

**Testimony Prepared for the House Committee on Government Reform
May 5, 2004
Prepared by Lynn-Marie Wieland
For CACE of Ridgefield, Connecticut**

CACE Officers

Ronald Koprowski Chair

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Table of Contents

Testimony Prepared for the House Committee on Government Reform May 5, 2004.....	1
References.....	6
Appendix I. E-Mails From Ridgefield Residents.....	7
Appendix II. Executive Summary Traffic Impacts of a Danbury Casino on the Greater Danbury, CT. Area.....	
Appendix III. BIA letter to the GOA.....	

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First Selectman Rudolph Marconi believes the people of Ridgefield have a right to be a part of the decision making process in his administration. For this reason, he asked the people of Ridgefield to express their opinion of the BIA recognition process (Appendix I) and has allowed Citizens Against Casino Expansion (CACE) to submit their opinions of the process for inclusion in the Congressional Record.

In 1978, when the procedures for tribal recognition were established (25 U.S.C. section 83), full public disclosure of the process was not necessary. By and large, tribal recognition and federalization of Indian lands did not have a large impact on the surrounding communities. This has changed. With many Indian groups rushing from recognition to casinos, communities surrounding the reservations, and non-contiguous Indian lands find their way of life threatened by the establishment of casinos. This threat often comes with no prior warning as in the case of Ridgefield, Connecticut. In interviews conducted with the media, Chief Velky of the Schaghticoke Tribal Nation was stating his intention to construct a casino on the Danbury/ Ridgefield border before the First Selectman had been informed that the Schaghticoke had submitted a petition for acknowledgement. Mr. Marconi was attending a breakfast meeting in a local diner, when he learned of the intentions of Schaghticoke Tribal Nation's leader.

When a petition for acknowledgement is submitted, the BIA only needs to inform the governor and the attorney general of the state in which the petitioner is located (25 U.S.C. section 83.9). Not only are the affected communities left in the dark in the beginning of the process, but they also find their access to tribal submissions and BIA records impeded. There are no procedures for providing interested third parties with information, especially early in the procedure. Third parties are allowed to comment on the merits of a petition prior to a proposed finding, but there is no mechanism to provide any information so that the third party can understand the petition, and comment on it intelligently until after the proposed finding is made public. Even after the proposed finding is published, the Privacy Act hampers third party research. Membership lists and

demonstration of descent are considered to be sensitive information, therefore, not subject to release (GAO 2001: 19).

The recognition process has become linked to the establishment of Class III gambling on the reservations of the federally recognized Tribes. If anyone should doubt this, compare the two graphs in Figure 1 taken from the GAO report (2001: 15, 35). The rise in petitioning groups begins in 1989, the year following the passing of IGRA, as does the rise in Indian gambling revenues.

Special interest groups funded the research for the Schaghticoke Tribal Nation's recognition process. The towns had to find money within their own municipal budgets to fund research, pay legal fees, and administrative expenses to keep current in the petitioning process. The Town of Ridgefield, separately and as a part of the Housatonic Valley Council of Elected Officers (HVCEO), researched the effect of a casino in our area. The traffic impact study financed by HVCEO brought home how seriously a casino on the border would affect our town. The traffic in town would increase dramatically. For example, the traffic on Main Street would increase 100 percent (Appendix II). Our town and surrounding towns could be destroyed by a process over which we had no control. The recognition procedures does not encourage community participation in the process.

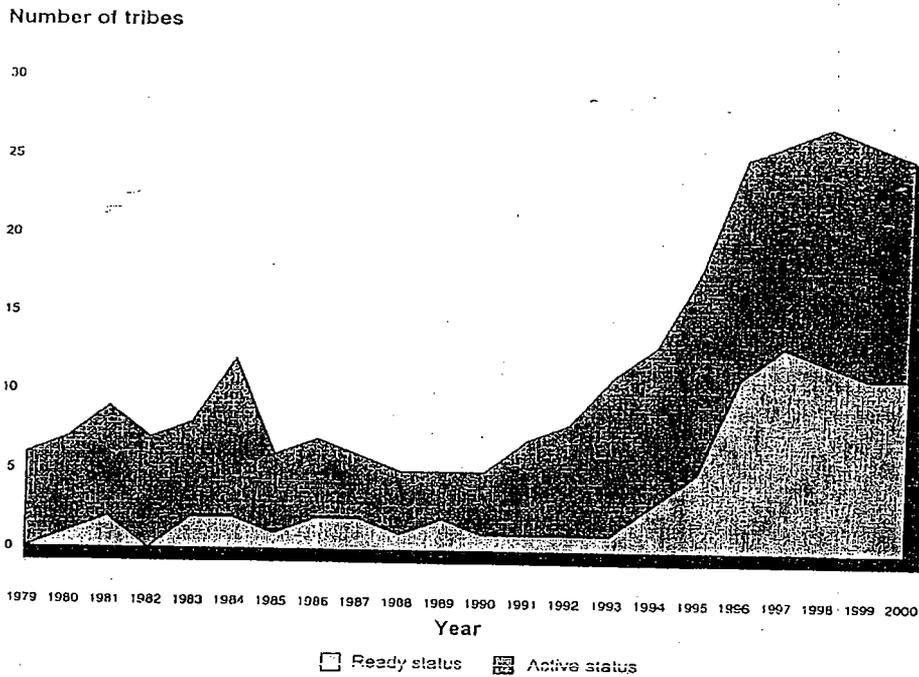
In his testimony, First Selectman Marconi commented on the lack of integrity and transparency of the recognition determinations. There are seven mandatory criteria that must be met by an Indian community before it can receive Federal Recognition as a Tribe (25 U.S.C. section 83.7). The criteria are good, if the BIA would follow them.

The BIA recognized the Schaghticoke Tribal Nation even though the community lacked political influence and authority for two historical periods, and the membership list was incomplete because of political conflict within the group. The BIA concluded, "*a single political body continues to exist, not withstanding the absence from the certified membership list of an important segment¹ of those involved in Schaghticoke Tribal Nation political processes....*" This part of the decision flies in the face of the criterion Section 83.7(e) that states, "*The petitioner's membership consists of individuals who*

¹ Underlining the author's

Figure 1. Petitioning Groups and Indian Gambling Revenues

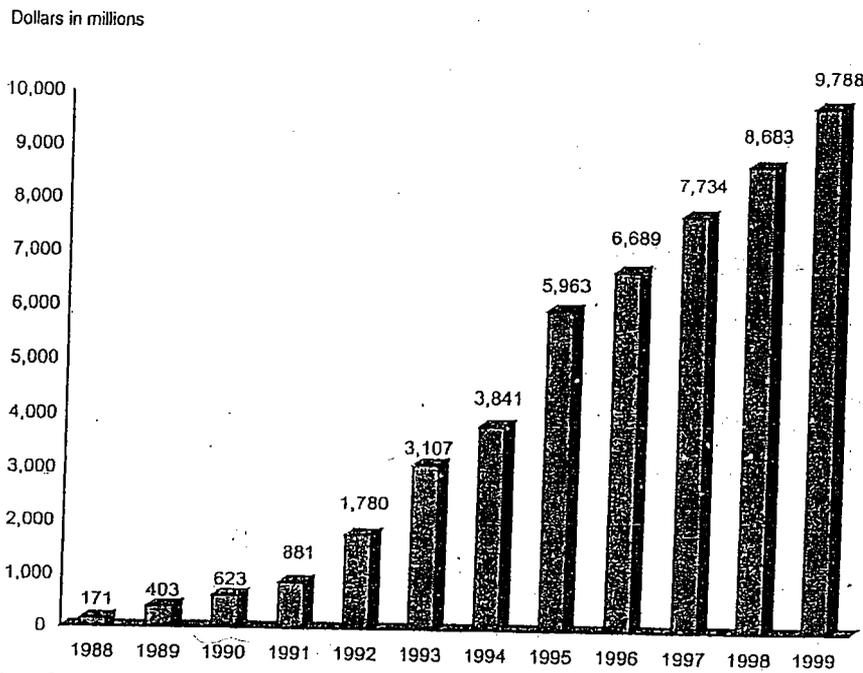
Figure 1: Number of Petitioning Groups in Regulatory Process by Year



Note: Status as of the last day of each calendar year.

Source: BIA.

Figure 3: Indian Gambling Revenues in Constant Dollars, 1988-1999



Note: Conversion to 1999 constant dollars used the Consumer Price Index.

Source: Tax Policy: A Profile of the Indian Gaming Industry (GAO/IGD-97-91, May 5, 1997) for years 1988 to 1994 and National Indian Gaming Commission data for years 1995 to 1999.

descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity."

Nowhere in the criteria are unenrolled members used to establish the identity of a political body or tribal membership. To the contrary, *an official membership list, separately certified by the group's governing body, of all known current members of the group* [Section 83.7(e)(2)] must be submitted to the BIA. The criteria do no good, unless they are followed.

The reason for recognizing the Schaghticoke Tribal Nation was given in a Schaghticoke Briefing paper (2004: 3). "Recognition was given on the grounds that it is the most consonant with the overall intent of the regulations", or on page 4 same document "as consistent with intent of the acknowledgment regulations." There is nothing readily understood, clear, easily detected or perfectly evident about this decision. The First Selectman is correct, the process lacks transparency.

The BIA's application of the criteria or lack there of threatens the integrity of the process. The system is not sound. It is impaired. It lacks integrity. As long as the BIA follows the intent of the regulations and not the content of the regulations, the procedure will be governed by hidden agendas. The process will remain inaccessible to the citizens of towns and states affected by the partnership of Tribal Recognition and Class III gambling.

In its response to the GAO report (Appendix III), the BIA outlined changes that they were willing to make to repair the recognition process. To my knowledge, these changes have not been made. Like the criteria they have integrity and transparency and also like the criteria, the BIA does not implement them.

The Indians are using money given to them by gambling interests to influence the political process. Where does that leave the communities located near the reservations? "The end result could be that the resolution of tribal recognition cases will have less to do with the attributes and qualities of a group as an independent political entity deserving of a government-to-government relationship with the United States and more to do with the resources that petitioners and third parties can marshal to develop a successful political and legal strategy." (GAO 2001: 19).

Without the leadership of an informed, aggressive First Selectman, and private citizens willing to expend their own time, money and expertise, we would not have been able to protect ourselves and influence the political process as we have done. What happens in towns throughout the country without this combination of resources?

In his statement, First Selectman Marconi stressed his accountability to his electorate. He is not the only one accountable to us. You, too, are accountable to us, and it is time that you fix the Recognition Process that is threatening our towns and our quality of life.

CACE Officers

Ronald Koprowski Chair

David Wood Vice Chair

Patricia Baker Publicity Chair

John McVeigh Legislative Chair

Anthony Giobbi Logistics Chair

Lynn-Marie Wieland Research

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Appendix I

E-Mails From Ridgefield Residents

Summary

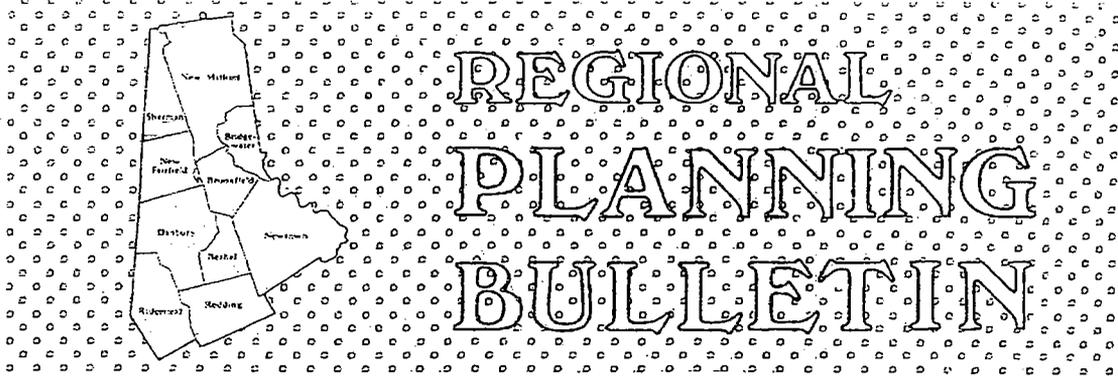
The overriding sentiment expressed by citizens is that recognition equates to casinos. Citizens are concerned that a federal bureaucracy has circumvented established procedures to make arbitrary recognition decisions influenced by gaming interests who seek to make extraordinary profits by exploiting a flawed process.

Citizens feel that their own government is discriminating against them because money is tilting decisions in favor of a select group of citizens, who are granted rights without meeting the federal criteria to the detriment of everyone else.

The second overriding concern expressed by citizens is that these arbitrary decisions will, if not reversed, will forever destroy a quality of life that they have worked so hard to preserve, and they have no voice to oppose these forces; somehow this has got to be unconstitutional.

Prepared by Anthony Giobbi

Appendix II



Housatonic Valley Council of Elected Officials

Bulletin No. 105

October 2002

Executive Summary

Traffic Impacts of a
DANBURY CASINO
on the Greater Danbury, CT Area



I-84 looking west near Exit 2 (Danbury, CT)



I-84 looking south, south of I-86 (North Salem, NY)

October 18, 2002

Prepared for the

Housatonic Valley Council of Elected Officials
Greater Danbury Chamber of Commerce
Housatonic Valley Tourism Commission
Housatonic Valley Economic Development Partnership

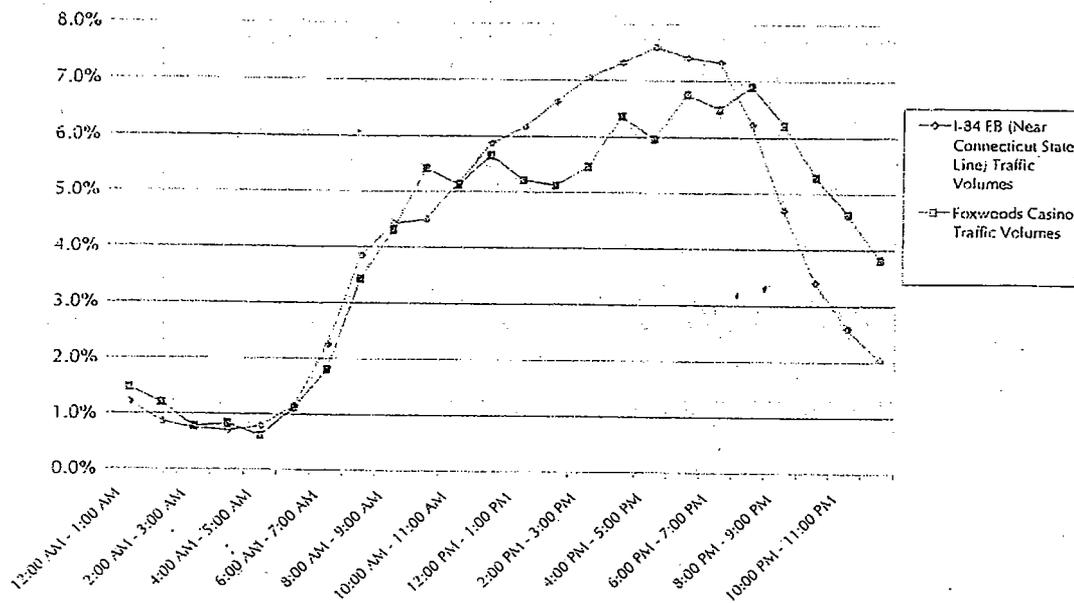
by

Buckhurst Fish & Jacquemart inc.
in association with
Urbanomics

Buckhurst Fish & Jacquemart, Inc. (BFJ) was retained to prepare a traffic impact study for the Housatonic Valley Council of Elected Officials (HVCEO) and other regional organizations in the Danbury Area to evaluate the traffic impacts associated with a potential casino development in Danbury, Connecticut. The goal of the study is to examine the extent to which a major gaming facility would affect traffic and economic conditions in the region. We assumed that the casino would be built on the former Union Carbide site located on the south side of I-84 between Exits 1 and 2.

We assumed a test casino with 15,000 gaming positions. This is 34% larger than the Foxwoods Casino and 160% larger than the Mohegan Sun in 1997. We consider this a conservative estimate of the potential size of the casino, because of its close proximity to the New York metropolitan region.

Figure 2
Comparison between I-84 EB Friday Hourly Traffic Volumes and
Foxwoods Casino Inbound Traffic Volumes



Based on the accessibility analysis of the casino in relation to the primary market area, the distribution of the traffic was estimated for the principal directions of travel. This calculation led to the estimate that approximately 74% of the trips would come from the west and 21% would come from the east via I-84. It is assumed that 40% of the patrons coming from the New York Metro area (via I-684) and 25% of the patrons coming from the east would be traveling by bus or a combination of rail and local bus. To achieve such a high share of trips by mass transportation the casino operators would need to undertake an aggressive program to attract patrons and employees to the transit system.

Based on the above assumptions it is estimated that the Danbury Casino would generate a total of 52,000 vehicle trips on a Friday and 62,000 vehicle trips on a Sunday. Daily traffic volumes on I-84 west of the project site would increase by 49% to 56%, while daily traffic volumes east of the site between Exit 2 and Exit 3 would increase by 21% to 22%. Along I-684 daily traffic volumes would increase by 56% to 57%. Traffic demand will exceed available capacity to a substantial degree at the I-684/I-84 interchange for the south-to-east ramp as well as the east-to-south ramp, and along I-84 between the I-684 interchange and Exit 2 in Connecticut. Traffic demand also exceeds available capacities along Rte 7 south of I-84 and at Kenosia Avenue and Mill Plain Road.

Percent Increase in Daily Traffic Demand

	Friday	Sunday
I-684 south of I-84	56%	57%
I-84 west of Casino	49%	49%
I-84 east of Casino to Exit 3	21%	22%
Route 7 south of I-84	14%	14%
Route 7 north of I-84	2%	2%

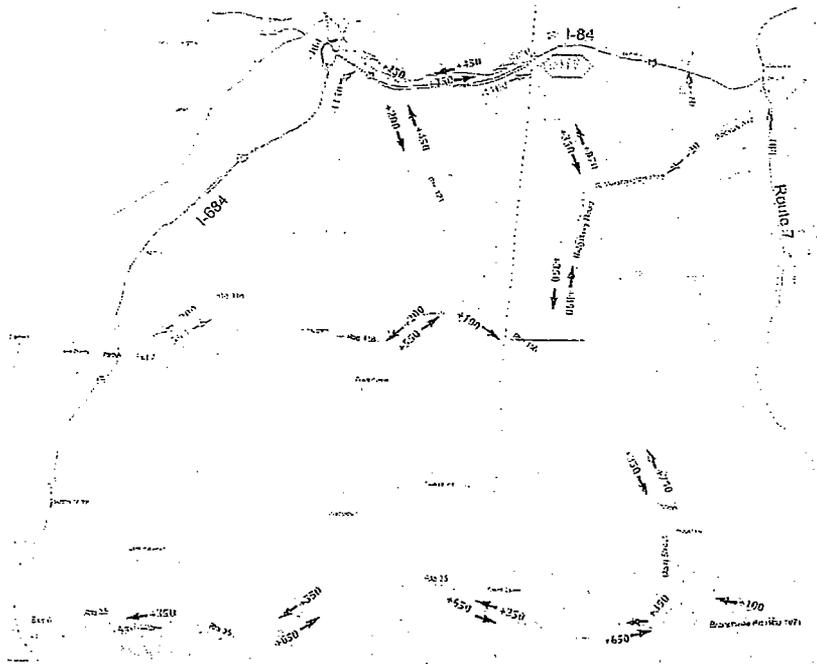
Additional Vehicle Trips

Friday (24-Hr)

	Autos	Buses
Trips to and from the West	35,219	1,277
Trips to and from the East	11,974	328
Trips to and from Local Roads	3,574	23
Total	50,767	1,528

Additional vehicle trips for a typical Sunday are higher compared to a typical Friday

During the hours when traffic demand exceeds capacity – primarily the afternoon and evening peak hours and on Sunday evenings – substantial amounts of traffic would shift from the regional freeways onto local roads in the Towns of North Salem, NY, and Ridgefield, CT and in the City of Danbury. Traffic shifts from I-684 and I-84 will most likely use Route 116, Route 121, Route 35 and Ridgebury Road, while traffic shifts from Route 7 will take Backus Avenue to George Washington Highway, as well as Branchville Road (Route 102) to Route 35 and Ridgebury Road. During the Friday and Sunday peak hours it is estimated that about 1,100 to 1,200 vehicles per hour would shift to Ridgebury Road. Peak-hour traffic volumes along Ridgebury Road north of Route 116 would almost triple, thus creating substantial delays and quality of life issues in this corridor. Peak-hour traffic along Main Street (Rte 35) in Ridgefield would increase by 75 to 100%.



Excess Traffic Demand and Shifts to Local Roads for Friday (5-6PM)

A casino at the former Union Carbide site in Danbury would have significant impacts on the I-84 portal to Connecticut and would negatively impact much of the State of Connecticut. Over the last 10 to 20 years this portal has become more vital to the state as the I-95 corridor has become more congested. A casino in Danbury would create tremendous bottlenecks at this portal.

A significant impact of the Danbury Casino would be the effect on the number of crashes along I-84, since the casino traffic is more prone to accidents than regular traffic. It is estimated that an additional 195 crashes per year could occur along the 12-mile section of I-84 between I-684 and Exit 8 in Connecticut as a result of the casino-related traffic. Of the total additional crashes per year, there would be 51 injury crashes and 2 fatalities each year. The annual cost of these crashes is estimated at \$13.3 million.

*** Estimate of Additional Crashes and Crash Costs***

Crash Type	I-84	
	Crashes	Cost (2000\$)
Fatal Injury Crash	2	\$7,600,000
Non-fatal Injury Crash	51	\$4,992,900
Property Damage Only Crash	142	\$738,400
Total per year	195	\$13,331,300

The additional vehicle miles of travel generated by the Danbury Casino are equivalent to the vehicle miles of travel of 6 Danbury malls or 25 Union Carbide Office Headquarters. The major reason for this substantial traffic impact is that the casino trips are much longer than the trips being made to a mall or to an office destination.

The travel delays caused by the casino traffic also have a significant impact on the region's economy. Direct economic costs related to increased traffic delays in the region have been estimated at a total of \$8.6 million per year (2002 dollars). This cost only includes the annual time loss of the traffic circulating in the region and does not include any indirect costs.

A majority of this cost will be borne by businesses as a result of delays incurred by trucks and business travelers. Businesses in the region will lose \$4.9 million annually due to lower productivity and loss of work hours as a result of travel delays.

In addition to the direct costs to the region, there are the indirect or induced costs related to the delays and reduced accessibility: relocation costs of businesses and households, loss of employee productivity and business earnings, property value reductions due to reduced accessibility, etc. These indirect or induced costs are expected to be substantial, such that the total economic disbenefits may be more than double the direct costs related to the delays. A more detailed economic impact analysis should be undertaken to estimate the full economic costs of the proposed casino.



I-684 northbound ramp to I-84 eastbound



I-84 looking east, east of I-684 southbound ramp

Appendix III



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

OCT 10 2001

Mr. Barry T. Hill
Director, Natural Resources and Environment
General Accounting Office
Washington, D.C. 20548

Dear Mr. Hill:

Thank you for this opportunity to comment on the draft report of the General Accounting Office (GAO) entitled "Improvements Needed in Tribal Recognition Process." We have worked continuously with the GAO since November 2000 in a cooperative effort to explain the Federal acknowledgment process and its legal foundation.

The acknowledgment of the existence of an Indian tribe, which has inherent sovereignty and a government-to-government relationship with the United States, is a serious decision for the Federal Government. It is important that a thorough and deliberate evaluation occur before we acknowledge a group's tribal status, which carries with it certain immunities and privileges. These decisions must be equitable and defensible. The existing criteria should not be changed in an attempt to quicken the pace of the process. We are pleased that the GAO has recognized these points.

The GAO has recommended to the Secretary of the Interior that Federal acknowledgment decisions made in the regulatory process of the Department of the Interior be more predictable and timely. We concur with these two general recommendations. The GAO accepts the existence of an acknowledgment process within the Department of the Interior, but suggests that improvements be made to that process. We are enclosing a detailed response to the GAO's recommendations which outlines the steps the Bureau of Indian Affairs (BIA) will take to analyze the resources required for this function and to develop strategic action plans for implementing specific improvements in this process.

Your first recommendation is that the Secretary should direct the BIA to "provide a clearer understanding of the basis used in recognition decisions by developing and using transparent guidelines that help interpret key aspects of the criteria and supporting evidence used in federal recognition decisions." We believe that precedents from acknowledgment decisions, as well as from earlier court findings, statutes, and administrative actions which served as the basis for the acknowledgment regulations, provide guidance to petitioners, interested parties, the BIA staff, and the Department's decision makers. We agree that these precedents can and should be made more readily available. We will develop a plan both to make these precedents more accessible and to provide clearer guidelines to the regulations, and thus to assure consistency and improve public understanding of acknowledgment decisions.

Your second recommendation is that the Secretary should direct the BIA to "develop a strategy that identifies how to improve the responsiveness of the process for federal recognition." We have identified potential changes to improve the timeliness of the process and will develop a plan to implement effective reform. The GAO specifically recommends that the strategy "should include a systematic assessment of the resources available and needed" and the development of "a budget commensurate with workload." The GAO has found that since 1993 the resources available to the acknowledgment function decreased even as the demands on it increased. We will analyze the acknowledgment workload, prepare a needs assessment, and develop a strategy that will result in decisions being made in a more timely manner.

An enclosed paper lists steps to respond to the GAO's recommendations and to the problems it has identified. The paper specifies both immediate actions and potential actions we will consider for inclusion in our strategic action plans. In addition, this paper includes substantive comments on aspects of the GAO's report other than its specific recommendations. We are also enclosing technical comments to correct or clarify certain statements or statistics contained in the GAO report.

We share the goal of improving this important Federal function to serve Indian tribes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Neal C. McCall".

Assistant Secretary - Indian Affairs

Enclosures

THE ASSISTANT SECRETARY - INDIAN AFFAIRS'
RESPONSE TO THE GAO REPORT: OCTOBER 2001

The Assistant Secretary - Indian Affairs (AS-IA) submits the following substantive comments and plan of action in response to the two major "Recommendations to the Secretary of the Interior" listed on page 20 of the October 2001 draft GAO report, *Indian Issues: Improvements Needed in the Tribal Recognition Process*.

Response to GAO Recommendation A

To ensure more "predictable and timely" tribal acknowledgment decisions, the GAO Draft Report recommends that the Secretary of the Interior direct BIA to:

Provide a clearer understanding of the basis used in recognition decisions by developing and using transparent guidelines that help interpret key aspects of the criteria and supporting evidence used in federal recognition decisions.

We concur with the GAO recommendation that there needs to be a clear understanding and presentation of the basis for evaluating evidence when making acknowledgment decisions. In response to this recommendation, we will develop expanded guidelines which will discuss in depth specific issues raised by GAO, such as "time gaps" and the percentage of members descending from historical tribes, and other topics, including some not raised by GAO. Unlike the 1997 *Official Guidelines to the Federal Acknowledgment Regulations*, which are aimed at the general public and focus principally on how the process works, these new guidelines will be aimed at researchers for the government, third parties and petitioners and explain in detail how evidence is evaluated and how precedents are used as a guide to evaluating evidence.

In addition, we also believe that many currently available documents, including the regulations at 25 CFR Part 83, previous decisions and technical reports, the 1978 *Regulations, Guidelines and Policies*, and 1997 *Official Guidelines to the Federal Acknowledgment Regulations*, court decisions on acknowledgment issues, policy statements, and letters to petitioners or others which furnish advice and interpretations of the regulations, provide useful sources and guidance for understanding how evidence is evaluated during the decision-making process. While these records have always been available to the petitioners, all interested parties, and the public, they have not been compiled as a single body of material and made available in easily accessible locations.

In response to the above concerns, the BIA will develop a strategic plan to provide petitioners, interested parties, and the public a "clearer understanding of the basis" of acknowledgment decisions. This will include some steps which may be accomplished in a very short time and other steps that will require more time to develop. Further additional steps may be identified during the

strategic planning process. The Branch of Acknowledgment and Research and the Office of Tribal Services will be the program offices charged with implementing the plan of action.

The Action Plan for Recommendation A

We will formulate a strategic action plan that will include developing guidelines that interpret key aspects of the criteria and the supporting evidence used in Federal acknowledgment decisions. As part of this plan, we will also compile and make easily accessible existing materials which interpret the criteria and the supporting evidence used in decisions. The development of the action plan will include careful consideration of the importance and means of implementing the following actions:

- Update and augment the 1997 *Official Guidelines to the Federal Acknowledgment Regulations*;
- Update the *Acknowledgment Precedent Manual*, and make it available on the BIA-BAR web-page; create an accompanying index system with links to discussions of topics in documents also on the BIA-BAR web-page [see below] so that researchers and evaluators can immediately access technical assistance letters, reports, decision and court documents on topics such as "gaps," "informal authority," "village-like setting," etc.;
- Develop a plan to update the *Acknowledgment Precedent Manual* as needed when new decisions are issued;
- Provide all acknowledgment decisions, including proposed findings, final determinations, reconsidered decisions, summaries under the criteria, technical reports and *Federal Register* notices, on the BIA-BAR web-page;
- Provide pertinent technical assistance letters, letters with advice, policy statements, and interpretations of the regulations, and any other guidance on the BIA-BAR web-page;
- Provide all unpublished court decisions involving acknowledgment issues and make them available on the BIA-BAR web-page; provide citations to published court decisions involving acknowledgment issues and provide links to such decisions;
- Provide all IBIA acknowledgment decisions and accompanying documents by creating links between those findings on the Department web-site and the BIA-BAR web-page;

- Assign a web-page manager to maintain and to add key documents to the web-page in a timely manner;
- Compile on CD-Rom the acknowledgment decisions and related documents, the 25 CFR Part 83 regulations, the updated 1997 *Official Guidelines* and the *Acknowledgment Precedent Manual*, and provide it to BIA agency and regional offices, state libraries, and other regional libraries or archives;
- Consider the creation of an official publication of acknowledgment decisions; and
- Develop any other actions relating to improving the guidance available on the acknowledgment process as may be determined through this strategic planning process.

Time line for completion of action plan: Strategic plan will be developed within six months.

Response to GAO Recommendation B

To improve the responsiveness of the Federal acknowledgment process, the GAO Draft Report recommends that the Secretary of the Interior direct the BIA to:

Develop a strategy that identifies how to improve the responsiveness of the process for federal recognition. This strategy should include a systematic assessment of the resources available and needed that leads to development of a budget commensurate with workload.

The AS-IA concurs with the GAO recommendation to improve the responsiveness of the Federal acknowledgment process. The BIA will develop strategies that will address the immediate concerns regarding the current workload, as well as address the long-term goal of making decisions on all documented petitions for Federal acknowledgment in a timely manner.

The AS-IA believes that maintaining the standards of the regulations at 25 CFR Part 83 will ensure that the acknowledgment decisions are consistent with law, and that thorough and comprehensive review will ensure fair and accurate decisions. Therefore, the action plan to improve responsiveness will not be based on any change in the present standards or on a less thorough review of petitions.

The BIA action plan for Recommendation (B) includes three parts:

- (1) Perform a needs assessment of current workload and resources;

- (2) Examine possible refinements to the procedures, some of which may require regulatory changes or legislative action; and
- (3) Implement immediate actions.

Part (1) The Action Plan for Recommendation B -- Needs Assessment

As recommended by the GAO draft report, the BIA will conduct an assessment of resources to support budget proposals commensurate with workload.

The needs assessment will address and make recommendations on all pertinent matters, including but not limited to the following:

- Review current workload, estimated work, and resources required to eliminate the "backlog" of decisions pending for petitioners on active consideration and those waiting for consideration;
- Analyze current non-case workload including administration, litigation, and Freedom of Information Act (FOIA) requests;
- Estimate future workload and resources required for case work, administration, litigation, and FOIA;
- Analyze skills needed to accomplish tasks;
- Assess non-staffing resources available currently, including equipment, computer hardware and software, space, and storage;
- Assess staff training needs, particularly in the areas of technology and management;
- Review staffing needs including overall staffing levels and office organization; number of administrative, professional, and managerial staff, and skill profiles needed to perform predicted workload in a timely and thorough manner;
- Evaluate the use of research assistants, program coordinators, administrative assistants, para-legals, and records managers to deal with FOIA and with other work supporting acknowledgment, including data entry, web-page maintenance, document duplication, and other aspects of electronic technology;

- Consider appropriate use of contracting, and temporary and term appointments for specific functions to decrease workload on professional and administrative staff and to increase flexibility of scheduling;
- Evaluate advanced technology for case analysis and records management;
- Project future equipment and hardware and software needs;
- Project future space and storage needs; and
- Consider whether to seek a separate budget line item for the acknowledgment process.

Time-line for presentation of action plan for needs assessment: Strategic Plan will be produced within six months.

Part (2) The Action Plan for Recommendation B - Procedural and Other Changes

We will develop a strategic action plan to improve responsiveness and timeliness by reviewing and examining possible changes in the procedures, in the evaluation of evidence and in the distribution of documents under FOIA. The review will evaluate actions which can be accomplished with the existing regulations, and other actions which will require revised regulations or legislation. This Strategic plan will address impediments to a responsive and timely acknowledgment process and possible resolutions of these impediments, such as those listed below. There may be other actions, not listed below, which will become more evident during this review.

The placement of the acknowledgment function at a relatively low level in the Department's organizational scheme has sometimes been given as a reason the process has lacked predictability and responsiveness. The general question of where the acknowledgment function should be located organizationally and whether a different decision-making structure would facilitate efficient administration may also be reviewed as part of this strategic plan.

The review will consider the following, in addition to other items:

- Review the acknowledgment regulations to determine whether a "sense of urgency" could be instilled in the acknowledgment process by establishing more specific and predictable deadlines for the Department in providing technical assistance and making evaluations, for petitioners in preparing petitions and responding to technical assistance, and for petitioners and third parties in filing comments;

- Devise a priority ranking for petitioners currently on active consideration which defines the order in which their proposed findings and final determinations will be considered; investigate impediments to orderly consideration, such as extensions and other interruptions which compete for staff resources, and propose steps for resolving these impediments;
- Review the effects of allowing negative proposed findings to be issued on a single criterion;
- Review "Changes in the Internal Processing of Federal Acknowledgment Petitions," a "directive" published in the *Federal Register* on February 11, 2000, for possible revisions;
- Eliminate letters of intent to petition and drop groups with only letters of intent from the document maintained by the BIA showing the status of petitioners for acknowledgment; or, require that letters of intent include a governing document, membership list and names of individuals in the governing body and offices they hold.
- Limit each petitioner to one technical assistance review;
- Eliminate reviews prior to active consideration for previous "unambiguous" Federal acknowledgment and expedited negative reviews;
- Require a standard, more efficient format for the submission of petitions and evidence and third party comments;
- Change the evaluation of "continuous existence" from the creation of the U.S. or from the beginning of U.S. jurisdiction rather than from first sustained contact with non-Indians;
- Allow third parties to respond to petitioner's comments during the response period that follows the comment period;
- Allow for the negotiation of time lines with the petitioner and third parties appropriate for each case;
- Impose "sunset rule" deadlines on petitioners to submit completed petitions with supporting evidence and on Department to "close down" the process;
- Address the issues of FOIA requests in the context (1) of providing materials to third parties, (2) of the increase in activity by such third parties, noted by the GAO report, and (3) of the increased load and complexity;

- Ask Congress to provide limited statutory relief from the Privacy Act and FOIA exemptions to allow the release of all information of the documented petitioner, except membership lists and genealogical charts, to third parties;
- Explore whether to allow interested parties to receive copies of all non-privacy documents at specific periods in the process without invoking FOIA and require petitioners to provide copies of their documents directly to interested parties;
- Examine other possible changes to the procedures, the evaluation, the means of providing evidence to the government, and distributing documents to third parties.

Time line for making procedural modifications: Strategic Plan will be produced in six months.

Part (3) Immediate actions

Finally, two actions may be taken immediately, which are:

- The BIA fill the two existing vacant positions in the BAR; and
- New GPRA goals will be established to improve program performance.

Time line for immediate actions: Full current staffing will be achieved within six months. New GPRA goals will be established within six months.