



**Annual Report**  
**North Carolina Commission of Indian Affairs**

**2004-2005**

# **ANNUAL REPORT**

## **NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS**

**2004-2005**

**State of North Carolina  
Michael F. Easley, Governor**

**N.C. Department of Administration  
Gwynn Swinson, Secretary  
McKinley Wooten, Deputy Secretary for Internal Services and Programs**

**N.C. Commission of Indian Affairs  
Paul Brooks, Chairman  
Gregory A. Richardson, Executive Director**

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# **HISTORY AND PURPOSE**

The North Carolina Commission of Indian Affairs was created in 1971 by the North Carolina General Assembly in response to the requests of concerned Indian citizens from across the state. The commission was established pursuant to North Carolina General Statutes 143B-404 through 143B-411. Specifically, the commission was created to:

- ◆ Deal fairly and effectively with Indian affairs
- ◆ Bring local, state and federal resources into focus for the implementation or continuation of meaningful programs for the state's Indian citizens
- ◆ Provide aid and protection for Indians as needs are demonstrated
- ◆ Assist Indian communities in social and economic development
- ◆ Promote recognition of and the right of Indians to pursue their cultural and religious traditions

The commission has eight statutory duties outlined in its enabling legislation as follows:

- ◆ Study, consider, accumulate, compile, assemble and disseminate information on Indian affairs
- ◆ Investigate relief needs of Indians and assist in preparation of plans for the alleviation of such needs
- ◆ Confer with appropriate officials of local, state and federal governments
- ◆ Review all legislation concerning Indians
- ◆ Conduct public hearings on matters relating to Indian affairs and subpoena any information deemed necessary
- ◆ Study the existing status of recognition of all Indian groups, tribes and communities
- ◆ Establish appropriate procedures for legal recognition by the state and provide for official recognition
- ◆ Initiate procedures for recognition by the federal government

## **MISSION STATEMENT**

The mission of the North Carolina Commission of Indian Affairs is to instill a positive vision for American Indians through preserving cultural identity by promoting and advocating the rights, beliefs and opportunities which impact quality of life.

## GOALS

- ◆ Increase and maximize educational opportunities for American Indians in North Carolina.
- ◆ Increase the economic self-sufficiency of American Indians in North Carolina and maximize Indian economic development initiatives.
- ◆ Achieve parity in employment for Indians of North Carolina.
- ◆ Improve the health status of American Indians in North Carolina.
- ◆ Increase the public awareness of American Indians.
- ◆ Provide for the state and/or federal recognition of North Carolina Indian tribes.
- ◆ Promote recognition of and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful and to promote public understanding and appreciation of Indian culture.

The membership of the commission is composed of 19 representatives from 11 North Carolina Indian tribes and/or organizations, five state officials and an appointee of both the speaker of the N.C. House of Representatives and the lieutenant governor. Ex-officio members include representatives from two statewide youth organizations, the North Carolina Native American Youth Organization (NCNAYO) and the North Carolina Native American Council on Higher Education (NCNACOHE).

The commission operates under the direction and supervision of the North Carolina Department of Administration pursuant to G.S. 143A - 6(b) and (c) and is one of seven advocacy agencies currently housed within the department. The commission employs an executive director to carry out the day-to-day responsibilities and business of the commission. The executive director serves at the pleasure of the commission membership and is subject to legislative or other funds that would accrue to the commission. The executive director is empowered to hire additional staff and consultants to assist in the discharge of his responsibilities, as determined by the commission, in accordance with the administrative, budget and management policies of the North Carolina Department of Administration. Additionally, the executive director performs all other administrative duties under the guidance of the secretary of the North Carolina Department of Administration, with respect to state regulations, statutes and general government policy.

In the performance of its duties, the commission held four quarterly meetings in SFY 2004-2005. These meetings were held on September 3, 2004, December 3, 2004, March 17, 2005, and June 3, 2005. They were devoted to addressing issues of concern to the Indian citizens of North Carolina, the development of policies and/or programs to alleviate the social and economic problems of the state's Indian population, and the review of commission service program activities. Reports were also heard from the commission's standing committees (see Appendix 2)

# PROGRAMS AND SERVICES

In 1971, the commission received its first appropriation of \$12,500 from the North Carolina General Assembly. Since that time, state support has been expanded and federal funding of service programs has been secured. In SFY 2003-2004, the commission received legislative appropriations; federal program funding and state agency grant funds totaling approximately \$4 million.

Commission staff administers the agency's programs and services. The staff conducts other major activities and initiatives as well as those required by General Statutes. The majority of the staff administers programs and services supported by federal grants. State funds supported seven staff positions including the executive director, two clerical positions, three community developers and an economic developer.

Descriptions of the activities, services and programs sponsored by the commission during SFY 2004-2005 follow:

<b>North Carolina Commission of Indian Affairs Funding Summary 2004-2005</b>					
<b>Sources of Funding</b>	<b>State Funding</b>	<b>Federal Funding</b>	<b>Foundation Grants</b>	<b>Staff</b>	<b>Clients Served</b>
<b>N.C. Commission of Indian Affairs</b>	352, 845	0	30,000	6	Over 99,551**
<b>Community Services Program</b>	74,146	203,198		9	85
<b>Crisis Intervention-Energy Assist</b>	54,840				
<b>North Carolina American Indian Youth Smoking Cessation Program</b>	158,680	138,896			Statewide community program
<b>Economic Development Program</b>	35,388			1	Over 99,551**
<b>American Indian Health Program</b>	45,000			1	Population Statewide
<b>Educational Talent Search Program</b>	0	283,754		5	659
<b>Section 166 WIA Program</b>	0	213,173		3	54
<b>Section 8 Housing Assistance Program</b>	0	3,485,439		7	1,073
<b>Substance Abuse Prevention &amp; Awareness Program</b>	*101,000	0		2	728
<b>TOTALS</b>	\$720,799	\$4,324,460	\$30,000	32	1,871

\*Federal Block Grants Funds Granted by Other State Agencies

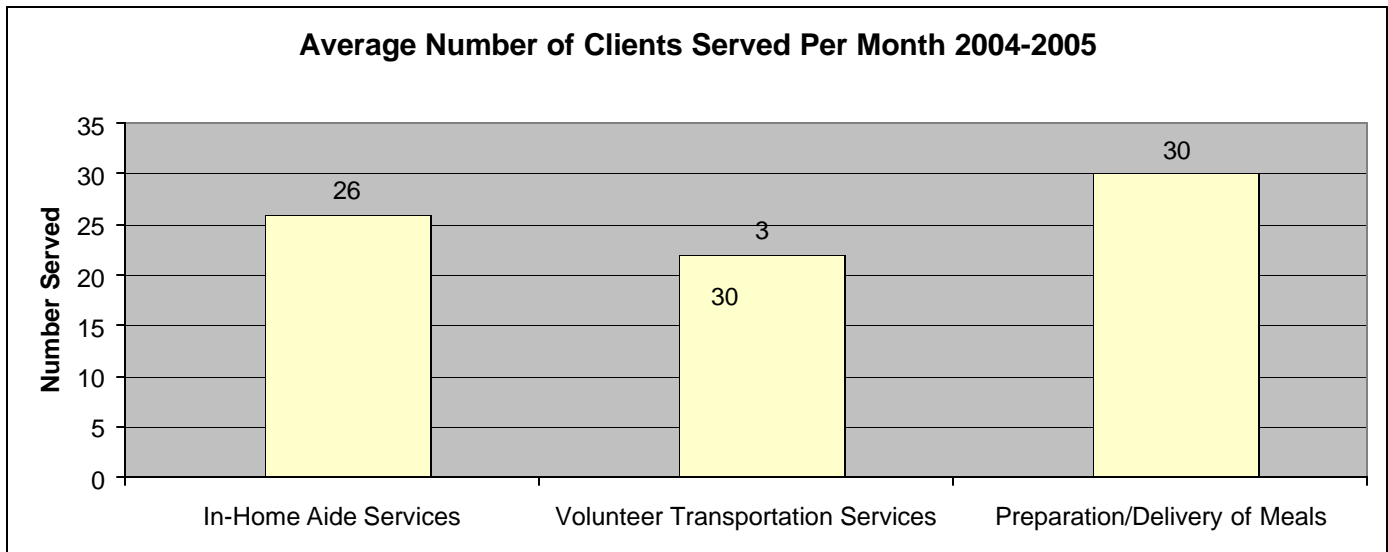
\*\* Not included in total

\*\*\* These funds are subcontracted to three tribes

## COMMUNITY SERVICES PROGRAM

The Community Services Program provided in-home aide services and/or volunteer transportation for the elderly and disabled in Bladen, Columbus, Halifax, Warren, Cumberland, Sampson and Harnett counties. The program also provided oversight for a meal program that delivered over 6,400 meals to elderly and physically challenged Indian senior citizens residing in Sampson County.

Through a contract with the North Carolina Department of Health and Human Services (DHHS) DSS - Division of Aging, the program received \$203,198 in Social Services Block Grant (SSBG) funds in 2004-2005. These funds were matched with \$74,146 in state funds to bring the total funding of the program to \$277,344.



The 23rd Annual North Carolina Indian Senior Citizens Conference was held in November 2005 in Fayetteville, North Carolina. The Commission of Indian Affairs hosted this event and was a major sponsor along with the North Carolina Indian Senior Citizens Coalition. Over 150 people attended this event that featured workshops on health and public benefit programs, a health fair, a quilt exhibit, an arts and crafts exhibit, and a Miss North Carolina Indian Senior Citizen Pageant.

In the fall of each year the Community Services Program director supervises the administration of the Crisis Intervention Program. The Coharie, Haliwa-Saponi and Waccamaw-Siouan Indian Tribes received subcontracts totaling \$54,840. These funds were used to conduct outreach and recruitment for the crisis prevention program. The crisis program provides eligible participants with heating and cooling assistance payments.

In 2004-2005, the Community Services Program staff included a director and six half-time in-home aide employees. In addition, two community developer positions supported by state funds are permanently assigned to the program and work directly in the local community.

## **ECONOMIC DEVELOPMENT PROGRAM**

The Economic Development Program provides the following services:

- Information and referral assistance to the states' American Indian tribes and organizations in the development of economic opportunities upon request
- Information and referral assistance to Indian citizens in the development, improvement and/or expansion of businesses upon request
- Assisting in the development of economic development enterprises for the state's American Indian population such as the North Carolina Indian Economic Development Initiative.

Education is the key to wealth and prosperity. With this goal in mind, we created the Supporting Our Native Students (SONS) Program. The goal of the SONS Program is to provide an educational opportunity for American Indians whose educational and socio-economic backgrounds might otherwise prevent them from successfully attending and succeeding in college.

The SONS Program is a college educational access and retention program. The purpose of the program is to identify qualified American Indian students enrolled in an accredited North Carolina community college or university and assist them in pursuit of their educational goals. Students are required to complete an application process, meet income eligibility requirements, maintain a minimum grade point average and be an enrolled member of a North Carolina state-recognized tribe. In 2004 - 05, CSBG funds administered by the commission totaled \$35,388.

The economic development director administers the Community Services Block Grant (CSBG) Program. CSBG funds were used to:

- Assist low-income individuals with transportation, fuel, food and clothing purchases
- Provide computer equipment to state recognized American Indian tribes and organizations
- Provide scholarships to American Indian students to attend educational and cultural opportunities
- Provide American College Test (ACT) waivers to American Indian students
- Provide book vouchers to graduating Educational Talent Search students who were continuing their education at a two or four year college in North Carolina.

The Economic Development Director is responsible for producing the Commission's newsletter, Indian Time and assists with grant writing activities at the Commission. She also serves as staff support to the commission's Economic Development and Employment Committee, Culture and Religion Committee and the North Carolina Indian Senior Citizens Coalition. In addition, she oversees grant funds allocated to the North Carolina Indian Economic Development Initiative. This is a newly formed statewide non-profit (501 C-3) organization designed to foster and promote economic development on behalf of and in cooperation with, the State recognized Indian tribes and organizations.



## **EDUCATIONAL TALENT SEARCH PROGRAM**

The Educational Talent Search (ETS) Program provides one-on-one educational and career counseling to Indian youth ages 11 to 27 in the counties of Columbus, Cumberland, Halifax, Hoke, Sampson and Warren. Program guidelines require that two-thirds of the program's participants be first generation college and come from families with low incomes. High dropout rates, low competency test scores and high unemployment rates are all characteristics of the Indian population in the program's target counties.

Talent Search staff made visits to schools in each target county and presented programs designed to help students improve their academic performance, enhance their self-esteem, broaden their career awareness and understand financial aid information. Study skills improvement workshops were conducted in each of the program's target counties and high school students in each county had the opportunity to participate in workshops designed to teach test-taking skills for pre-college admission tests such as the Scholastic Aptitude Test (SAT).

The program sponsored tours of the University of North Carolina at Pembroke, the University of North Carolina at Charlotte, the University of North Carolina at Chapel Hill, the University of North Carolina at Wilmington, North Carolina State University and East Carolina University. During the tours, students met with representatives of each institution's admissions and financial aid offices to discuss enrollment requirements and campus life.

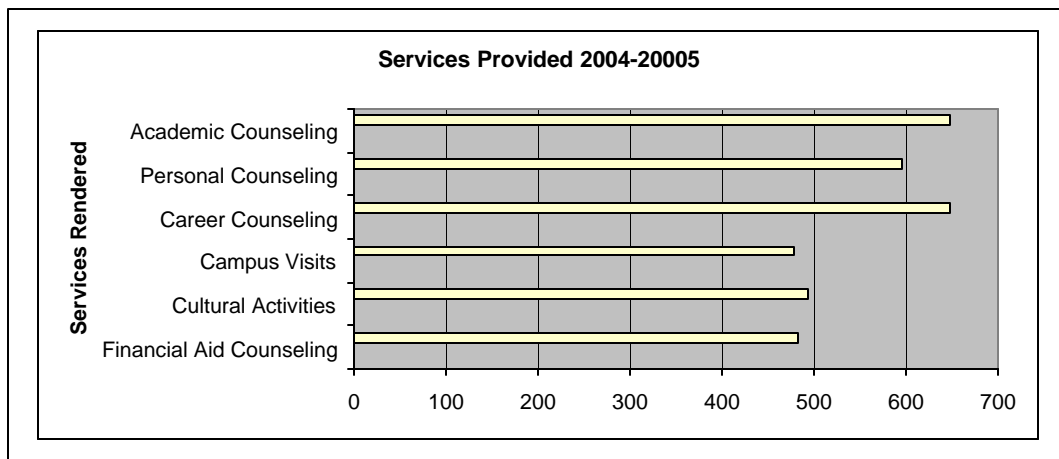
Financial aid workshops were conducted in each tribal community during the months of February and March. High school juniors and seniors were invited to attend along with their parents. The purpose of the workshops was to inform students and parents about the different types of financial aid available and how to apply for them. A demonstration on how financial need is computed and financial aid is packaged was also included. Counselors assisted parents in the completion of the Free Application for Federal Student Aid (FAFSA). The workshops were well attended in all tribal communities.

Students from all counties were afforded the opportunity to attend numerous cultural events. Twenty students attended a two-day Leadership Development Conference, which was sponsored by the Lumbee Tribe of North Carolina, twelve students attended the Youth Legislative Assembly and were afforded the opportunity to act as a state representative, debate and vote in a mock legislation session.

A College Survival Skills Workshop was provided for ETS students who were new high school graduates planning to attend college in the fall. The workshop was conducted during a trip to Washington, DC. While in Washington, students toured all monuments and museums including the National Museum of the American Indian. The workshop focused on providing information to ensure a successful transition from high school into college life, a round table discussion of expectations and fears about college life and featured a discussion of the freshman year by two Indian students one who had just completed their freshman year of college and one who had just graduated from college. Students were given the book "The Tiny Warrior" by author DJ Vanas.

A High School Survival Skills Workshop was provided for ETS students who had completed the eighth grade and were promoted to high school. The workshop was held on the UNC Charlotte campus and was attended by 65 rising 9th graders who learned different study strategies, how to take notes and how to “survive and thrive” in high school. Upon the completion of the workshop, the students were treated to a day visit to Carowinds Amusement Park and visits to the Lowes Motor Speedway and Hendricks Motor Sports facility in Charlotte.

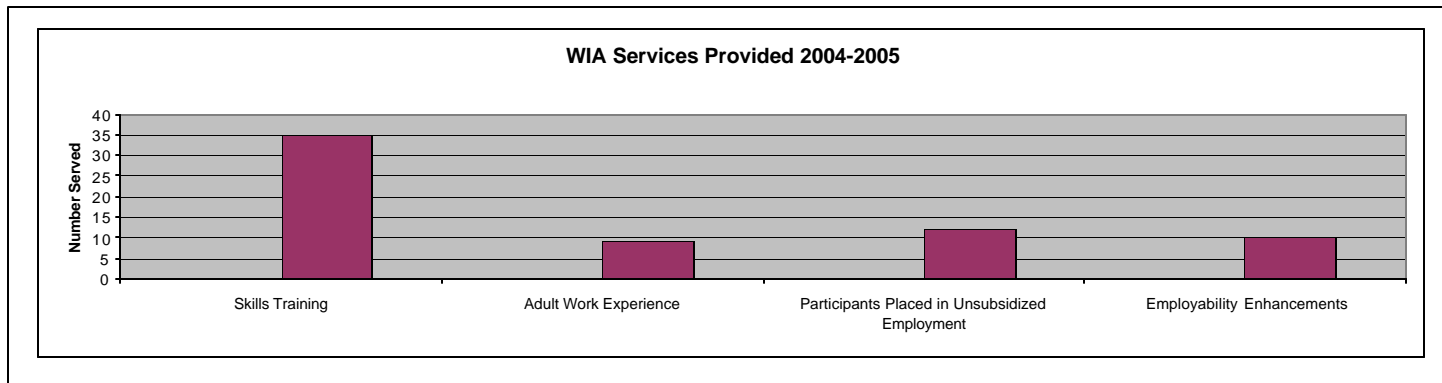
The program director is the adult adviser to the North Carolina Native American Youth Organization (NCNAYO) and coordinates their annual conference, which was attended by 260 youth on the campus of Wake Forest University in Winston-Salem, NC. Approximately 325 Indian youth and adults attended the four-day conference. Highlights included general assembly sessions, “words of wisdom from the council of elders,” workshops, princess pageant, powwow, awards banquet, social dance and recreational activities.



Educational Talent Search Program funding, received from the U.S. Department of Education during SFY 2004-2005, totaled \$283,754.00. The Educational Talent Search Program staff included a project director, three counselors and one secretary. The program served a total of 659 participants during the year.

**AMERICAN INDIAN WORKFORCE DEVELOPMENT PROGRAM**

The commission's employment and training program funded under Title I, Section 166 of the Workforce Investment Act (WIA) provides job training and employment opportunities to unemployed, underemployed, and low-income American Indians in North Carolina. In State Fiscal Year (SFY) 2003-2004, the program service area was 59 of the 100 counties of the state. Six North Carolina Indian tribes or urban center organizations designated as Indian WIA grantees by the U.S. Department of Labor served the remaining 41 counties. In SFY 2004-2005, the funding level of the WIA program totaled \$213,173. The chart on the following page indicates the client participation within the specific components of the commission’s WIA program.



### Skills Training

This component emphasized vocational training for the program's target population. There are 59 community colleges in the state. Each community college designs its own areas of vocational training based on the needs and employment opportunities of the area served. The choice of vocational training is left to the individual participants with the guidance and approval of program staff and community college guidance counselors.

### Adult Work Experience

Many of the program's applicants lack a high school diploma. Under the Adult Work Experience component, participants with a high school diploma were placed in 40-hour-per-week work experience slots. Those Adult Work Experience participants without high school diplomas were placed in 25-hour-per-week work experience slots and attended adult basic education classes 15 hours per week. The majority of Adult Work Experience participants continued in the WIA program by enrolling in the Skills Training component.

### American Indian Workforce Development Program Advocacy

The commission is a charter member of the Southeastern Indian Manpower Planners and Administrators Association (SIMPAA), an association of Native American employment and training service providers located in seven southeastern states. SIMPAA was established in 1977 to address problems facing Indian and Native American grantees and Indian communities and to strengthen Indian and Native American WIA programs through the provision of technical assistance and printed materials. The commission's WIA program director previously served as vice president of the association and continues to be actively involved in the activities of the organization. On August 23, 2004, Elaine L. Chao, Secretary of the U.S. Department of Labor, reappointed the Commission's WIA program director to 2-year term on the Native American Employment and Training Council. The council serves as an advisory body to the Secretary of Labor regarding the provision of employment and training services to Indians and Native Americans through federal workforce development programs.

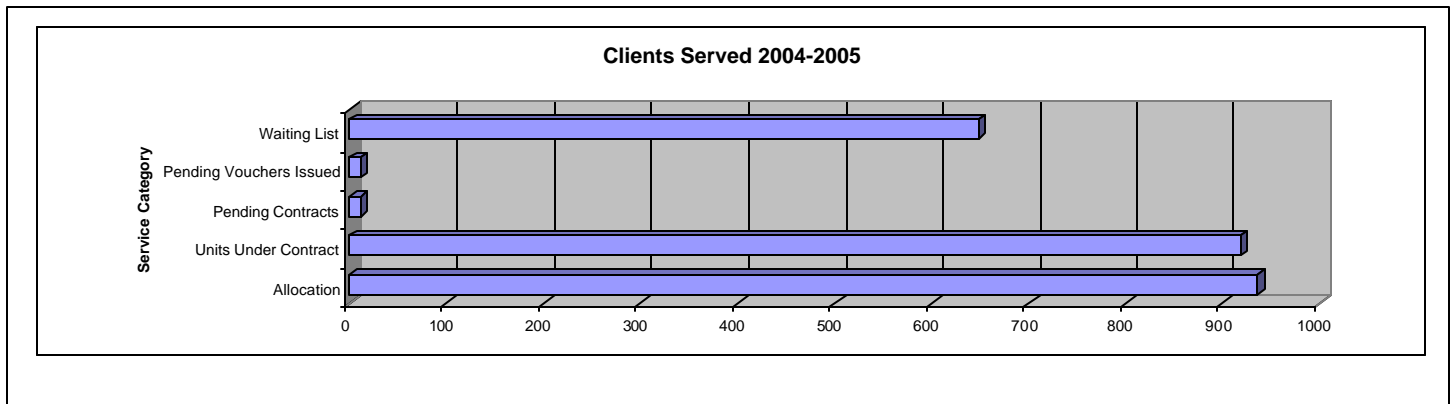
The WIA Director also serves as staff support to the commission's Economic Development and Employment Committee. A director and two manpower developers staffed the WIA program in SFY 2004-2005.

## HOUSING ASSISTANCE PROGRAM

The U.S. Department of Housing and Urban Development (HUD) designated the North Carolina Commission of Indian Affairs as a public housing agency (PHA) in 1976. This designation gave the commission authority to provide rent assistance through the operation of a Section 8 Housing Assistance Program to eligible families through annual contributions contracts with HUD. The purpose of the Section 8 Housing Assistance Program is to provide safe, decent, sanitary housing for eligible families regardless of race, religion or political affiliation. Program funds are awarded to the program by HUD through annual contributions contracts (ACCs) and are used to subsidize the difference between the cost of rent and a maximum of 30 percent of the household's adjusted gross income. Currently the program has ACCs for 1 "Choice Voucher" project. The family's gross income less allowances must fall within established HUD guidelines. The unit selected must meet HUD housing quality standards and the rental rate must fall within the applicable fair market rent limitation established by HUD.

### Program Components

The *Voucher Component* is currently funded to support 936 families. Voucher contracts allow the program to pay up to the fair market rent for a rental unit. Under the "Choice Voucher" Program the family cannot pay any difference in the rent, if any, for the first year. A family holding a voucher can locate anywhere within the United States after one year of residence in the area where they applied and was placed on the program. A total of 1,073 families were served in the vouchers program for 2004-2005.



### Service Area

Currently the program's service area includes the counties of Granville, Hoke, Person, Sampson and Warren.

The program through special agreements with local Public Housing Agencies (PHA) provides rent assistance on a limited basis to eligible families in Halifax and Columbus counties.

A director, three housing inspectors and three clerical staff members during SFY 2003-2004 administered the Section 8 Housing Assistance Program. The program serves Indian and non-Indian participants and is the only Public Housing Agency in the Commission's service area.

## **TRIBAL RECOGNITION**

Since 1976 the commission has administered procedures for the state recognition of heretofore-unrecognized Indian tribes and organizations. Authorized by N.C.G.S. 143B-406, the Commission administers tribal recognition procedures, as established under Chapter 15 of the North Carolina Administrative Code. A twelve-member Recognition Committee composed of representatives of each Indian tribe and urban Indian organization makes recommendations on recognition matters to the full commission. The Meherrin Tribe of Hertford County was granted state recognition under these procedures in 1986. In 1997, the historic tribal group known as the Indians of Person County had their recognition status reinstated by the North Carolina General Assembly, and are now recognized as Sappony. In March 2000 the commission officially recognized the Raleigh-based urban Indian organization, Triangle Native American Society, Inc. In February 2002 an Orange County Superior Court Order, issued in accordance with a decision rendered by the North Carolina Court of Appeals, granted legal recognition of the Occaneechi Band of the Saponi Nation.

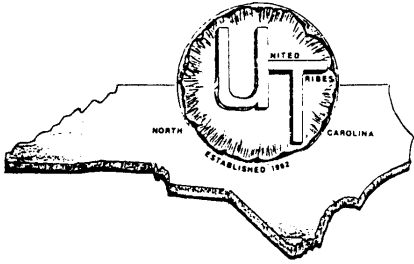
The rules which govern the process for state recognition of American Indian tribes may be found at the following website: <http://www.doa.state.nc.us/cia/legal.pdf>

In early 2002 a workgroup began working on drafting language for suggested revisions to the State's official procedures for the recognition of American Indian tribes. Upon final presentation by the commission's Recognition Committee, and formal approval of the Commission of Indian Affairs membership in March 2005, a public hearing on the revisions was held in August. In December the commission took final action on the revisions and submitted the rules to the N.C. Rules Revision Commission, a division of the North Carolina Office of Administrative Hearings. The Rules Review Commission processes and approves administrative rules for governmental agencies according to the N.C. Administrative Procedures Act. The Commission of Indian Affairs recognition procedures revisions are scheduled to be considered by the Rules Review Commission at its January 2006 meeting, and formal adoption is anticipated to follow in calendar year 2006.

## **CONFERENCES AND SPECIAL EVENTS**

Each year the commission co-sponsors many activities and events in collaboration with tribes and organizations. Additionally, the commission provides staff support for Indian conferences, workshops and other special events.

### **NORTH CAROLINA INDIAN UNITY CONFERENCE**



The 31st Annual North Carolina Indian Unity Conference was held in Raleigh, North Carolina, March 9-11, 2006. United Tribes of North Carolina sponsored the conference, in collaboration with the commission and tribes and organizations. The conference attracted over 200 participants. Commission staff coordinated various conference activities such as the Indian arts and craft show art exhibit and conference facilities; served as facilitators, moderators, recorders and/or speakers at various workshops and general assemblies; assisted with conference registration; and supervised conference security.

### **NORTH CAROLINA INDIAN YOUTH UNITY CONFERENCE**

“Ignite the Spirit – Join the circle” was the theme of the 26<sup>th</sup> Annual North Carolina Indian Youth Unity Conference held June 7- 10, 2005 at Wake Forest University in Winston-Salem, North Carolina. Co-sponsored by the North Carolina Native American Youth Organization (NCNAYO), the North Carolina Commission of Indian Affairs’ Educational Talent Search Program commission and a grant received from the Tobacco Prevention and Control Branch through DHHS, this event was attended by over 325 Indian youth and adults representing Indian tribes and organizations from across the state of North Carolina. The highlight of the conference was a book signing by DJ Vanas, author of “The Tiny Warrior” who also delivered the keynote address at the awards banquet. Other special events included a powwow, Mister and Miss NCNAYO pageants, talent show, basketball tournament, an awards banquet, and art and essay contests. Three \$500 college scholarships were awarded to graduating seniors at the conference.

Commission staff assisted with the planning and coordination of all major activities for the conference that featured educational and cultural workshops, recreational activities, an awards banquet, powwow, talent show and Mister and Miss NCNAYO pageants.

### **INDIAN HERITAGE MONTH**

Governor Mike Easley proclaimed the month of November as Indian Heritage Month in North Carolina by an official proclamation. The 2005 Indian Heritage Month kickoff celebration was held in conjunction with the American Indian celebration at the North Carolina Museum of History. United Tribes of North Carolina commissioned a poster for Indian Heritage Month. The Commission staff coordinated and planned Indian Heritage Month activities, including supervising the production and distribution of the Indian Heritage Month calendar of events to all public school systems and coordinating activities for an American Indian celebration at the North Carolina Museum of History.

## **NORTH CAROLINA INDIAN SENIOR CITIZENS CONFERENCE**

In recognition of the NC Indian Senior Citizens Coalition “Celebrating 25 Years Together” the NC Commission of Indian Affairs sponsored an American Indian Senior Citizens Health Summit, November 4, 2005 at the Holiday Inn I-95, Fayetteville, North Carolina. The day was filled with motivational speakers and uplifting topics all designed with the senior citizen in mind.

The topics on the agenda included disease prevention, nutrition, physical activity, crime prevention and safety. In addition, health checks and a flu shot clinic was available. Participants were also treated to mini day spa services and massages. A highlights of the summit included the quilt show, banquet, fashion show and crowning of Ms. Indian Senior Citizen Queen, Linda Lowery. Approximately 300 seniors took advantage of this wonderful opportunity to learn more about their health and nutritional needs.

## **AMERICAN INDIAN HEALTH SUMMIT**

The NC Commission of Indian Affairs did not hold its annual health summit due to travel restrictions imposed by the governor’s office. The health summit will be held in May of 2006.

The North Carolina American Indian Task Force held six meetings in 2004. Subcommittees were appointed to come up with health recommendations for American Indian communities. Secretary Carmen Hooker Odom of NC Department of Health & Human Services chairs the task force. Chairman Paul Brooks of the NC Commission of Indian Affairs is the co-chair. Throughout 2004 subcommittees met to discuss Indian health issues and come up with their own recommendations. At the end of 2004 final recommendations were reported and adopted by the task force.

## **NORTH CAROLINA INDIAN ECONOMIC DEVELOPMENT INITIATIVE (NCIEDI)**

The NC Indian Economic Initiative (NCIEDI) is a 501 C-3 corporation established in 2001 by a Commission Task Force. The task force was an outgrowth of the Commission’s economic development project and was a direct result of the Commission’s strategic plan in 1999. The NCIEDI has received funding from the Z. Smith Reynolds Foundation, the North Carolina Rural Center and the General Assembly. Since the first Economic Development Summit in October of 2000, the NCIEDI is well in its way to becoming the catalyst for Indian economic development in North Carolina.

## **NORTH CAROLINA AMERICAN INDIAN FUND INITIATIVE**

Established in December 2001, the **North Carolina American Indian Fund Initiative** is a collaborative effort between the Commission and Indian tribes and organizations in North Carolina. The fund was established because the resources for meeting the human and economic needs of Indian communities are very limited. Additionally, the creation of the fund is in response to the need for dedicated funding for scholarships, funding for health, human services, education and tribal organizational infrastructure programs.



The Triangle Community Foundation, located in Research Triangle Park, North Carolina, manages the American Indian Fund. The Warner Foundation provided funding for the development of the American Indian Fund.

### **AMERICAN INDIAN LEADERSHIP INITIATIVE**

This project is an outgrowth of the Commission's Year 2000 Strategic Plan and was funded by Progress Energy, Raleigh, North Carolina.

The purpose of this project is to create a statewide Indian Leadership Initiative to address the current and future leadership needs of Indian communities, to develop leadership programs and design programs to prepare new and emerging leaders to manage tribal programs, develop sound policies and procedures, etc.

The commission has worked in collaboration with the University of North Carolina at Chapel Hill on this project.

### **NORTH CAROLINA AMERICAN INDIAN HEALTH INITIATIVE:**

#### **NC Health & Wellness Trust Fund Commission Anti-Smoking Cessation Program for American Indian Youth**

The HWTF Commission awarded the Commission a 3-year contract to carryout an anti-smoking cessations program in American Indian communities and churches. The partnership includes UNC Chapel and University of West Virginia. The contractor at the local level works with the Burnt Swamp Association's church membership the Methodist Coop, and community based organizations to implement this program in communities. A focus in 2005 was to educate Indian communities on the health risks of second hand smoke (shs) and to provide technical assistance in the development of anti-smoking policies in facilities and at American Indian activities.

#### **University of West Virginia Anti-Smoking – Not On Tobacco Program – AI ‘Hope and Honor’**

This is a 3-year CDC – American Legacy Foundation grant to awarded to the University of West Virginia. West Virginia University design an American Indian Youth Anti-Smoking module to become a national model. This is a 3-year grant. The Commission has a partnership with West Virginia, UNC Chapel Hill and the Burnt Swamp Association to develop this model. \$134,534.

# 2004 Legislative Agenda

## A. NC Indian Economic Development Initiative

The North Carolina Indian Economic Development Initiative Inc, which was created by the Commission of Indian Affairs, is seeking legislative funding to develop it's infrastructure and capacity to provide economic development assistance services to tribes, urban Indian organizations, and individual Indian entrepreneurs and new business startups statewide. This funding will allow the Initiative to leverage public and privates funding for years to come as it grows to implement it's mission and goals acting as the first ever intermediary, or bridge, for Indian people to the multitude of public and private resources in North Carolina for economic development. The Initiative will be seeking \$325,550 in recurring funds for this effort.

## B. NC Commission of Indian Affairs Strategic Planning Funding

This legislation would authorize a Strategic Planning project for a period of three years in the amount of \$65,000 in reoccurring funding through June 30, 2006.

The funding will be used to develop a long-range Strategic Planning effort for the NC Commission of Indian Affairs, provide funding for commission and staff development and training. The funding will also be used for training and other capacity building efforts.

## C. Andrew Jackson Legislation (federal)

This legislation would seek the removal of Andrew Jackson's name and picture from the Twenty Dollar Bill by federal fiscal year 2010. This action is necessary because the United States should not continue to honor and recognize anyone who practiced genocide against American Indians.

## D. Tribal Governments Legislation

In North Carolina, cities, counties and other municipalities are defined as local units of governments under NC General Statutes. However, tribal governments are not referenced or defined in the statutes, therefore, this disparity must be corrected so the tribal governments are clearly defined by statutory reference.

## E. American Indian Veterans Legislation

Seeking to get Indian tribes included in the legislation governing the State Veterans Office.

# APPENDIX

**North Carolina Commission of Indian Affairs  
SFY 2004-2005**

**Officers**

*Paul Brooks, Chairman  
Earlene Stacks, Vice Chairman  
Lila Spaulding, Secretary/Treasurer*

**Members**

**STATE OFFICIALS**

*State Officials serve on the Commission by virtue of their elected or appointed position in state government (NCGS 143)*

North Carolina Department of Administration  
Secretary Gwynn Swinson  
Designee: McKinley Wooten

North Carolina Department of Health and Human Services  
Secretary Carmen Hooker Odom  
Designee: Jan Lowery

North Carolina Department of Environment, Health and Natural Resources  
Secretary William G. Ross, Jr.  
Designee: Alex Marks

North Carolina Department of Labor  
Commissioner Cherie Berry

Employment Security Commission  
Harry Payne, Chairman  
Designee: Patrice Fields

President Pro Tem Appointee  
Paul Brooks

Speaker of the House Appointee  
Ray Littleturtle

**AMERICAN INDIAN REPRESENTATIVES**

*American Indian members are elected to the Commission by tribal or community consent (NCGS 143)*

**Coharie Intra-Tribal Council**

Isabell Freeman Elliott  
Gene Faircloth

**Cumberland County Association for Indian People**

Barbara Melvin  
Roy Maynor

**Eastern Band of Cherokee**

Patrick Lambert  
Vacant (1)

**Guilford Native American Association**

Nora Dial Stanley  
Ruth Revels

**Haliwa Saponi Indian Tribe**

Barry Richardson  
Ruth Ealing

**Indians of Person County**

Julia M. Phipps

**Lumbee Indian Tribe**

Furnie Lambert  
J. Garth Locklear  
Vacant (1)

**Meherrin Indian Tribe**

Pat Riddick

**Metrolina Native American Association**

Partick Clark  
Earlene Stacks

**Waccamaw-Siouan Indian Tribe**

Elton Ray Jacobs  
Lila Spaulding

**EX-OFFICIO MEMBERS**

North Carolina Native American Youth Organization  
Dustin Richardson, Chair

North Carolina Native American Council on Higher Education  
Vacant



# North Carolina Commission of Indian Affairs

## QUARTERLY MEETINGS

<b>September 5, 2004</b>	Hilton North Raleigh Raleigh NC 10:00am – 3:00pm
<b>December 3, 2004</b>	Holiday Inn I-95 Fayetteville NC 10:00am – 3:00pm
<b>March 17, 2005</b>	Held in conjunction with the NC Indian Unity Conference North Raleigh Hilton Raleigh, NC 9:00am – 1:00pm
<b>June 3, 2005</b>	UNC-Chapel Hill Chapel Hill, NC 9:00 am – 3:00pm



**STANDING COMMITTEES**  
North Carolina Commission of Indian Affairs

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Earlene Stacks, Vice-Chair  
Lila Spaulding, Secretary/Treasurer  
Ruth R. Ealing  
Roy Maynor  
J. Garth Locklear  
Julia M. Phipps  
Nora Dial-Stanley  
Pat Riddick  
Patrick Lambert  
Sharn Jeffries  
Brett Locklear  
Isabelle Freeman Elliott  
Staff: Gregory Richardson

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Patrick Clark, Vice-Chair  
Gene Faircloth  
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Nora Dial Stanley  
Ex-Officio Members: To Be Named by Committee  
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Isabella Freeman Elliott  
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J. Garth Locklear  
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Staff: W. C. Groves

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Pat Riddick  
Earlene Stacks  
Nora Dial-Stanley  
Brett Locklear  
Sharn Jeffries  
Patrick Lambert  
Ex-Officio Members: To Be Named by Committee  
Staff: Elk Richardson

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Ray Littleturtle  
Patrick Riddick  
Earlene Stacks  
Furnie Lambert  
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Staff: Gregory Richardson

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Lila Spaulding



Ex-Officio Members: To Be Named by Committee  
Staff: Missy Brayboy

Leon Jacobs, Tribal Administrator  
PHONE: (910) 521-7861  
FAX: (910) 521-7790

## TRIBES AND ORGANIZATIONS

### **Coharie Indian Tribe**

7531 N. U.S. Hwy. 421  
Clinton, N.C. 28328  
Elizabeth Maynor, Executive Director  
PHONE: (910) 564-6909  
FAX: (910) 564-2701

### **Cumberland County Association for Indian People**

2173 Downing Road  
Fayetteville, N.C. 28301  
Gladys Hunt, Executive Director  
PHONE: (910) 483-8442  
FAX: (910) 483-8742

### **Eastern Band of Cherokee**

P.O. Box 455  
Cherokee, N.C. 28719  
Michell A. Hicks, Principal Chief  
PHONE: (828) 497-2771  
FAX: (828) 497-7007

### **Guilford Native American Association**

P.O. Box 5623  
Greensboro, N.C. 27403  
Rick Oxendine, Executive Director  
PHONE: (336) 273-8686  
FAX: (336) 272-2925

### **Haliwa-Saponi Indian Tribe**

P.O. Box 99  
Hollister, N.C. 27844  
Archie Lynch, Tribal Administrator  
PHONE: (252) 586-4017  
FAX: (252) 586-3918

### **Lumbee Tribe of North Carolina**

P.O. Box 2709  
Pembroke, N.C. 28372

### **Meherrin Indian Tribe**

P.O. Box 508  
Winton, N.C. 27986  
Denyce Hall, Executive Director  
PHONE: (252) 398-3321  
FAX: (252) 396-0334

### **Metrolina Native American Association**

8001 N. Tryon Street  
Charlotte, N.C. 28262  
Letha Strickland, Executive Director  
PHONE: (704) 926-1524  
FAX: (704) 347-0888

### **Occaneechi Band of Saponi Nation**

P.O. Box 356  
Mebane NC 27302  
PHONE: 919-304-3723  
FAX: 919-304-3724

### **Sappony**

4218 Virgilina Road  
Virgilina VA 24598  
Dante Desiderio, Executive Director  
PHONE: (434) 585-3352

### **Triangle Native American Society**

Post Office Box 26841  
Raleigh, N.C. 27611  
Lana Dial, President  
PHONE: (919) 733-7107

### **Waccamaw Siouan Indian Tribe**

P.O. Box 69  
Bolton, N.C. 28423  
Sabrina Jacobs, Executive Director  
PHONE: (910) 655-8778  
FAX: (910) 655-8779

**NORTH CAROLINA ADMINISTRATIVE CODE**  
**TITLE 1, CHAPTER 15 – COMMISSION OF INDIAN AFFAIRS**  
**SECTION .0200 – LEGAL RECOGNITION OF AMERICAN INDIAN GROUPS**

**01 NCAC 15 .0201            AUTHORIZATION**

The rules in this Section, establish procedures to provide for the legal recognition by the State of presently unrecognized American Indian groups.

*History Note:     Authority G.S. 143B-406;*  
*Eff. November 1, 1976;*  
*Amended Eff. February 1, 2006.*

**01 NCAC 15 .0202            DEFINITIONS**

When used in this Section the following definitions apply:

- (1) "AMERICAN INDIAN TRIBE" means a population of Indian people all related to one another by blood or kinship, tracing their heritage to indigenous Indian tribes, and recognized by the State or federal government.
- (2) "COMMISSION" means the North Carolina Commission of Indian Affairs.
- (3) "GROUP" means the members of a community, inter-related by blood, and listed on submitted membership rolls as defined in Item (5) of this Rule, and petitioning the state for official recognition as an American Indian tribe.
- (4) "INDIGENOUS" means native to North Carolina.
- (5) "MEMBERSHIP ROLL" means a list of those individuals who have been determined by a group to meet the group's membership requirements. The membership roll shall list the names, addresses, date of birth, names of both parents (including mothers' maiden names), and telephone numbers of the people and relate each one to their kinship ties. These kinship ties shall be consistent with information documented in genealogy charts submitted in accordance with Rule .0212(2) of this Section.
- (6) "NOTICE OF INTENT TO PETITION" means a letter without supporting petition-related documents from a group requesting official recognition by the State of North Carolina.
- (7) "PETITION" means the presented documents and arguments made by a group to substantiate its claims that it satisfies the criteria identified in Rules .0203 and .0212 of this Section.
- (8) "PETITIONER" means any group that has submitted a Notice of Intent to Petition to the Commission requesting State recognition as an American Indian tribe.
- (9) "SPLINTER GROUP" means a political faction, community, or group of any character that separates or has separated from the main body of a state or federally recognized American Indian tribe, and has not functioned throughout history as an autonomous American Indian tribe.
- (10) "STATE" means the State of North Carolina.

*History Note:     Authority G.S. 143B-406;*  
*Eff. November 1, 1976;*  
*Amended Eff. February 1, 2006; April 1, 1999.*

**01 NCAC 15 .0203            GROUPS ELIGIBLE FOR PETITIONING PROCESS**

(a) Only American Indian groups located in North Carolina who can trace their historic origins to indigenous American Indian tribes prior to 1790 are eligible to petition or to be considered for State recognition as an American Indian tribe.

(b) Each group seeking recognition shall document their organizational status and structure. The formal status and type of organizational structure of the petitioning group shall not be a factor in the recognition process.

*History Note:     Authority G.S. 143B-406;*  
*Eff. November 1, 1976;*

*Amended Eff. February 1, 2006; April 1, 1999.*

**01 NCAC 15 .0204            GROUPS INELIGIBLE FOR RECOGNITION**

The following groups and entities are ineligible to petition for official State recognition as American Indian tribes:

- (1) Splinter Groups – as defined in Rule .0202 of this Section.
- (2) Previously denied petition groups or entities - Groups, or successors in interest of groups, that have petitioned for and been denied or refused recognition as an American Indian tribe under the State's administrative rules for State recognition as an American Indian tribe, unless the group has new evidence to justify the petition.
- (3) Parties to certain actions – Any group that:
  - (a) in any action in State or federal court of competent jurisdiction to which the group was a party attempted to establish its status as an American Indian tribe or successor in interest to an American Indian tribe; and
  - (b) was determined by that court:
    - (i) not to be an American Indian tribe; or
    - (ii) not to be a successor in interest to an American Indian tribe; or
    - (iii) to be incapable of establishing one or more of the criteria set forth in Rules .0203 or .0212 of this Section.

*History Note:    Authority G.S. 143B-406;  
                         Eff. November 1, 1976;  
                         Amended Eff. February 1, 2006; April 1, 1999.*

**01 NCAC 15 .0205            COMMISSION ASSISTANCE TO PETITIONER**

- (a) When a group has identified itself as an American Indian group, it shall request technical assistance from the Commission. The Commission shall explain the administrative processes for the legal recognition of an American Indian group.
- (b) The Commission of Indian Affairs assistance to the Petitioner shall be limited to an explanation of the procedure and technical advice.

*History Note:    Authority G.S. 143B-406;  
                         Eff. November 1, 1976;  
                         Amended Eff. February 1, 2006.*

**01 NCAC 15 .0206            SEATS ON THE COMMISSION**

*History Note:    Authority G.S. 71-16;  
                         Eff. November 1, 1976;  
                         Repealed Eff. February 27, 1979.*

**01 NCAC 15 .0207            NOTICE OF INTENT TO PETITION FOR RECOGNITION**

- (a) A petitioning American Indian group shall file a Notice of Intent to Petition (hereinafter referred to as the "Notice of Intent") with the Commission's Recognition Committee. The Commission shall acknowledge receipt of the Petitioner's Notice of Intent.
- (b) The Notice of Intent shall be produced, dated and shall be signed by each member of the governing body of the petitioning American Indian group, and shall include the group's name, address, number of members, geographic location of the petitioning group's members, historic origin and existing recognition.

*History Note:    Authority G.S. 143B-406;  
                         Eff. February 11, 1980;  
                         Amended Eff. February 1, 2006; April 1, 1999; August 1, 1988.*

**01 NCAC 15 .0208 RECOGNITION COMMITTEE**

(a) The Recognition Committee shall be appointed by the chairperson of the Commission of Indian Affairs from the Commission members who are representing the recognized American Indian tribes and organizations in North Carolina.

(b) Once a Petitioner has completed the recognition process, the Recognition Committee shall make a recommendation to the Commission regarding the group's State recognition as an American Indian tribe. Thereafter, the Commission shall render its decision as under Rule .0209 of this Section.

*History Note: Authority G.S. 143B-406;  
Eff. February 11, 1980;  
Amended Eff. February 1, 2006; April 1, 1999; February 1, 1982.*

**01 NCAC 15 .0209 PROCEDURE FOR RECOGNITION**

The procedure to be followed for recognition shall be:

- (1) Petitioner shall submit a Notice of Intent to Petition, as set out in Rule .0207 of this Section, to the Commission of Indian Affairs.
- (2) The Commission shall acknowledge receipt of the Petitioner's Notice of Intent to Petition and shall explain procedure to Petitioner;
- (3) Upon receipt of the Notice of Intent, the Commission shall notify, in writing, the following interested parties:
  - (a) State recognized Indian tribes and organizations; and
  - (b) local and county governments within a 25 mile radius of the Petitioner's geographic area;
- (4) All petitions and responses to petitions must be received at least 10 days prior to the meeting at which they are to be considered.
- (5) The Petitioner shall provide an original and at least five copies when submitting petitions, responses to petitions, or other supplementary information to the Commission during the petition process.
- (6) The Petitioner shall complete and submit a fully documented petition to the Recognition Committee, including current membership rolls as defined in Rule .0202 of this Section and all past membership lists of the group. The failure to submit these membership rolls is sufficient grounds to deny the petition.
- (7) The Petitioner may submit additional petition documentation and materials throughout the petition process until such time as a recognition decision is made by the full Commission, as described in this Rule.
- (8) The Recognition Committee shall conduct initial review of petition and shall notify Petitioner of preliminary findings and deficiencies.
- (9) Upon receipt of the Recognition Committee's preliminary findings, Petitioner shall have 180 days in which to respond, in writing, to any deficiencies in the petition noted by the Recognition Committee. Not less than 30 days prior to the expiration of the initial response period, Petitioner may request and be granted an additional 180 days to respond. If requested, the additional response period shall commence on the 181st day after the receipt of the Recognition Committee's preliminary findings. No further requests for additional time shall be granted.
- (10) The Recognition Committee shall conduct a hearing to consider the petition, including Petitioner's responses to all deficiencies initially noted.
- (11) The Recognition Committee shall introduce its recommendation at the next Commission meeting. Further Commission action shall not take place until the second Commission meeting after the Recognition Committee's decision.
- (12) If the Recognition Committee's recommendation is against recognizing the Petitioner, within 30 days following the receipt of that recommendation the Petitioner may request and be granted a hearing before the full Commission. If a request for a hearing is made, the hearing shall not take place prior to the next regularly scheduled quarterly Commission of Indian Affairs meeting. In the event that a Petitioner does not request a hearing within 30 days, the petition is deemed withdrawn.

- (13) At a subsequent meeting after the Recognition Committee's recommendation is introduced, the Commission may, as permitted by these rules, request additional information, conduct additional hearings, approve or deny the petition, or return the petition to the Recognition Committee if it has received additional information.
- (14) A decision by the full Commission regarding State recognition shall be rendered by a majority of members present and voting (abstentions not counted) at a duly constituted meeting.
- (15) If the Commission's decision is for recognition, the group is recognized as an American Indian tribe by the State. Thereafter, the Commission shall explain all services available to the tribe through the Commission.
- (16) If the decision is against recognition, the Petitioner may appeal to the Office of Administrative Hearings for a hearing pursuant to G.S. 150B-23.
- (17) A Petitioner may withdraw from the petition process at any time prior to the decision of the full Commission. After a petition is withdrawn, the Petitioner may not initiate a new petition until one year from the date of the withdrawal.
- (18) During the petition process, any such other material or documents the Recognition Committee or Commission may request are relevant to the Commission's decision. Any additional materials or documents shall be:
  - (a) relevant to the recognition decision; or
  - (b) shall be directly related to recognition requirement deficiencies as outlined by the Recognition Committee or the full Commission.
- (19) The Commission shall issue a public notification to the news media in the Petitioner's area, giving notification of the group's status as a State recognized American Indian tribe.

*History Note:* Authority G.S. 143B-406; 150B-23  
 Eff. February 11, 1980;  
 Amended Eff. February 1, 2006; April 1, 1999.

**01 NCAC 15 .0210 CRITERIA FOR RECOGNITION AS A GROUP OR ORGANIZATION**

*History Note:* Authority G.S. 143B-406;  
 Eff. February 11, 1980;  
 Repealed Eff. April 1, 1999.

**01 NCAC 15 .0211 RECOGNITION REQUIREMENT**

*History Note:* Authority G.S. 143B-407  
 Eff. February 11, 1980;  
 Amended Eff. April 1, 1999;  
 Repealed Eff. February 1, 2006.

**01 NCAC 15 .0212 CRITERIA FOR RECOGNITION AS AN AMERICAN INDIAN TRIBE**

In deciding whether to grant recognition to petitioner, the Commission shall proceed as follows:

- (1) The Petitioner shall demonstrate continuous American Indian identity on a historic basis in satisfying each of these criteria. Documents that shall be used to demonstrate the group's American Indian identity shall include, family bible accounts, baptismal records, and any other material that can substantiate the petitioning group's historic and continuous identification as an American Indian entity. For periods of time where this identification cannot be documented, the Petitioner shall submit a narrative to explain the lack of continuous American Indian identification.
- (2) The criteria to be used in the decision whether to extend State recognition as an American Indian tribe are listed below in Subitems (a) through (h).
  - (a) Traditional North Carolina American Indian names, as they relate to the petitioning group. Surnames among the petitioning group that have been commonly identified as being American Indian since 1790 in the Petitioner's local geographic area shall be considered to be traditional North Carolina American Indian names;

- (b) Kinship relationships with other recognized American Indian tribes. Relationships with other recognized American Indian tribes shall be based on the petitioner's identification as an American Indian group or community, and shall be evidenced by historic blood and marriage kinship ties and communal interaction of spiritual, educational, and social institutions; or other cultural relationships between known (recognized) tribal communities and the petitioner's community;
  - (c) Official records, which may include, birth, church, school, military, medical, local or county government records, or other official records identifying the group as American Indian. Vital records shall also be used in assisting the group's documentation of American Indian identity.
  - (d) State or federal documents identifying the group as American Indian. Any instance of historic government-to-government relationships between the Petitioner and federal or state governments shall be evidenced;
  - (e) Anthropological, historical, or genealogical documents identifying the group as American Indian and demonstrating the group's American Indian ancestry;
  - (f) Identification from State or federally recognized American Indian tribes attesting to the petitioning group's identification as American Indian, based on both the historic and current relationships existing between the tribe and the petitioning group.
  - (g) Any other documented traditions, customs, legends, etc., that are uniquely American Indian and signify the petitioning group's American Indian heritage;
  - (h) Participation in grants from sources or programs designated as for American Indian only.
- (3) Five of the recognition criteria listed in Item (2) of this Rule must be satisfactorily met to achieve state recognition.

*History Note:* Authority G.S. 143B-406  
 Eff. February 11, 1980;  
 Amended Eff. February 1, 2006.

**01 NCAC 15 .0213            SPECIAL COMMITTEE ON RECOGNITION**  
**01 NCAC 15 .0214            TRIBAL ROLL**

*History Note:* Authority G.S. 143B-406;  
 Eff. February 11, 1980;  
 Amended Eff. April 1, 1999; August 1, 1988;  
 Repealed Eff. February 1, 2006.

Have requested assistance from PIO with O-chart