organized community groups, clubs, farm organizations or committees, has proved successful.
- (2) Methods. Agricultural educational workers employ many different teaching methods. Choosing the right teaching method is a matter which should receive careful and constant consideration. The methods must be carefully selected and only those used which are adaptable to the individual, family, and community. The methods chosen

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and the degree of application needed will vary with the individual, group and community. The selection of methods used and the application is a matter to be determined by the local educational workers and technicians. Some specific methods used by agricultural educational workers are set forth below.

- (a) Written materials. Some excellent written subject matter has been prepared in the field of agricultural education. This material is available in both technical and non-technical terms. Individuals concerned with agricultural education should make every effort to obtain, maintain and circularize appropriate materials.
- (1) Bulletins and Pamphlets. U. S. Department of Agriculture bulletin publications can be obtained by writing to the U. S. Department of Agriculture, Federal Extension Service, Washington, D. C. The list of State College publications can be obtained through the local county agricultural extension agent.
- (2) Local newspapers and periodicals. Written articles of an information nature appearing in local newspapers have proved an effective media for the dissemination of agricultural information to Indians in many areas.
- (3) Reservation Newsletters and Circulars. This type of communications as a method of disseminating agricultural information among the Indian people can be used effectively on many reservations. Technicians shall contribute written information and timely articles to the agency publication office, wherever this method is followed.
- (b) Radios. There are some areas where this medium can be used advantageously in carrying out an agricultural information program among Indians.

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- (c) Visual Aids. Technicians shall use visual methods in their teaching processes such as movies, pictures, charts, and flannel graphs.
- (d) Demonstrations. The demonstration method of teaching is one which can be used to great advantage on all Indian reservations.
- (1) Method Demonstration. A demonstration conducted by an agricultural educator (usually an agricultural technician) for the specific purpose of showing how to carry out an accepted practice related to farm management, conservation, production or family living.
- (2) Result Demonstration. A demonstration conducted by a farmer, or rancher under the guidance and direction of the specialist (technician) to show a group of people the value of a recommended practice. The objective here is to show by comparison the results of certain practices. Such a demonstration usually involves a period of time in days or months and includes records and other pertinent data. (Example: The results in yield of the application of different amounts or kinds of fertilizer on corn). The conditions surrounding the demonstration as well as the results are made known to the people of that locality.
- (e) Tours. Tours are usually used as a means of providing people with an opportunity to observe the results of a series of result demonstrations on farms within a geographic location or community. Organizing groups of Indian farm families to observe certain improved practices in operation of their results is an excellent teaching method and can be used on most Indian reservations.
- (f) Fairs and Achievement Days. The practice of organizing groups in connection with other members of the local community or county to exhibit, display, and show results and achievements toward better practices on the farm is a successful technique which is applicable on most Indian reservations. The basic idea in this method of teaching is the element of competition to encourage better practices.

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- (g) Meetings. This medium is well adapted to use on most reservations. The small informal group meeting is an effective method which can be used to advantage on all Indian reservations. There are three general kinds of education meetings in which the Land Operations personnel will be chiefly involved in the process of influencing Indians toward better land use and conservation.
- (1) Community meetings where the leadership, organization and charge of the meeting will originate from the Indians themselves, where discussions on plans and types of educational information desired will take place.
 - (2) Community or group meetings where the technician arranges, conducts, and presents the technical data, or information containing subject matter of interest which is useful to the farm family in better farming and home living.
 - (3) Joint educational meetings, which are informative planning and instructional in nature and whose assemblies may be arranged and held jointly by the technician, Indian, non-Indians, and other personnel either within or outside of the Bureau of Indian Affairs. The meetings may be devoted to a single phase of conservation, resources development, livestock improvement, feeding and disease control, farm management, land use, production and social development, or any combination of these phases.
- (h) Home and Farm Visits. Agricultural technicians in the Branch of Land Operations may use this method of communication to a greater extent than is normally required to facilitate a program in an average non-Indian community.

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- (1) Land Operations personnel should make two or more farm visits a year to follow through with guidance and instructions where individual farm plans of conservation operations are in effect. (See

C. Contracts for Special Services. In furtherance of its basic policy regarding Indians the Bureau feels that Indians should seek and receive all available services to which citizens of the community are entitled and not rely solely upon special services provided through or by the Bureau of Indian Affairs. In recognition of the present need for some special agricultural services to Indians, in addition to what is available to all rural citizens of the United States and the State wherein they reside, the Bureau enters into contracts with the several states or other organizations to furnish such services.

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FISH AND WILDLIFE AND OUTDOOR RECREATION

1.7 FISH AND WILDLIFE AND OUTDOOR RECREATION

- A. Management of Fish and Wildlife Resources. Management of fish and wildlife resources should be consistent with their importance or potential importance influencing the economic and social well-being of the Indians. This importance to Indians may be based on positive returns in food, fur and income from commercial development, or recreational benefits; or it may be based on negative return in damage to crops, range or livestock. Although legislative authority by Congress is lacking, Indian tribes who adopt a suitable ordinance and code may manage and conserve reservation fish and wildlife resources. Superintendents should encourage Indians by education and other methods to regard fish and wildlife as renewable and harvestable resources. Following is Parts 501 and 502 of the Departmental Manual which provides for the cooperative management of Indian - fish and wildlife resources and recreation development.

*Per
55 BIAM
Rel. 3 3/29/88
Rel
Dir to new Manual
Part 56*

Department of the Interior
DEPARTMENTAL MANUAL

55 BIAM 1.7A(Cont.)

Multi-Program Management Part 501 Indian-Fish & Wildlife Resources
Chapter 2 Bureau of Indian Affairs and
Fish and Wildlife Bureaus 501.2.3B(Cont.)

Where irrigation projects, including storage reservoirs, on lands under the jurisdiction of the B.I.A. have value as wildlife refuges of national importance, both agencies will cooperate to the fullest extent in securing designation of these areas as national wildlife refuges, and in effecting their proper development consistent with the primary purpose of the irrigation projects and Indian rights on the lands and waters concerned. Where fish life, migratory or otherwise, may be adversely affected by such projects, the Bureau of Indian Affairs will endeavor to establish, with the technical cooperation of the Bureau of Commercial Fisheries, such fish protective devices and facilities as may be practicable and suitable. The Bureau of Sport Fisheries and Wildlife will advise the Bureau of Indian Affairs of recreational fishery values that may arise from development of multipurpose water projects on Indian lands. Whenever possible, this advice will be given during the early stage of project planning.

Where National Wildlife Refuges adjoin or include tribal or Indian-allotted lands, field personnel are authorized and encouraged to prepare such Field Agreements as are necessary to coordinate effectively the programs of the cooperating agencies in the interest of sound land use and development. On National Wildlife Refuges and National Fish Hatcheries located on Indian lands, Indian labor, as far as possible, will be utilized on development projects. Both agencies will cooperate fully to this end.

.4 State Cooperation with the B.I.A. in Fish and Game Activities.
State fish and game departments participate to some extent in fish and game management on a number of Indian reservations. The Bureaus of Sport Fisheries and Wildlife and Commercial Fisheries remain the principal technical advisors to the Bureau of Indian Affairs. Local agreements among the tribes, Bureau of Indian Affairs, and State fish and game agencies do not relieve these Bureaus of their responsibilities to the Bureau of Indian Affairs as designated in 501 DM .1, .2, and .3.

.5 Financing. The extent to which the Bureaus of Sport Fisheries and Wildlife and Commercial Fisheries and the Bureau of Indian Affairs will undertake cooperative projects will depend upon budgetary considerations and available personnel. Funds may be increased, by mutual agreement, through transfer from one agency to the other. Each agency is authorized to assist the other in performing surveys, research, and management activities by providing such manpower, equipment, and facilities as may be available for the purpose.

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55 BIAM 1.7A(Cont.)

Multi-Program Management Part 502 Outdoor Recreation Resources

Chapter 1 Bureau of Indian Affairs and National Park Service 502.1.1

.1 Objective. This chapter sets forth the relationship between the Bureau of Indian Affairs and the National Park Service with respect to the assistance the National Park Service is to provide the Bureau of Indian Affairs in the Bureau of Indian Affairs' administration of its responsibilities with the Indians.

.2 Roles of the Bureau of Indian Affairs and the National Park Service.

The Bureau of Indian Affairs is responsible for administering Federal resource programs with respect to Indian rights and resources. This includes Indian activities on their properties in the areas of outdoor recreation, and the preservation and development of natural beauty, historical sites and archeological remnants. In administering these responsibilities, the Bureau of Indian Affairs provides program leadership and suitable technical services to assist the Indians in their efforts to develop, manage and promote these activities.

The National Park Service is responsible for developing programs and providing technical support necessary to the Bureau of Indian Affairs' proper administration of its responsibilities in the area of outdoor recreation and the preservation and development of natural beauty, historical sites and archeological remnants other than in the biological areas of hunting and fishing and within the authorities of the Bureau of Outdoor Recreation. Program and technical support shall be integrated into the Bureau of Indian Affairs' decision and management structure.

.3 Form of Assistance. The National Park Service will assist the Bureau of Indian Affairs:

a. In defining the specific program needs which will constitute the basis for action programs in the fields of outdoor recreation, natural beauty, historical sites and archeological remnants.

b. In administering the action programs by:

- (1) Developing program methods, guides and standards,
- (2) Identifying staff and facilities needs within the Bureau of Indian Affairs appropriate to the action program needs and assisting in the development and maintenance of such staffing and facilities,

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Multi-Program Management Part 502 Outdoor Recreation Resources

Chapter 1 Bureau of Indian Affairs and National Park Service 502.1.1

- (3) Providing the technical assistance necessary to the programs beyond that to be maintained within the Bureau of Indian Affairs, and
- (4) Assisting in the review and evaluation of proposed and taken program actions.

.4 Programming and Funding. The programming and funding arrangements for activities involved in this relationship shall:

- a. Maintain the Bureau of Indian Affairs' basic relationships with the Indians in the identification of the work to be done and its scheduling.
- b. Provide the National Park Service with work load projections which will enable the National Park Service to maintain staff and schedule the work.
- c. Enable program submittals to the Bureau of the Budget and the Congress which can be identified with the Congressional authorizations for Indian programs.

.5 Agreements. Agreements between the Bureau of Indian Affairs and the National Park Service are not required to implement the relationships authorized here. However, in instances where common program arrangements are needed, such as mutual fire protection arrangements on adjoining lands, agreements may be used.

National Park Service Regional Offices

Regional Director
Southeast Region
National Park Service
P. O. Box 10003
Richmond, Virginia 23240
Tel: 703-649-2601

States: Alabama, Arkansas, Florida,
Georgia, Kentucky, Louisiana,
Mississippi, North Carolina,
South Carolina, Tennessee,
Virginia, West Virginia,
Puerto Rico, and Virgin Islands

Regional Director
Midwest Region
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102
Tel: 402-221-5431

Colorado, Iowa, Kansas,
Minnesota, Missouri, Montana,
Nebraska, North Dakota, South
Dakota, and Wyoming

Regional Director
Southwest Region
National Park Service
P. O. Box 723
Santa Fe, New Mexico 87501
Tel: 505-932-3383

Arizona, New Mexico, Oklahoma,
Texas, and Utah

Regional Director
Western Region
National Park Service
450 Golden Gate Avenue
P. O. Box 3863
San Francisco, California 94102
Tel: 415-555-4195

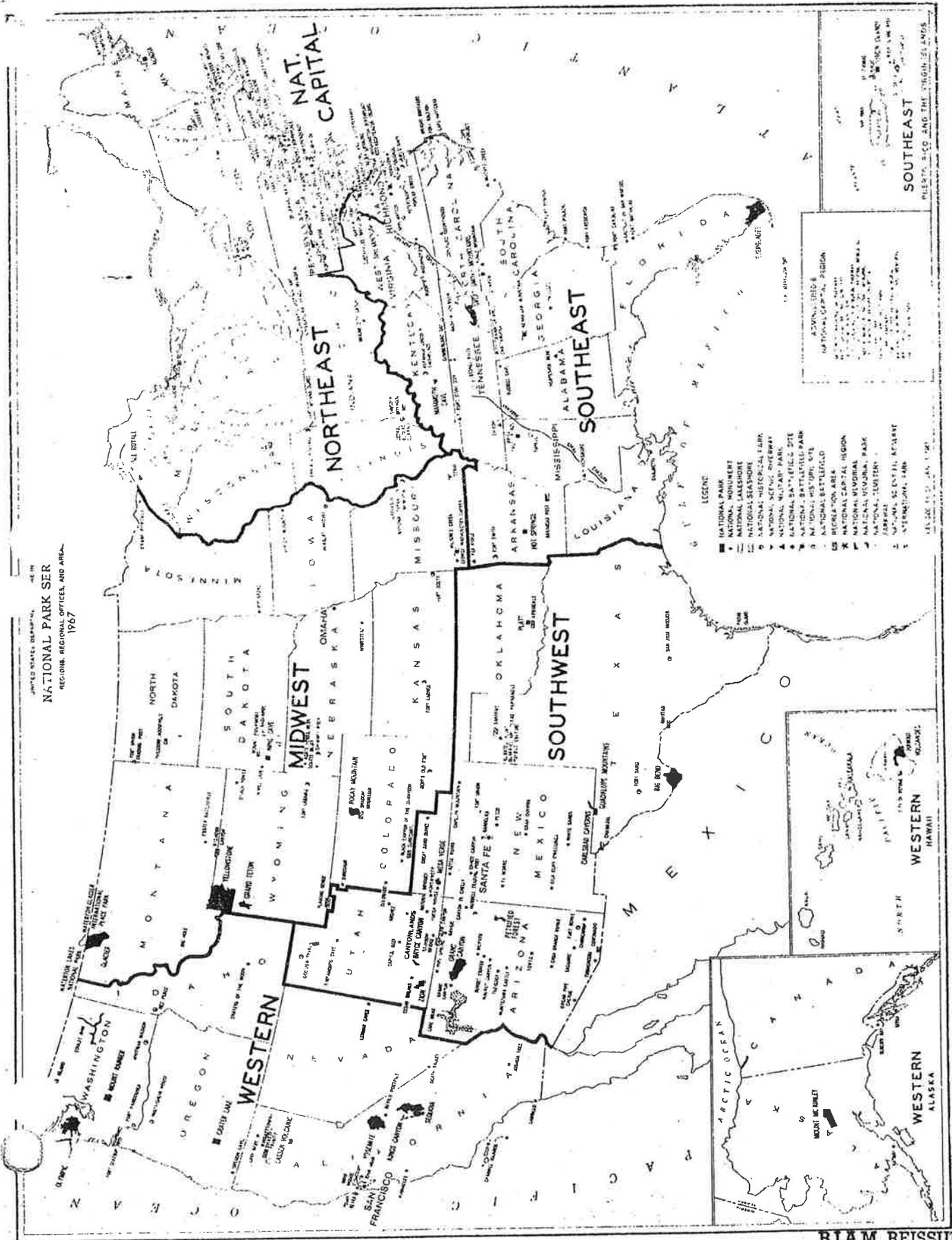
California, Idaho, Nevada,
Oregon, Washington, Alaska,
and Hawaii

Regional Director
Northeast Region
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106
Tel: 215-597-7013

Connecticut, Delaware, Illinois,
Indiana, Maine, Maryland,
Massachusetts, Michigan, New
Hampshire, New Jersey, New York,
Ohio, Pennsylvania, Rhode
Island, Vermont, and Wisconsin

Regional Director
National Capital Region
National Park Service
1100 Ohio Drive, S. W.
Washington, D. C., 20240
Tel: 202-581-7211

Washington, D. C.



LAND OPERATIONS

FISH AND WILDLIFE AND OUTDOOR RECREATION

- (1) Action by Representative Tribal Governing Body. The representative tribal governing body may authorize hunting and fishing by Indians and non-Indians, prescribe the conditions under which such privileges may be exercised, set bag limits, assess fees, and describe open and closed seasons and areas, and other regulatory measures. In addition, the tribal governing body may enter into agreements with State conservation organizations to further the conservation of the reservation fish and wildlife resources. Superintendents should acquaint the tribal governing bodies with game and fish problems and management techniques insofar as they are known, in addition to making recommendations for research programs where needed to assure adequate wildlife and fisheries management.
- (2) Action by the Bureau of Indian Affairs. A resolution enacted by the tribal governing body will become effective in accordance with the conditions specified in the tribe's Charter, Constitution and By-laws. When review or approval of the resolution is required by the Commissioner of Indian Affairs or the Secretary of the Interior, currently established procedures shall be followed in submitting such resolution for review or approval (See 83 BIAM)
- (3) Bureau of Sport Fisheries and Wildlife Cooperation. Management of reservation fish and wildlife should be based on a properly conducted factual study or investigation. The Bureau of Sport Fisheries and Wildlife is recognized as the scientific authority on fisheries and wildlife matters, on lands administered by the Federal Government. When investigational assistance is needed, the Area Director should request it from the proper Regional Director. A cooperative agreement is not necessary for such investigational work. If the Bureau of Sport Fisheries and Wildlife is to participate or assist in the management of fish and wildlife resources a suitable cooperative agreement, if required, should be executed (See Section 6.6 A - Departmental Manual 501.2.3A Memoranda and Agreements).

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- (4) State Cooperation. The increasing of State and Indian understanding on mutual problems in fish and wildlife conservation is important to the successful development of Indian reservations. It is essential to make the maximum utilization of available services, not only for the immediate benefits alone, but also to provide a basis for the orderly transfer of Federal supervision to Indian and State auspices. Many States have funds available to their conservation departments from general receipts, or from the act of September 2, 1937 (50 Stat. 917) commonly known as the Pittman-Robertson Act (Title 16 USCA 669), and the act of August 9, 1950 (64 Stat. 430), commonly known as the Dingell-Johnson Act (Title 16 USCA 777) which might be used to aid in research, management, and development on Indian lands.

Basic to conservation of Indian resources is a mutual understanding between Indian and State officials concerning Indian and State authority, responsibility, and objectives. A thorough understanding will serve as a basis for developing formal and informal agreements which may be particularly beneficial to Indians.

Agreements approved by tribal resolutions which are in accord with wildlife and fisheries plans, or which will aid in the development of such plans, may be developed between the tribe and State conservation organizations. Formal agreements executed under this part should clearly state the purpose of the agreement, functions of the agencies involved (tribe and State organization), limits of obligation in responsibility and funds, and means of terminating agreement. Examples of the matters which such agreements may cover follow:

- (a) State Studies. Agreements granting permission to State employees to make studies of fish and wildlife on reservation lands.
- (b) Stocking of Fish and Wild Game. Agreements to provide or receive fish or wildlife for stocking and perhaps concurrent commitments regarding fish and wildlife harvesting on Indian lands.

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- (c) Enforcement. Agreements whereby the State conservation organizations will provide aid in enforcing fish and wildlife regulations; understanding also existing State and Bureau of Sport Fisheries and Wildlife responsibility in connection with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755).
- (d) Management Plans and Regulations. Agreements whereby the State conservation organizations will aid in developing fish and wildlife management plans and tribal regulations.
- (e) Habitat Development. Agreements whereby State conservation organizations will aid in habitat development and management undertakings.

Resolutions concerning cooperative undertakings other than research projects require the approval of the Superintendent and Area Director. In addition, approval of the Regional Director of the Bureau of Sport Fisheries and Wildlife is required on reservation wildlife management plans.

- B. Wildlife Stocking. The stocking of wild trapped or game farm reared birds or mammals (hereafter referred to as game) should be carried out only under the authorization of the tribal governing body and in accordance with wildlife management plans for the reservation, or, if a management plan is lacking under recommendations of a recognized wildlife biologist. A complete record of all game stocked should be kept by the tribe and informational copies of this record furnished to the Agency, Area Office, and Bureau of Sport Fisheries and Wildlife regional office. The record should show the following information insofar as is applicable: Date of release; places of release; date of authorization by tribal governing body; date of approval by Area Director; date of approval by Bureau of Sport Fisheries and Wildlife; name and title of individual making release; game species released (listed by sex and tag number where practicable); total number game released; and total released listed by sex. This information should be recorded and filed regardless of the source of stock for release, whether it be Federal, State, or private.

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- C. Fish Propagation and Stocking. In order to aid in the production of food and game fish on Indian reservations and to foster the proper management for the conservation of this resource, certain procedures are suggested for the attention of Tribal Councils and Superintendents. All Tribal Councils should be urged to enact ordinances prohibiting unauthorized fish planting and live bait use by groups or individuals. Such practices often result in the introduction of undesirable or destructive fish species and overstocking of reservation waters.

List of Bureau of Sport Fisheries and Wildlife Regional Offices:

Region

- (1) Regional Director, Bureau of Sport Fisheries and Wildlife. Pacific Region (Alaska, California, Idaho, Montana, Nevada, Oregon, Washington)
730 N. E. Pacific Street, Portland, Oregon 97208
- (2) Regional Director, Bureau of Sport Fisheries and Wildlife. Southwest Region (Arizona, Colorado, Kansas, New Mexico, Oklahoma, Texas, Utah, Wyoming)
Federal Building, U. S. Post Office and Court House
500 Gold Avenue, S. W.
Albuquerque, New Mexico 87103
- (3) Regional Director, Bureau of Sport Fisheries and Wildlife. North Central Region (Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota)
1006 West Lake Street, Minneapolis, Minnesota 55408
- (4) Regional Director, Bureau of Sport Fisheries and Wildlife. Southeast Region (Florida, Mississippi, North Carolina)
809 Peachtree-Seventh Building, Atlanta, Georgia 30323

Cooperative Agreements. Reservations having cooperative fish planting agreements with a State will continue to follow procedure established therein.

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- D. Rodent and Predator Control. The adequate protection of crops, livestock, game vegetation, structures, and public health on Indian lands against inroads by injurious rodents or predators requires that prompt and efficient action be taken by Superintendents and tribal representatives in cooperation with District Agents of the Bureau of Sport Fisheries and Wildlife.

The need for rodent or predator control shall be determined by superintendents after consultation with the Area Director, the tribal representatives, and the District Agent of the Bureau of Sport Fisheries and Wildlife or his authorized representative. Following determination of necessity, the superintendent and the District Agent will prepare a field agreement providing for cooperation between the two Bureaus, the Tribe, the Indian livestock associations, or any other associations, organizations, or individuals that may agree to furnish funds or personnel.

In all cases such agreements will provide for supervision by the Bureau of Sport Fisheries and Wildlife regardless of source of funds. Indians are to receive preference in employment on control crews. No poison is to be used except that distributed by the Bureau of Sport Fisheries and Wildlife, which will be made available at cost plus preparation, transportation and handling, and which will be used in accordance with methods recommended by that Bureau. Pelts are to be disposed of to the best interest of the Tribe.

In carrying out an approved program, Area Directors will be responsible for ascertaining the source and availability of funds other than those supplied by the Bureau of Sport Fisheries and Wildlife.

Within ten days after execution of any agreement for a rodent and predator control program, Superintendents will supply the Area Office and the Central Office with copies of the program and agreement. Rodent and predator control programs affecting the activities of other branches of the Bureau shall be worked out in cooperation with the affected Branches.

ORGANIZATION & FUNCTION CHART
Land Operations

Bureau of Indian Affairs
Washington Office

Land Operations

Administrative Staff
Assists the Branch Chief by performing program and project review; and housekeeping functions relating to budget, finance, procurement and personnel through cooperation and in accordance with instructions established by the respective administrative branches; prepares administrative memoranda, instructions, forms, outlines and bulletins.

Outdoor Recreation,
Fish & Wildlife

Provides staff guidance and assistance on matters relating to outdoor recreation, fish and wildlife resource development and use; and all Bureau Pesticide Programs; formulates policies, standards and procedures for carrying out such services for the Indians; maintains liaison and working agreements with other agencies engaged in such activities; appraises the execution of such programs.

Irrigation

Provides staff guidance to Bureau officials on matters relating to irrigation and power; formulates policies, standards and procedures for all phases of irrigation and power projects; maintains liaison and working agreements with other agencies engaged in such activities; appraises the execution of such programs.

Range Conservation

Provides staff guidance to Bureau officials on matters relating to management of Indian range lands; formulates policies, standards, regulations, and procedures for such matters; maintains liaison and working agreements with other agencies engaged in such activities; appraises the execution of such programs.

Soil & Moisture Conservation

Provides staff guidance to Bureau officials on matters relating to soil and moisture conservation; formulates policies, standards and procedures for the conduct of such programs; maintains liaison with organizations engaged in such activities; appraises the execution of such programs.

Soil Sciences

Provides staff guidance on matters relating to the conduct of resources inventories, basic soil surveys, land classification surveys and interpretation of soils inventories, coordinates nationwide interpretation of classification of soils; formulates policies, standards, procedures and regulations covering such activities; maintains working relationships with other agencies; appraises the execution of programs.