

What are the impacts if §1000.326a (3) were to be deleted? How many tribes, if any, would be impacted?

§1000.326 addresses the question “What if a formula area is served by more than one tribe?”

Part (a) in the regulation indicates that if an Indian tribe’s formula area overlaps with the formula area of other tribes, the funds allocated to that tribe for the geographic area in which the formula areas overlap will be divided based on paragraph (1) the tribe’s proportional share of the population in the overlapping geographic area; and (2) the tribe’s commitment to serve that proportional share of the population.

The language that is the subject of the TA query is paragraph (3) which states “In cases where a State recognized Indian tribe’s formula area overlaps with a Federally recognized Indian tribe, the Federally recognized Indian tribe receives the allocation for the overlapping area.” Representatives of State-recognized tribes asked the group to consider removing that section in the regulations.

Currently, five State-recognized tribes participate in the Indian Housing Block Grant (IHBG) program based on section 4 of Native American Housing and Self Determination Act of 1996 (NAHASDA), which defines Indian tribes as including only those State-recognized tribes which had housing authorities with formula current assisted stock (FCAS).¹ Four of the tribes are in North Carolina – Coharie Indian Tribe, Haliwa-Saponi Tribe, Lumbee Lumbee, and Waccamaw Siouan Tribe – and one is in Alabama, MOWA Band of Choctaw Indians.

None of the State-recognized tribes currently has any Formula Area which overlaps with another tribe. However, the issue was brought to Negotiated Rulemaking because MOWA Band of Choctaw Indian’s reservation is in Mobile County, Alabama, and the Tribe includes the balance of county as part of its service area. They currently provide housing services off-reservation in the county and would like to receive credit within the Formula for the needs in that county. Section 1000.326 would prevent them from doing so, even if they met the test for substantial housing services, since the area is presently included as part of the Formula Area of Poarch Band of Creek Indians, a federally-recognized Tribe.

¹ Section 4 of NAHASDA defines Indian tribes as including federally or State-recognized tribes but in part C limits the definition to include only those State-recognized tribes “for which an Indian Housing Authority has, before the effective date under section 705, entered into a contract with the Secretary pursuant to the United States Housing Act of 1937 for housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.”

Mississippi Band of Choctaw Indians has Formula Area in Jackson County, Mississippi, adjacent to Mobile County, Alabama.

An examination of the existing Formula Areas of the other State-recognized tribes suggests that none of the others have Formula Area which is very close to existing federally-recognized tribes. Table 1 lists the formula areas of all the State-recognized tribes, and any other tribes in North Carolina, Alabama, or neighboring States. Hence no overlap is likely to emerge from a request to expand Formula Area.

In the future, it is possible that other tribes may receive Federal recognition, thereby altering this assessment. Since the State-recognized tribes now have Formula Area in close proximity to each other, an overlapping situation could develop if one of the tribes were to request and secure approval of a Formula Area expansion. Also, many of the tribes interested in seeking Federal recognition are in the south; we have not attempted to determine their geographic location to see if a future Federal recognition could affect existing State tribes participating in the IHBG program.

tribe	name3	sta
Catawba Indian Nation	Balance - Cabarrus County	NC
Catawba Indian Nation	Balance - Cleveland County	NC
Catawba Indian Nation	Balance - Gaston County	NC
Catawba Indian Nation	Balance - Mecklenburg County	NC
Catawba Indian Nation	Balance - Rutherford County	NC
Catawba Indian Nation	Balance - Union County	NC
Catawba Indian Nation	Balance - Abbeville County	SC
Catawba Indian Nation	Balance - Aiken County	SC
Catawba Indian Nation	Balance - Allendale County	SC
Catawba Indian Nation	Balance - Anderson County	SC
Catawba Indian Nation	Balance - Bamberg County	SC
Catawba Indian Nation	Balance - Barnwell County	SC
Catawba Indian Nation	Balance - Beaufort County	SC
Catawba Indian Nation	Balance - Berkeley County	SC
Catawba Indian Nation	Balance - Calhoun County	SC
Catawba Indian Nation	Balance - Charleston County	SC
Catawba Indian Nation	Balance - Cherokee County	SC
Catawba Indian Nation	Balance - Chester County	SC
Catawba Indian Nation	Balance - Chesterfield County	SC
Catawba Indian Nation	Balance - Clarendon County	SC
Catawba Indian Nation	Balance - Colleton County	SC
Catawba Indian Nation	Balance - Darlington County	SC
Catawba Indian Nation	Balance - Dillon County	SC
Catawba Indian Nation	Balance - Dorchester County	SC
Catawba Indian Nation	Balance - Edgefield County	SC
Catawba Indian Nation	Balance - Fairfield County	SC
Catawba Indian Nation	Balance - Florence County	SC
Catawba Indian Nation	Balance - Georgetown County	SC
Catawba Indian Nation	Balance - Greenville County	SC
Catawba Indian Nation	Balance - Greenwood County	SC
Catawba Indian Nation	Balance - Hampton County	SC
Catawba Indian Nation	Balance - Horry County	SC
Catawba Indian Nation	Balance - Jasper County	SC
Catawba Indian Nation	Balance - Kershaw County	SC
Catawba Indian Nation	Balance - Lancaster County	SC
Catawba Indian Nation	Balance - Laurens County	SC
Catawba Indian Nation	Balance - Lee County	SC
Catawba Indian Nation	Balance - Lexington County	SC
Catawba Indian Nation	Balance - McCormick County	SC
Catawba Indian Nation	Balance - Marion County	SC

Catawba Indian Nation	Balance - Marlboro County	SC
Catawba Indian Nation	Balance - Newberry County	SC
Catawba Indian Nation	Balance - Oconee County	SC
Catawba Indian Nation	Balance - Orangeburg County	SC
Catawba Indian Nation	Balance - Pickens County	SC
Catawba Indian Nation	Balance - Richland County	SC
Catawba Indian Nation	Balance - Saluda County	SC
Catawba Indian Nation	Balance - Spartanburg County	SC
Catawba Indian Nation	Balance - Sumter County	SC
Catawba Indian Nation	Balance - Union County	SC
Catawba Indian Nation	Balance - Williamsburg County	SC
Catawba Indian Nation	Catawba Reservation, York County (part)	SC
Catawba Indian Nation	Balance - York County	SC
Coharie State Tribe	Coharie, Duplin County (part)	NC
Coharie State Tribe	Coharie, Harnett County (part)	NC
Coharie State Tribe	Coharie, Sampson County (part)	NC
Coharie State Tribe	Coharie, Wayne County (part)	NC
Eastern Cherokee	Eastern Cherokee Reservation, Cherokee County (part)	NC
Eastern Cherokee	Eastern Cherokee Reservation, Graham County (part)	NC
Eastern Cherokee	Eastern Cherokee Reservation, Haywood County (part)	NC
Eastern Cherokee	Eastern Cherokee Reservation, Jackson County (part)	NC
Eastern Cherokee	Eastern Cherokee Reservation, Swain County (part)	NC
Haliwa-Saponi State Tribe	Haliwa-Saponi, Franklin County (part)	NC
Haliwa-Saponi State Tribe	Haliwa-Saponi, Halifax County (part)	NC
Haliwa-Saponi State Tribe	Haliwa-Saponi, Nash County (part)	NC
Haliwa-Saponi State Tribe	Haliwa-Saponi, Warren County (part)	NC
Lumbee State Tribe	Lumbee, Cumberland County (part)	NC
Lumbee State Tribe	Balance - Cumberland County	NC
Lumbee State Tribe	Lumbee, Hoke County (part)	NC
Lumbee State Tribe	Lumbee, Robeson County	NC
Lumbee State Tribe	Lumbee, Scotland County	NC
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Attala County (part)	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Jackson County (part)	MS
Mississippi Choctaw Tribe	Balance - Jackson County	MS
Mississippi Choctaw Tribe	Balance - Jasper County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Jones County (part)	MS
Mississippi Choctaw Tribe	Balance - Jones County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Kemper County (part)	MS
Mississippi Choctaw Tribe	Balance - Kemper County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Leake County (part)	MS

Mississippi Choctaw Tribe	Balance - Leake County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Neshoba County (part)	MS
Mississippi Choctaw Tribe	Balance - Neshoba County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Newton County (part)	MS
Mississippi Choctaw Tribe	Balance - Newton County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Scott County (part)	MS
Mississippi Choctaw Tribe	Balance - Scott County	MS
Mississippi Choctaw Tribe	Mississippi Choctaw Reservation and Off-Reservation Trust Land, Winston County (part)	MS
Mississippi Choctaw Tribe	Balance - Winston County	MS
Mississippi Choctaw Tribe	Balance - Lauderdale County	TN
MOWA Band of Choctaw Indians	MOWA Choctaw, Mobile County (part)	AL
MOWA Band of Choctaw Indians	MOWA Choctaw, Washington County (part)	AL
MOWA Band of Choctaw Indians	Balance - Washington County	AL
Poarch Band of Creek Indians	Balance - Baldwin County	AL
Poarch Band of Creek Indians	Poarch Creek Reservation and Off-Reservation Trust Land, Elmore County (part)	AL
Poarch Band of Creek Indians	Poarch Creek Reservation and Off-Reservation Trust Land, Escambia County (part)	AL
Poarch Band of Creek Indians	Balance - Escambia County	AL
Poarch Band of Creek Indians	Balance - Mobile County	AL
Poarch Band of Creek Indians	Poarch Creek Reservation and Off-Reservation Trust Land, Monroe County (part)	AL
Poarch Band of Creek Indians	Balance - Monroe County	AL
Poarch Band of Creek Indians	Poarch Creek Reservation and Off-Reservation Trust Land, Montgomery County (part)	AL
Poarch Band of Creek Indians	Poarch Creek Reservation and Off-Reservation Trust Land, Escambia County (part)	FL
Poarch Band of Creek Indians	Balance - Escambia County	FL
Seminole Tribe	Big Cypress Reservation, Broward County (part)	FL
Seminole Tribe	Broward County (part), Broward County (part)	FL
Seminole Tribe	Hollywood Reservation, Broward County (part)	FL
Seminole Tribe	Immokalee Reservation, Collier County (part)	FL
Seminole Tribe	Brighton Reservation, Glades County (part)	FL
Seminole Tribe	Big Cypress Reservation, Hendry County (part)	FL
Seminole Tribe	Hillsborough County (part), Hillsborough County (part)	FL
Seminole Tribe	St. Lucie County (part), St. Lucie County (part)	FL
Waccamaw Siouan State Tribe	Waccamaw-Siouan, Bladen County (part)	NC
Waccamaw Siouan State Tribe	Waccamaw-Siouan, Columbus County (part)	NC

American Indian Tribes in North Carolina

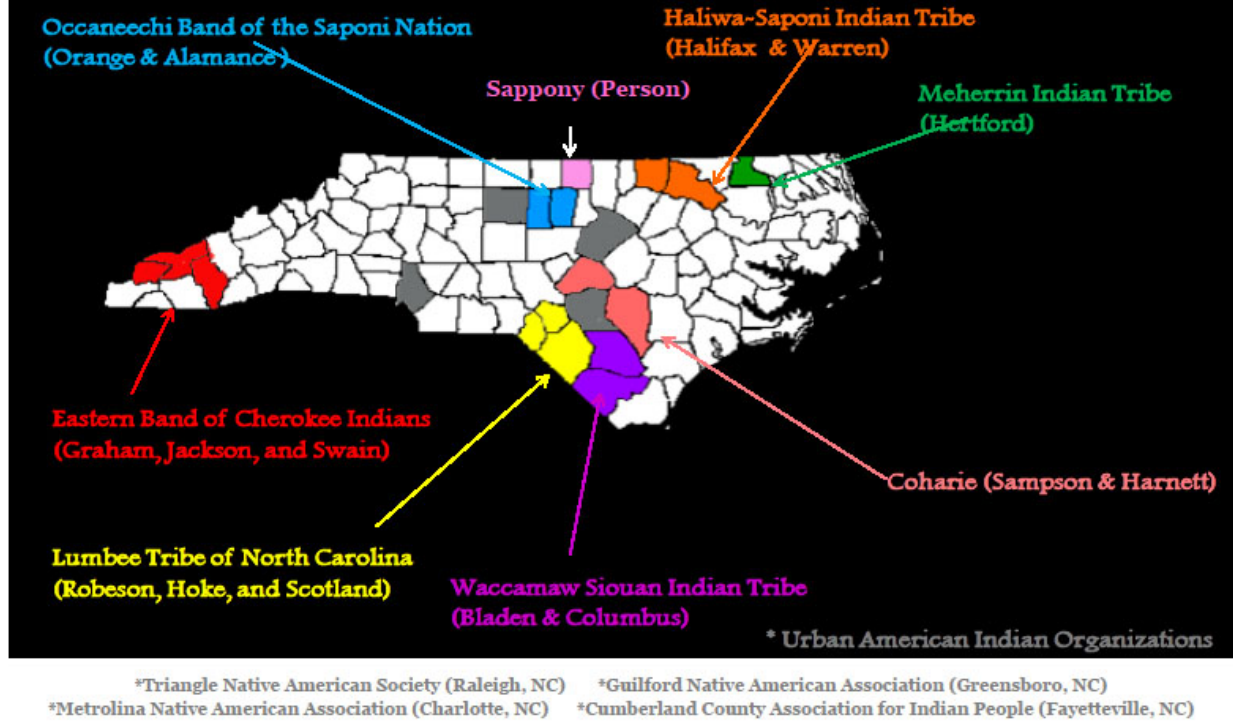


Figure 1 www.learnnc.org/lp/editions/nc-american-indians/7358

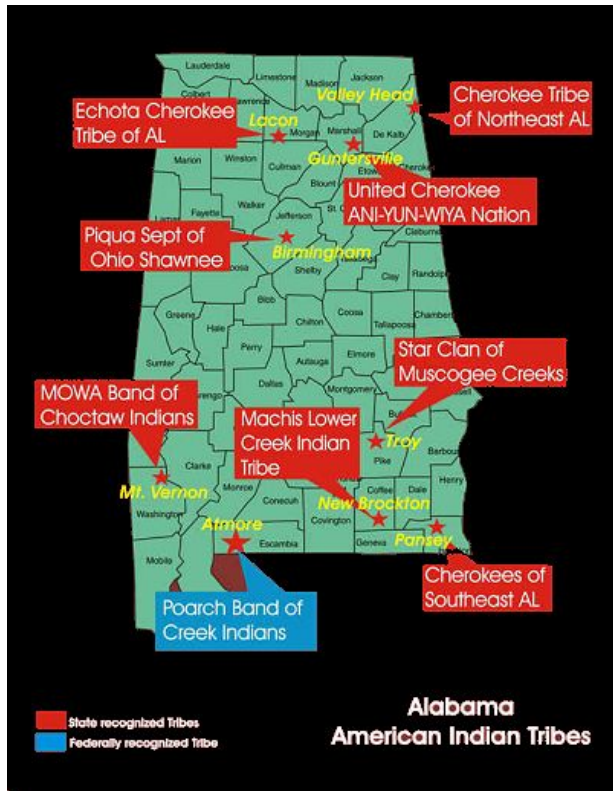


Figure 2 www.aanativearts.com