

AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978

OVERVIEW

The American Indian Religious Freedom Act of 1978 sets forth a policy to protect and preserve the observance of traditional American Indian religions. The act allows American Indians, Eskimos, Aleuts, and Native Hawaiians access to sites, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rights.

WHO NEEDS TO COMPLY?

The requirements of the American Indian Religious Freedom Act of 1978 apply to all CALFED actions that are located on federal land, sponsored by a federal agency, or funded with federal monies and could involve impacts on the observance of traditional American Indian religions.

HOW LONG DOES THE APPROVAL PROCESS TAKE?

Compliance with the American Indian Religious Freedom Act of 1978 is usually incorporated into the NEPA process. See “[National Environmental Policy Act](#)” earlier in this chapter for a description of time frames for preparation of environmental reports.

WHAT INFORMATION DOES THE APPLICANT NEED TO PROVIDE?

See “What Does the Application and Evaluation Process Entail?” below.

WHAT IS THE FEE?

There is no fee to comply with the American Indian Religious Freedom Act of 1978. There are, however, costs associated with NEPA compliance. See the “[National Environmental Policy Act](#)” earlier in this chapter for details.

WHAT DOES THE APPLICATION AND EVALUATION PROCESS ENTAIL?

The American Indian Religious Freedom Act of 1978 requires federal agencies to evaluate their policies and procedures to ensure compliance with the policy of the U.S. Department of the Interior to protect and preserve the observance of traditional American Indian religions. The NEPA scoping process is often used to solicit information on the concerns of Native American groups and to comply with the act.

DOES THIS PROCESS TRIGGER THE NEED FOR COMPLIANCE WITH OTHER REGULATIONS?

As mentioned previously, compliance with the American Indian Religious Freedom Act of 1978 is usually incorporated into the NEPA process. The act does not trigger any other environmental compliance requirements.

WHAT ARE THE OPPORTUNITIES FOR FACILITATING COMPLIANCE WITH THIS PROCESS?

The CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report did not identify any substantial effects pertaining to the American Indian Religious Freedom Act of 1978 that would result from implementing CALFED's Preferred Program Alternative. Project-specific analysis will be needed to determine potential effects. Using the NEPA scoping process to solicit feedback and creating an outreach program to tribal groups during the early stages of project planning may also help to identify concerns.



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