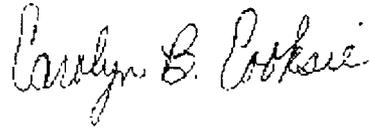


For: State Offices

Access to Indian Sacred Sites

Approved by: Deputy Administrator, Farm Loan Programs



1 Overview

**A
Background**

On May 24, 1996, the President signed Executive Order 13007 (Exhibit 1) which:

- directs Federal Agencies to:
 - accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners when Federal lands are involved
 - avoid adversely affecting the physical integrity of these sacred sites
- applies to all executive branch agencies that manage land or leasehold interests, and is not limited to properties located on Indian reservations.

**B
Purpose**

This notice requires that State Indian coordinators:

- review FSA-managed land, according to subparagraph 2 A
- prepare a report of the review
- submit the report by April 1, 1997.

Disposal Date

November 1, 1997

Distribution

State Offices; State Offices relay to State Indian Coordinators and DD's

Notice FC-102

2 Action

**A
Reporting
Requirements**

State Indian coordinators shall:

- determine the location of any Indian sacred sites that are on lands managed by FSA
 - review the FSA-managed land to determine whether any of these FSA properties provide access to Indian sacred sites
 - prepare a report of the information requested in Executive Order 13007, Section 2 (b).
-

**B
Sources of
Assistance**

State Indian coordinators may use:

- the following sources to assist them in determining the locations of the Indian sacred sites:
 - local tribal leaders located within the State Office's servicing area
 - local BIA offices and State Historic Preservation Officers
 - the services of DD's to assist them in completing this report.
-

**C
Due Date**

Send the report by April 1, 1997, to:

Loan Servicing and Property Management Division
USDA, FSA, DAFLP, STOP 0523
1400 Independence Ave., SW
Washington DC 20250-0523.

Note: Negative reports are required.

Copy of Executive Order 13007

Executive Order 13007 of May 24, 1996**Indian Sacred Sites**

By the authority vested in me as President by the Constitution and the laws of the United States, in furtherance of Federal treaties, and in order to protect and preserve Indian religious practices, it is hereby ordered:

Section 1. Accommodation of Sacred Sites. (a) In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites.

(b) For purposes of this order:

(i) "Federal lands" means any land or interests in land owned by the United States, including leasehold interests held by the United States, except Indian trust lands;

(ii) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to Public Law No.103-454, 108 Stat. 4791, and "Indian" refers to a member of such an Indian tribe; and

(iii) "Sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

Continued on the next page

Copy of Executive Order 13007 (Continued)

Section 2. Procedures. (a) Each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, as appropriate, promptly implement procedures for the purposes of carrying out the provisions of section 1 of this order, including, where practicable and appropriate, procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. In all actions pursuant to this section, agencies shall comply with the Executive memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments."

(b) Within 1 year of the effective date of this order, the head of each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall report to the President, through the Assistant to the President for Domestic Policy, on the implementation of this order. Such reports shall address, among other things,

(i) any changes necessary to accommodate access to and ceremonial use of Indian sacred sites;

(ii) any changes necessary to avoid adversely affecting the physical integrity of Indian sacred sites; and

(iii) procedures implemented or proposed to facilitate consultation with appropriate Indian tribes and religious leaders and the expeditious resolution of disputes relating to agency action on Federal lands that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites.

Section 3. Nothing in this order shall be construed to require a taking of vested property interests. Nor shall this order be construed to impair enforceable rights to use of Federal lands that have been granted to third parties through final agency action. For purposes of this order, "agency action" has the same meaning as in the Administrative Procedures Act (5 U.S.C.551[13]).

Section 4. This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States, its agencies officers, or any person.

WILLIAM J. CLINTON
THE WHITE HOUSE,
May 24, 1996.