



THE GEOSPATIAL DIMENSIONS OF TRIBAL DATA

National Congress of American Indians

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INTRODUCTION

Where people are counted is as important as that they are counted. The connection between a people and the land they share together is fundamental to the concept of a nation.¹ The places where a people's ancestors have worshipped, and the land that offered sustenance and continues to sustain them, are geospatial dimensions that contribute to the identity of a tribe. The term "geospatial" is defined as relating to data that is associated with a particular location.² To improve data for decision-making and governance, tribal leaders at the local level and public policy-makers at the state, regional, and federal level must take into account tribal geospatial considerations.

Place, defined in this context as how a people experience the land, has always been an integral part of the consciousness of Native people. Depictions of where people are and where they may want to go are ancient. The so-called "Map Rock" near Boise, ID is a Native American petroglyph dated to over 10,000 years ago that is thought to depict the territory of the Shoshone Indians.³ When Europeans wanted to know the way west in the "New World," they asked the Native people they encountered to draw a map. Such maps were often sketched on the ground, in the snow or in the ashes of a campfire.

Native conceptions of land were based heavily on places, routes and events that happened in a particular location. They were not areas enclosed within fixed lines, either on a map or marked by a row of boundary stones on the ground.

Even after tribes were confined to reservations, the idea of areas without fixed boundaries persisted. In many cases tribes insisted on protecting their right to hunt and fish in places they always had access to as a condition of reluctantly agreeing to the terms of a treaty. Such areas were defined as "all usual and accustomed grounds and stations"⁴ in territory that tribes were forced to cede.

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In the 19th century when tribes were forced onto reservations, tribal geography came to be considered as areas bounded by a cartographer's closed polygon. Tribal territories took on a different meaning from what they had been since time immemorial.

Today it is customary to think of Native people and Native resources as being counted within a prescribed area. Data are circumscribed by lines on a map. Population tables become meaningless unless one knows exactly where people are counted. Nonetheless, traditional knowledge and modern conceptions of geography need not be in conflict. In fact, tribal governments comprise some of the leading users of geographic information systems, especially for tribal forestry, range, and environmental management.⁵ Understanding the types of tribal geographies and service areas in use that impact tribes is fundamental to improving tribal data capacity as well as improving data for policy-making at all levels.

OBJECTIVE

The objective or purpose of this analysis is to describe current tribal and program service populations and geographic service areas. In order to effectively use data to plan and evaluate tribal services, tribal leaders and administrators must understand both the populations and the geographies involved.

A tribe's *service population* frequently differs from the enrolled population of that tribe. For example, the Bureau of Indian Affairs' service population definition is the tribe's estimate of all American Indians and Alaska Natives (AI/ANs) who are living on or near the tribe's reservation and who are eligible to receive services funded by the Bureau.

In contrast, tribal *service areas* often include not only reservation land, but also nearby areas outside the reservation's boundaries. The size of a tribal service population will vary based on the definition and geographic scope of the service area. This paper reviews the many types of service areas in use by tribes and by a number of federal agencies that fund tribal services.

In reviewing tribal service area geography, several basic questions arise:

- What types of tribal service areas are already in use at the tribal level?
- How are the types of tribally-defined service areas and the types of service areas used by federal funding agencies different than the U.S. Census Bureau's tribal geographic areas?
- What are near-reservation areas and congressionally mandated service areas?

Tribal leaders and planners must have answers to the previous basic questions before delving into more complex issues affecting service delivery and governmental programs, such as:

- What percentage of AI/AN people within a service area are members of the tribe with jurisdiction over that land and what percentage are not members of that tribe?
- What percentage of the population in the service area is non-Indian?
- What are near-reservation service areas that may be used to identify tribal members currently not eligible for services but to whom the tribe may wish to extend its services?

METHODS AND ANALYSIS

Selection of Service Programs

Specific programs serving AI/AN populations rely on different definitions of service areas. The service areas selected for analysis in this section represent the largest federal programs (in both dollar and service population terms⁶) for tribes and AI/AN people funded in the federal budget, including the Bureau of Indian Affairs (U.S. Department of Interior), Indian Health Service (U.S. Department of Health and Human Services), Employment and Training Programs (U.S. Department of Labor), Native American Housing Block Grant (U.S. Department of Housing & Urban Development), Tribal Temporary Assistance for Needy Families and Tribal Child Care Programs (Administration for Children and Families, U.S. Department of Health and Human Services). The selected programs are not exhaustive, and other federal or state agencies may deliver services based on other area definitions. However, the service areas selected in this section provide the lion's share of funding under the federal treaty and trust responsibility.

Analysis

Analysis of each program includes a short description of the agency and the type of services/programs provided to AI/AN people followed by a summary of federal regulations in place that govern the service or formula area. The analysis delineates the types of service areas in use by a number of the major federal agencies with substantial Native programs.

RESULTS

U.S. Census Bureau Definitions of Tribal Areas

Many federal agencies incorporate U.S. Census Bureau geographic definitions, so a review of these definitions provides the footing for understanding the subsequent federal agency service and formula area descriptions. The U.S. Census Bureau is extremely precise in its definitions of the areas for which it collects and tabulates data. The description of American Indian, Alaska

Native and Native Hawaiian areas takes up five full pages in the technical documentation for the Bureau's principal decennial population tables.⁷

The Bureau distinguishes between those American Indian and Alaska Native (AI/AN) areas that have established legal boundaries and those with boundaries established for statistical purposes. The areas with *legal boundaries* include: federal Indian reservations; off-reservation areas held in trust for tribes by the US government; reservation tribal subdivisions fixed by tribal ordinances; Alaska Native Regional Corporation areas established by the Alaska Native Claims Settlement Act of 1971 (ANCSA); state recognized Indian reservations; and Native Hawaiian Home Lands created pursuant to the Hawaiian Homes Commission Act of 1920.

Census *statistical areas* include: Alaska Native Village Statistical Areas (ANVSAs) that are intended to represent the more densely settled portions of Alaska Native Villages recognized pursuant to ANCSA; Oklahoma Tribal Statistical Areas (OTSAs) that are intended to represent former reservation areas in Oklahoma; Tribal Designated Statistical Areas (TDSAs) intended to represent land areas with a concentration of members of federally recognized tribes without a trust land base; and State Designated Tribal Statistical Areas (SDTSAs) intended to represent the homeland areas of state recognized tribes without a reservation land base.

The U.S. Census Bureau tabulates population data for all of these areas for the decennial census and its American Community Survey (ACS). The U.S. Census Bureau is unique among the federal statistical agencies in that it regularly publishes data for all Indian reservation areas.

Geographic Service Areas by Agency

Bureau of Indian Affairs

The Bureau of Indian Affairs defines service areas in 25 CFR 20.100 as a “geographic area designated by the Assistant Secretary where financial assistance and social services programs are provided. Such a geographic area designation can include a reservation, near reservation, or other geographic location. The Assistant Secretary has designated the entire State of Alaska as a service area.” Near Reservation is defined as “those areas or communities designated by the Assistant Secretary that are adjacent or contiguous to reservations where financial assistance and social service programs are provided.”⁸

Near reservation designations for specific tribes have been published in the federal register.⁹ However, the only comprehensive statistics on the BIA service population are those published in the BIA's American Indian Population and Labor Force Report. The U.S. Department of the Interior, under the Office of the Assistant Secretary–Indian Affairs (Indian Affairs), has long collected information on the population and employment conditions of American Indians and Alaska Natives in federally recognized tribes and published the data in the American Indian Population and Labor Force Report. Since 1992, the collection and reporting of this information has been performed pursuant to Public Law 102-477, the Indian Employment, Training, and Related Services Demonstration Act of 1992, as amended. 25 U.S.C. § 3416 (a).

This Act provides for a report on the population eligible for the services that the Secretary provides to Indian people. The report includes data at the national level and by State, Bureau of Indian Affairs Service Area, and tribal level for the total service population, the service population under age 16 and over 64, the population available for work (including those not actively seeking work), the employed population, and the numbers employed in the private sector and public sector.

The 2013 American Indian Population and Labor Force Report is the most recent version of this report and provides data on these measures for calendar year 2010. The report uses two sources: (1) data collected from the 2010 Labor Force Survey implemented by Indian Affairs, and (2) publically available data from the U.S. Census Bureau. The Census data were for American Indians and Alaska Natives (belonging to one race or to more than one race) in the American Community Survey and in the 2010 Decennial Census. The Indian Affairs Labor Force Survey was a survey of federally recognized tribes designed and implemented by Indian Affairs during 2010 to acquire population data. However, data on each tribe was "sparse or non-existent," so the labor force report relies largely on Census data.

The 2013 report includes the caveat that the report's data are not reported for each tribe's service population, "because there is currently no source of reliable data that exists at that level for each tribe. Rather, employment data from the U.S. Census Bureau's published statistics are provided only as indicators of the level of employment in tribal areas. Such indicators are based on the observed employment of self-identified AI/AN survey respondents who are living in or near the geographic areas of federally recognized tribes."¹⁰

Also noteworthy is that the 2013 report's statistics are not comparable to previous reports, which used statistics provided by tribes instead of Census data. The 2013 report notes that the previous statistics (pre-2013) were compiled using varying methodologies and were deemed too inaccurate and inconsistent to report. A letter to tribal leaders states that the "collected data from those 2010 methods did not adequately meet the standards of quality and reliability that are required of Federal agencies in reporting official statistics."¹¹

Reservation boundaries are publicly available through the U.S. Census Bureau's geography division.¹² Currently, a publicly accessible version of geographic information (such as a shape file or listing of geographies) that includes near-reservation designations has not been located.

The BIA Population and Labor Force report, however, includes population indicators for: 1) service area populations (by state and region), 2) AI/AN AOIC Living in the Tribal Statistical Area, 3) AI/AN AOIC Living in Counties in the Vicinity of the Tribe, 4) Population Information from Other Sources. The sources are: "Service area populations based on 2010 Indian Affairs Survey for cases which met consistency tests with data from the U.S. Census Bureau's Decennial Census; Population Indicators #2 and #3 from published U.S. Census Bureau estimates; and Indicator #4 from Indian Affairs internal estimates based on media coverage of two small tribes."

Due to the non-comparability and difference in labor force and unemployment estimates, some tribal officials continue to cite the pre-2013 BIA Population and Labor Force Report. Moreover, the Department of Interior continues to explore other approaches to producing the statutorily mandated report than the one used in constructing the 2013 report.

Indian Health Service

The Indian Health Service (IHS) recognized the need for statistical information and developed a system for gathering and analyzing such data for providing health care, planning for health programs and allocating resources.¹³ The IHS sought to identify the proportion of the Indian population for which it is responsible. Collecting accurate data is in general difficult due to the elusive precision in defining Indian. Subsets of the Indian population have evolved based on legislative programs and requirements. Enumerating different tribes, bands, and villages is also difficult.

The dominant source used to estimate the number of AI/ANs is the decennial census, yet the census is not definitive. Census data do not provide accurate estimates of the AI/AN population eligible and receiving IHS services. Census data on AI/ANs is self-reported, while IHS eligibility is defined as being a member or descendant of a federally recognized tribe and documentation is requested in order to register and receive services at IHS. To estimate its eligible service population, IHS defines a service area to identify the subset of the national AI/AN population for whom it is responsible.

Service Area is defined as the geographic areas in which IHS has responsibilities—"on or near" reservations.¹⁴ The Service Areas are also the contract health service delivery areas (CHSDAs). The CHSDAs are established in federal regulations "in accordance with the congressional intention that funds appropriated for the ... Indian Health Service be used to provide health services for Indians who live on or near Indian reservations, contract health service delivery areas."¹⁵

The IHS service population is the count of those AI/AN people who are eligible for IHS services, which is the AI/AN population residing in the IHS service area. In general, the IHS service population consists of those self-identified AI/AN persons living in a county that includes all or part of a reservation, any county or counties which have a common boundary with the reservation, and those self-identified AI/AN persons living in the entire states of Oklahoma, Nevada, and Alaska.¹⁶ The regulations provide for the Secretary of HHS to redesignate specific areas or communities. IHS considers this as the population that most nearly represents those for whom it is responsible, and as the population for planning and implementation of programs.

Development of Service Areas and Service Populations: Before 1972, statewide vital event data were compiled for states with reservations, and after 1973 they were also compiled on a county basis which permitted IHS to further refine their service population to those living in counties

in or adjacent to reservations. The IHS Service Area consists of these counties and the population in these counties is the IHS service population. In the 1990 Census, 1,103,082 persons identified predominantly as AI/AN in the IHS Service Areas, a 33 percent increase over 1980, although much of the increase may have been the result of more individuals identifying as AI/AN in 1990 than in 1980.¹⁷ In calendar year 2014, the IHS service population was about 2.1 million, with the service population growth from 2000 estimated at 1.8 percent.¹⁸

To estimate annual population numbers, IHS uses linear regression techniques using the most current 10 years of births and deaths applied to the latest census enumeration, with the occasional accounting for the population of newly federal recognized tribes. The IHS service population projection for 1990 and the results of the 1990 Census shows the two were very close, with a difference of 5 percent, although some areas had higher IHS estimates than Census and others had lower estimates.¹⁹

IHS user population: IHS also identifies those individuals who receive IHS care through its patient care statistics. The IHS user population consists of patients that are registered at an IHS facility with at least one inpatient, outpatient or dental visit during the last three years.²⁰ The difference between the user population and the service population is small, which means most Indians located in a service area use IHS care. The IHS user population in FY2014 was about 1.6 million.²¹

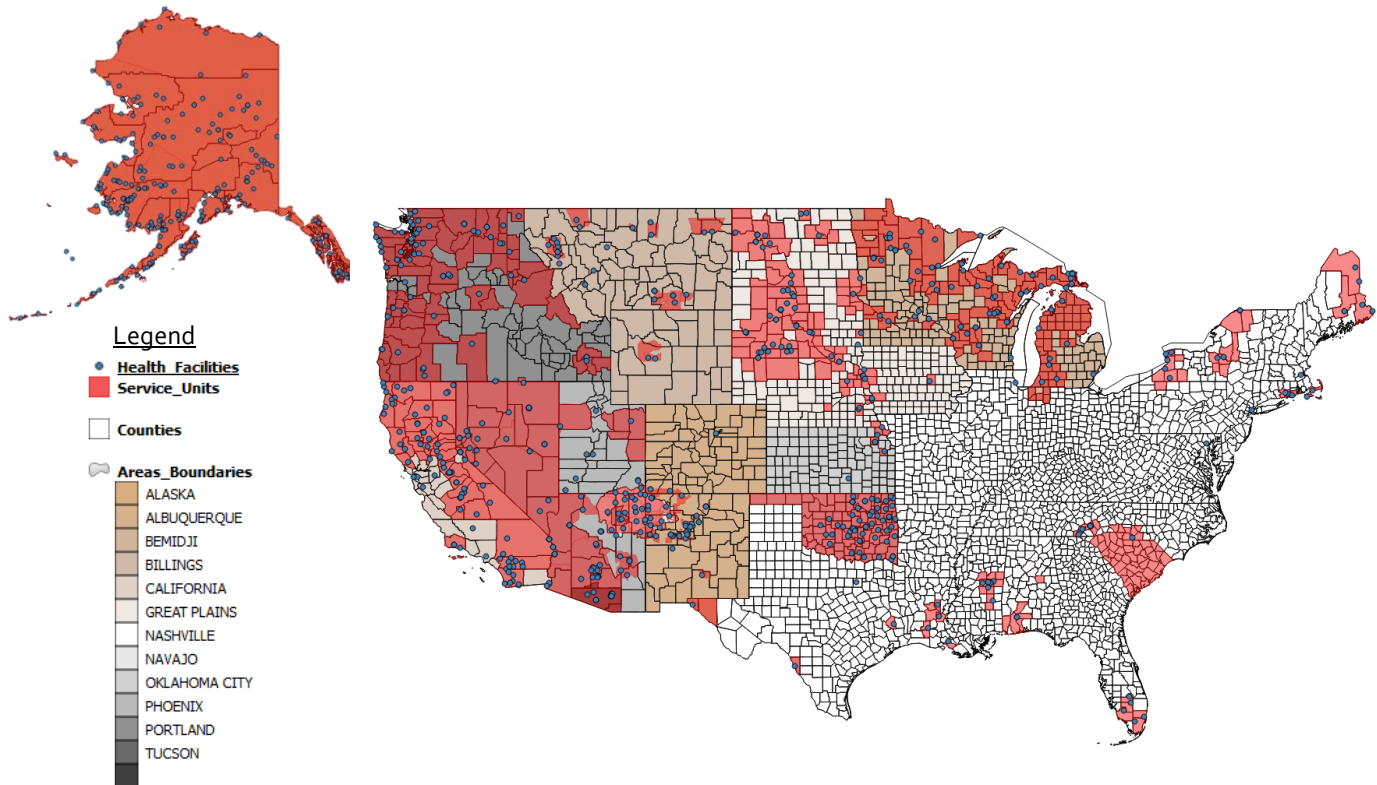
Difference between user population and service population: IHS and tribes believe Congress should provide resources for all eligible Indians living in the Service Areas, but OMB has supported resources only for those persons using IHS and tribal health programs. The user population designation grew out of claims that IHS had not been providing care to as many Indians as it had claimed.

Other Barriers: Rhoades et al state there are no truly representative studies or reports of the US Indian population nor is there regular information on the other 39.4 percent of the US Indian population living outside of the Service Area.²² Direct collection of data on Indian groups is "labor intensive and prohibitively expensive."²³ Local area studies have been conducted but the generalizability of those studies to the broader Indian population is not known. Large studies often mask the differences between communities. IHS compiles annual regional and national statistics for service and user populations and averages vital event data for three-year periods.

IHS Geospatial Data Files: The Indian Health Service developed an interactive map using geographic information system (GIS) technology that uses Indian Health Service data and publicly accessible data from the National Atlas and U.S. Census Bureau. The map provides a visual illustration of the IHS geospatial data and the health facilities locations.

The IHS provides access to the map layers and data for facilities, areas, and service units through an enterprise mapping application. The GIS data can also be extracted in AutoCAD, Microstation, ESRI File Geodatabase or Shape file formats (Figure 1).

Figure 1: Indian Health Service GIS Data* ^



*Map created using IHS Shapefiles, using QGIS 2.18.13.

^Detailed geographic information is available as downloadable shapefiles and other types of GIS databases at <https://www.ihs.gov/communityhealth/gis/>.

Department of Labor

The Workforce Innovation and Opportunity Act (WIOA), administered by the U.S. Department of Labor, authorizes two programs to specifically serve American Indians, Alaska Natives and Native Hawaiians. Both are covered by Section 166 of the Act. Both programs are continuations of ones under prior legislation dating back to the Comprehensive Employment and Training Act of 1973.

The first and main program is called the "Comprehensive Services Program" (CSP). It provides funds to tribes, intertribal consortia, Alaska Native Regional nonprofit organizations, one Native Hawaiian nonprofit organization and Native-controlled nonprofit organizations in the 48 contiguous states. Geographic service areas are assigned by the Labor Department and, with rare exceptions, cover the entire United States. Its national coverage and inclusion of tribal governments and Native-controlled nonprofit organizations serving off-reservation areas funded under the same formula make it unique among Native programs in the federal catalog.

The second program is the "Supplemental Youth Services" (SYS) program. It provides funds to federally-recognized tribes and intertribal consortia for services to Native youth between the ages of 14 and 24 within reservation boundaries. Special rules apply to service areas in Oklahoma, Alaska and Hawaii.

The only provision in the Section 166 regulations that addresses the geographic service area issue gives federally-recognized tribes, Alaska Native entities or consortia priority to receive grants for geographic areas over which they have "legal jurisdiction." This includes Indian reservations, Oklahoma Tribal Statistical Areas and Alaska Native Village Statistical Areas.

The general pattern of service areas for the Section 166 WIOA programs is described below. However, there are various exceptions, based on individual circumstances and the history of the programs.

The pattern in most Eastern and Mid-Western states with few, if any reservations, is for a single Native-controlled nonprofit to be designated to serve one or more whole states. In several cases a tribe may be designated for an entire state.

The pattern for most of the western Great Lakes, the Northern Plains and the Northwestern states (except for western Washington) is for tribes to have designated service areas for their reservations and adjacent off-reservation portions of counties in which the tribe has reservation land. Native nonprofits generally have designated service areas for the major cities and the remaining off-reservation portions of those states.

In Arizona and New Mexico the tribes generally have designated service areas only for their own reservation land. One or more Native nonprofits are designated to serve the major cities and other off-reservation areas. In California and western Washington there are intertribal consortia that are designated to serve most of the areas, except for the largest cities served by local Native nonprofits.

The pattern in Oklahoma is more complex, with OTSAs that were formerly the reservation areas for multiple tribes split among the tribes, in part on the basis of counts by tribal identity derived from self-identification on Census forms.

The designated service areas in Alaska are predominantly Alaska Native Regional Corporation (ANRC) areas served by the various Alaska Native Regional nonprofits. One Native Hawaiian nonprofit serves all of Hawaii.

The geographic service areas for the SYS program in most of the 48 contiguous states follow reservation area boundaries. These service areas do not include off-reservation territory.

In Oklahoma the service areas for the SYS program include those of both tribal and off-reservation grantees. In Alaska they include all the ANRC areas and the one reservation

governed by the Metlakatla Indian Community, which in effect covers the entire state. In Hawaii the SYS service area includes the entire state.

Department of Housing and Urban Development

The Indian Housing Block Grant Program (IHBG) is a formula grant that funds a range of housing activities on Indian reservations and Indian and Alaska Native areas. In FY 2017, IHBG was funded at \$654 million. The block grant approach to housing for Native Americans was enabled by the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA).

Eligible IHBG recipients are federally recognized Indian tribes or their tribally designated housing entity (TDHE), and a limited number of state recognized tribes who were funded under the Indian Housing Program authorized by the United States Housing Act of 1937 (USHA).

The IHBG formula initially uses U.S. Census data as a source to determine several components of the need formula, including: total household income; median income; whether a household is overcrowded; total number of households; and number of persons in a formula area.

Formula Areas: The IHBG formula areas²⁴ are defined as: federal reservations, trust lands, DOI near-reservation service areas, Oklahoma Tribal Statistical Areas, Congressionally mandated service areas, State Tribal Areas as defined by the U.S. Census as State Designated Tribal Statistical Areas, Tribal Designated Statistical Areas, California Tribal Jurisdictional Areas established or reestablished by federal court judgment. For Alaska,²⁵ data on population and housing within an Alaska Native Village is credited to the Alaska Native Village. The data on population and housing outside the Alaska Native Village is credited to the regional Indian tribe, and if there is no regional Indian tribe, the data will be credited to the regional corporation.

Population as Part of Needs Data: The discussions as part of the negotiated rule making on the use of Census data in the IHBG funding formula has been extensive.²⁶ Until fiscal year 2018, HUD used 2000 U.S. Decennial Census data and any HUD-accepted Census challenges. The 2000 Decennial Census data were adjusted annually using IHS projections based upon birth and death rate data.

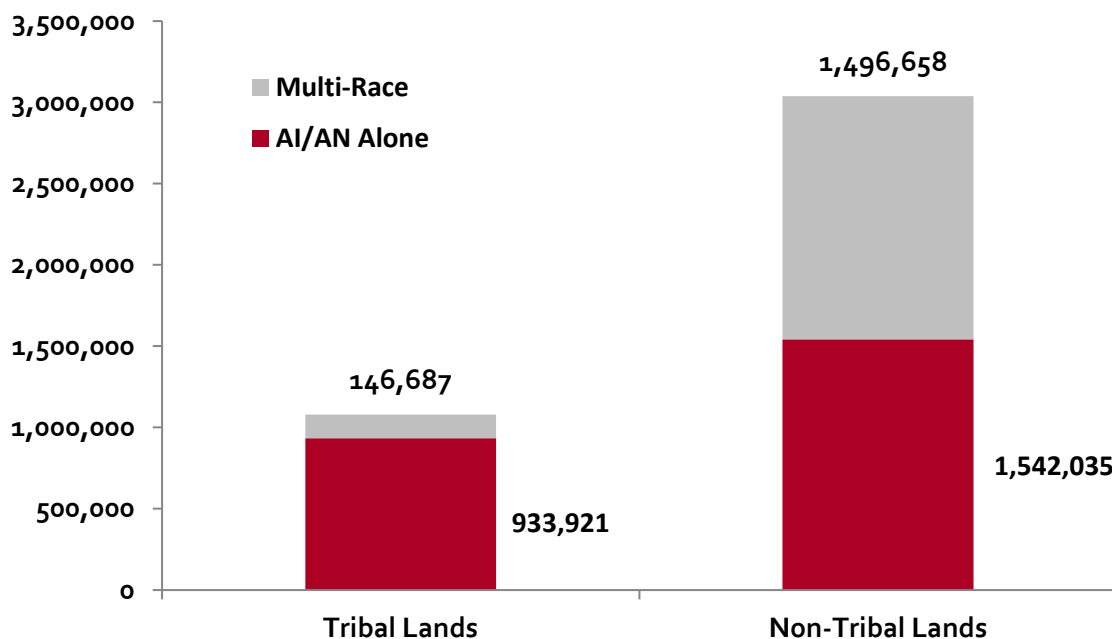
The Census data used to calculate need are from a special tabulation that counts individuals if reported as AI/AN. The formula is calculated with the Need component based on single race (AI/AN alone) Census data and multi-race (AI/AN alone and in combination with other race(s)) Census data. Each Indian tribe's allocation is determined to be the greater of the two resulting allocation amounts. Additionally, tribal enrollment is used to cap AI/AN persons in calculating Needs data, which is placed at twice tribal enrollment.

Table 1. Number and Percent of AI/AN Persons by Race Categorization and Land Type				
Race Categorization	# on Tribal Lands	% on Tribal Lands	# on Non-Tribal Lands	% on Non-Tribal Lands
Single-Race	933,921	86.43%	1,542,035	50.75%
Multi-Race	146,687	13.57%	1,496,658	49.25%
Total Single- & Multi-Race	1,080,608	100%	3,038,693	100%

Source: U.S. Census Bureau, Summary File 1, Census 2000.

According to the 2000 Census, 26.2 percent of all people who identified as AI/AN alone or in combination with one or more races lived on lands that met the definition for the IHBG formula area. Of those Native people on tribal land, 86.4 percent identified as single-race AI/AN and 13.6 percent identified as multi-race AI/AN. In comparison, 73.8 percent of all AI/AN people lived on non-tribal lands. About half of the Native people living on non-tribal land identified as AI/AN alone and half identified as multi-race AI/AN (Table 1). Figure 2 shows the number of single-race AI/AN and multi-race AI/AN who live on tribal and non-tribal lands.

Figure 2: Number of AI/AN Persons by Race Categorization and Land Type



Source: U.S. Census Bureau, Summary File 1, Census 2000

Department of Health and Human Services

Temporary Assistance for Needy Families (TANF): A special provision of the 1996 welfare reform law created the TANF program in the Administration for Children and Families (ACF), U.S. Department of Health and Human Services. It authorized direct funding for federally-recognized Indian tribes and specified Alaska Native entities. Unlike most other tribal programs, the service areas of tribal TANF programs are not restricted to on or near reservation areas.

All tribes participating in the TANF program serve needy Indian families on their own reservations. Some also serve such families on or near their reservations. Still others serve their own members or all needy Indian families in communities at some distance from their tribal lands, including major cities.

In describing the geographic scope of a tribe's program, the law requires that the tribal TANF Plan [TFAP] "identifies the population and service area or areas to be served by the plan"(Section 612(b)(1)(C) of Title 42, U.S.C.). Where those areas can be located is not restricted in the law.

The program regulations issued by ACF retain the open-ended opportunity for tribes in the program to select their own geographic service areas. In 45 CFR Section 286.75(e), the final rule for the tribal TANF program states:

"The TFAP must include a description of the geographic service area to be served by the tribal TANF program, including a specific description of any "near reservation" areas, as defined at 45 CFR 20.1(r), or any areas beyond "near reservation" to be included in the tribal TANF service area."

The only restriction in the regulations confines tribal programs to the state or states in which the tribe's reservation or BIA near reservation designation is located.

Early in the implementation of the tribal TANF program a tribe located in inland southern California proposed a plan that encompassed the needy Indian families in Los Angeles County, along with its own reservation and various off-reservation areas in the vicinity of the reservation. The plan was approved by ACF and set a pattern for the approval of tribal plans of similar geographic reach in California and in other states.

Of the 66 approved tribal TANF plans (other than the 7 in Alaska), roughly one-quarter provide services only to needy Indian families on the tribe's reservation. Most of the other tribal TANF programs whose services extend to their members and other Indians

in off-reservation areas cover cities or counties in the general vicinity of the tribe's lands.

Tribal Child Care Programs: ACF also administers the Child Care and Development Fund (CCDF), a collection of several closely related child care programs. CCDF provides important resources to support quality child care services in reservation areas. The original program, the Child Care and Development Block Grant program, was authorized in 1990 and provided the first major federal support for reservation child care services. Supplemented with additional program resources created by the welfare reform law in 1996, the CCDF was reauthorized in 2014.

The law provides that "the programs and activities under this section will be carried out on the Indian reservation for the benefit of Indian children." That particular provision does not apply in Alaska, California or Oklahoma where the geographic considerations are different.

The geographic provision in the legislation is repeated in the rewrite of the tribal CCDF program regulations that has followed the program's reauthorization. At 45 CFR Section 98.83 the final rule says that "programs for the benefit of Indian children shall be carried out on near an Indian reservation," again with the exception of tribal programs in Alaska, California and Oklahoma.

DISCUSSION AND RECOMMENDATIONS

This analysis demonstrates how geographic definitions and concepts used by the U.S. Census Bureau and federal agencies that serve tribes and AI/AN people are complex and diverse. The combinations of AI/AN population and geographic definitions lead to a wide range of service population numbers utilized by federal agencies to deliver services to tribal communities.

The service area geography for just the selection of federal programs described in this report is varied, illustrating the complexity of the issues involved. Legally tribes have tightly defined reservation boundaries, but many programs recognize the right of tribes to serve their own members and other Native people living outside, sometimes far outside those boundaries.

Recognizing service areas beyond reservation boundaries is important to many tribes. Between the years of 1887 and 1934, the U.S. government took more than 90 million acres, nearly two-thirds of all reservation lands, from the tribes without compensation and sold it to settlers. Of the 90 million acres of tribal land lost through the allotment process, only about eight percent has been reacquired in trust status since the IRA was passed in 1934. Still today, many tribes have no land base, and many tribes have insufficient lands to support housing and self-government. The legacy of the allotment policy, which has deeply fractionated heirship of trust lands, means that far more Indian land passes out of trust than into trust each year. Where tribal members live is often a result of history, but the federal trust responsibility still applies to the tribe and its members wherever they live.

Many tribes are interested in administering their own censuses or surveys and they may want to consider the options for reaching enrolled, enroll-able members, or even non-enrolled but Native people that live off but nearby tribal lands. A tribe may want to consider collecting and analyzing data based on one or more of the service area geographies that are listed in this report to be congruent with federal agency definitions.

The concept of service areas that allow for tribal leaders and administrators to consider the needs of a service population that may be larger than that of on-reservation or trust land is important for developing holistic services and programs that better serve tribal communities. Federal agencies should ensure that they are consulting with tribes as they determine service populations and service areas and which definitions to use to allocate funding, resources and services.

The geospatial dimensions of tribal data have important implications for the current and future well-being of tribes, and understanding federal and tribal definitions of service areas and how they impact services and potential resources is an important part of strengthening tribal self-governance and self-determination.

ABOUT THIS PUBLICATION

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Endnotes

¹ Oxford English Dictionary, accessed on October 6, 2017 at: <https://en.oxforddictionaries.com/definition/nation>.

² Oxford English Dictionary, accessed on October 6, 2017 at:

<https://en.oxforddictionaries.com/definition/geospatial>.

³ Warhus, Mark. *Another America; Native American Maps and the History of Our Land*. St. Martin's Press, New York, N. Y. 1997. Pages 19-20.

⁴ Quoted from the Treaty of Medicine Creek as described in Prucha, F. P. *American Indian Treaties; The History of a Political Anomaly*. University of California Press, Berkeley, Los Angeles and London. 1994. Page 252.

⁵ Anne Taylor. (2012). Tribal GIS: Supporting Native American Decision Making.

⁶ U.S. Department of the Interior, "FY 2017 Federal Funding for Programs Serving Tribes and Native American Communities" <https://www.doi.gov/sites/doi.gov/files/uploads/FY2017NativeAmericanCrosscut.pdf>.

⁷ U.S. Census Bureau. *2010 Census Summary File 1, 2010 Census of Population and Housing, Technical Documentation*. Appendix A. Geographic Terms and Concepts. Washington, D.C. June 2011.

⁸ The term "service area" is defined in the BIA regulations at 25 CFR 20.100 in this way:

Service area means a geographic area designated by the Assistant Secretary where financial assistance and social services programs are provided. Such a geographic area designation can include a reservation, near reservation, or other geographic location. The Assistant Secretary has designated the entire State of Alaska as a "service area."

Near Reservation means those areas or communities designated by the Assistant Secretary that are adjacent or contiguous to reservations where financial assistance and social service programs are provided.

§ 20.201 How does the Bureau designate a service area and what information is required?

The Assistant Secretary can designate or modify service areas for a tribe. If you are a tribe requesting a service area designation, you must submit each of the following:

(a) A tribal resolution that certifies that:

1. All eligible Indians residing within the service area will be served; and
2. The proposed service area will not include counties or parts thereof that have reasonably available comparable services.

(b) Additional documentation showing that:

1. The area is administratively feasible (that is, an adequate level of services can be provided to the eligible Indians residing in the area.);
2. No duplication of services exists; and
3. A plan describing how services will be provided to all eligible Indians can be implemented.

(c) Documentation should be sent to the Regional Director or Office of Self-Governance.

The Director or office will evaluate the information and make recommendations to the Assistant Secretary. The Assistant Secretary can make a determination to approve or disapprove and publish notice of the designation of service area and the Indians to be served in the *Federal Register*. Tribes currently providing services are not required to request designation for service areas unless they make a decision to modify their existing service areas.

⁹ e.g. Notice of Near-Reservation Designations for California Tribes <https://federalregister.gov/a/00-12193>; 1995 Near-Reservation Designations <https://federalregister.gov/a/95-21140>; Pit River Near Reservation Designations <https://federalregister.gov/a/2013-07207>.

¹⁰ Bureau of Indian Affairs. (2014). 2013 American Indian Population and Labor Force Report.

¹¹ U.S. Department of the Interior, Acting Assistant Secretary for Indian Affairs, Letter to Tribal Leaders, July 2, 2012 re: The 2010 Population and Labor Force Report.

¹² U.S. Census Bureau Geography Division, accessed October 12, 2017:

<https://www2.census.gov/geo/tiger/TIGER2010BLKPOPHU/>.

¹³ Rhoades, D. A., A. J. D'Angelo, and Everett R. Rhoades. (2000). "Data Sources and Subsets of the Indian Population." *American Indian health: Innovations in health care, promotion and policy*. 93-100.

¹⁴ Indian Health Service. Trends in Indian Health: 2104 Edition. U.S. Department of Health and Human Services.

¹⁵ CFR at Title 42, Section 136.22.

¹⁶ CFR at Title 42, Section 136.22.

¹⁷ Rhoades, D. A., A. J. D'Angelo, and Everett R. Rhoades. (2000). "Data Sources and Subsets of the Indian Population." *American Indian health: Innovations in health care, promotion and policy*. 93-100.

¹⁸ Indian Health Service. (2014). Trends in Indian Health, 2014 Edition.

¹⁹ Rhoades, D. A., A. J. D'Angelo, and Everett R. Rhoades. (2000). "Data Sources and Subsets of the Indian Population." *American Indian health: Innovations in health care, promotion and policy*. 93-100.

²⁰ Indian Health Service. Trends in Indian Health: 2104 Edition. U.S. Department of Health and Human Services, p.6.

²¹ Congressional Research Service. (2016). The Indian Health Service (IHS): An Overview.

²² Rhoades, D. A., A. J. D'Angelo, and Everett R. Rhoades. (2000). "Data Sources and Subsets of the Indian Population." *American Indian health: Innovations in health care, promotion and policy*. 93-100.

²³ Ibid., 96.

²⁴ The following are excerpts from 24 CFR part 1000 IHBG formula areas:

Formula area.

1. Formula areas are:

- (i) Reservations for federally recognized Indian tribes, as defined by the U.S. Census;
- (ii) Trust lands;
- (iii) Department of the Interior Near-Reservation Service Areas;
- (iv) Former Indian Reservation Areas in Oklahoma Indian Areas, as defined by the U.S. Census as Oklahoma Tribal Statistical Areas (OTSAs);
- (v) Congressionally Mandated Service Areas;
- (vi) State Tribal Areas as defined by the U.S. Census as State Designated American Indian Statistical Areas (SDAISAs);
- (vii) Tribal Designated Statistical Areas (TDSAs);
- (viii) California Tribal Jurisdictional Areas established or reestablished by federal court judgment; and
- (ix) Alaska formula areas described in paragraph (4) of this definition.

(2)(i) For a geographic area not identified in paragraph (1) of this definition, and for expansion or re-definition of a geographic area from the prior year, including those identified in paragraph (1) of this definition, the Indian tribe must submit, on a form agreed to by HUD, information about the geographic area it wishes to include in its Formula Area, including proof that the Indian tribe, where applicable, has agreed to provide housing services pursuant to a Memorandum of Agreement (MOA) with the tribal and public governing entity or entities of the area, or has attempted to establish such an MOA, and is providing substantial housing services and will continue to expend or obligate funds for substantial housing services, as reflected in its Indian Housing Plan and Annual Performance Report for this purpose.

(ii) Upon receiving a request for recognition of a geographic area not identified in paragraph (1) of this definition, HUD shall make a preliminary determination. HUD shall notify all potentially affected Indian tribes of the basis for its preliminary determination by certified mail and provide the Indian tribes with the opportunity to comment for a period of not less than 90 days. After consideration of the comments, HUD shall announce its final determination through FEDERAL REGISTER notice.

(iii) No Indian tribe may expand or redefine its Formula Area without complying with the requirements of paragraphs (2)(i) and (ii) of this definition, notwithstanding any changes recognized by the U.S. Census Bureau.

(iv) The geographic area into which an Indian tribe may expand under this paragraph (2) shall be the smallest U.S. Census unit or units encompassing the physical location where substantial housing services have been provided by the Indian tribe.

(3) Subject to a challenge by an Indian tribe with a Formula Area described under paragraph (1)(iv) of this definition, any federally recognized Indian tribe assigned Formula Area geography in Fiscal Year 2003 not identified in paragraphs (1) and (2) of this definition, shall continue to be assigned such Formula Area in subsequent fiscal years, provided that the Indian tribe continues to provide an appropriate level of housing services within the Formula Area as monitored by HUD using the definition of substantial housing services contained in this section as a guideline but not as a requirement.

(4) Notwithstanding paragraphs (1), (2), and (3) of this definition, Alaska needs data shall be credited as set forth in §1000.327 to the Alaska Native Village (ANV), the regional Indian tribe, or to the regional corporation established pursuant to the Alaska Native Claims Settlement Act (33 U.S.C. 1601 *et seq.*) (ANCSA). For purposes of §1000.327 and this definition:

(i) The formula area of the ANV shall be the geographic area of the village or that area delineated by the TDSA established for the ANV for purposes of the 1990 U.S. Census or the Alaska Native Village Statistical Area (ANVSA) established for the ANV. To the extent that the area encompassed by such designation may substantially exceed the actual geographic area of the village, such designation is subject to challenge pursuant to §1000.336. If the ANVSA or the TDSA is determined pursuant to such challenge to substantially exceed the actual area of the village, then the geographic formula area of the ANV for purposes of §1000.327 shall be such U.S. Census designation as most closely approximates the actual geographic area of the village.

(ii) The geographic formula area of the regional corporation shall be the area established for the corporation by the ANCSA.

(iii) An Indian tribe may seek to expand its Alaska formula area within its ANCSA region pursuant to the procedures set out in paragraph (2) of this definition. Formula Area added in this way shall be treated as overlapping pursuant to §1000.326, unless the Indian tribe's members in the expanded area are less than 50 percent of the AI/AN population. In cases where the Indian tribe is not treated as overlapping, the Indian tribe shall be credited with population and housing data only for its own tribal member residents within the new or added area. All other population and housing data for the area shall remain with the Indian tribe or tribes previously credited with such data.

(5) In some cases the population data for an Indian tribe within its Formula Area is greater than its tribal enrollment. In general, to maintain fairness for all Indian tribes, the tribe's population data will not be allowed to exceed twice an Indian tribe's enrolled population. However, an Indian tribe subject to this cap may receive an allocation based on more than twice its total enrollment if it can show that it is providing housing assistance to substantially more non-member Indians and Alaska Natives who are members of another federally recognized Indian tribe than it is to members. For state-recognized Indian tribes, the population data and formula allocation shall be limited to their tribal enrollment figures as determined under enrollment criteria in effect in 1996.

(6) In cases where an Indian tribe is seeking to receive an allocation more than twice its total enrollment, the tribal enrollment multiplier will be determined by the total number of Indians and

Alaska Natives to whom the Indian tribe is providing housing assistance (on July 30 of the year before funding is sought) divided by the number of members to whom the Indian tribe is providing housing assistance. For example, an Indian tribe that provides housing to 300 Indians and Alaska Natives, of which 100 are members, the Indian tribe would then be able to receive an allocation for up to three times its tribal enrollment if the Indian and Alaska Native population in the area is three or more times the tribal enrollment.

²⁵ 24 CFR 1000.327.

²⁶ U.S. Housing and Urban Development, Public and Indian Housing, Indian Housing's Office of Native American Programs (ONAP), 2010 Negotiated Rulemaking, website accessed October 12, 2017 at https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/negreg.