

might be affected by the transfer. The Council was asked to review the Forest Service's decision and concluded that the Service appeared to be misinterpreting the National Register criteria. Accordingly, the Council recommended further study to elucidate the actual significance of the land.

- At Libby Dam in Montana, the Confederated Tribes of the Kootenai and Salish have objected to a proposal by the U.S. Army Corps of Engineers to conduct archeological data recovery at certain sites that are being destroyed by erosion caused by fluctuating reservoir levels. The Kootenai assert that the sites have religious significance and that they would prefer to see them washed away to having them studied by archeologists. This case raises two vexing issues: how to balance the legitimate cultural concerns and religious freedoms of the Kootenai with the historical and scientific interests of archeological research and how much influence a tribe, or any other outside party, should have over a Federal land manager's decisionmaking. These issues were unresolved at year's end.
- At the Corrales North subdivision in Albuquerque, New Mexico, a case briefly described in the 1987 Annual Report continued through 1988. Although a MOA was executed with the Environmental Protection Agency, whose effluent discharge permit for the project triggered Section 106 review, several issues of great concern to the people of Sandia Pueblo continued unresolved. Notable among these was the historical significance of a sandbar in the Rio Grande where the people of the Pueblo have long carried out important religious observances. The project will discharge effluent material immediately across the river from this site. Here, as in the Black Hills, the issues of

FIGURE 12

COUNCIL POLICY STATEMENT ON POTHUNTING

The Council deplors the destruction caused by pothunting and applauds the efforts of Congress, the agencies, the States, and the Tribes to contend with it.

The Council supports in principle legislative and educational efforts to address the pothunting problem.

However, the Council also understands the desire to search out, study, appreciate, and possess artifacts and art objects, which directly or indirectly motivates pothunting.

The Council expresses its strong support for, and encouragement of, efforts by the Department of Justice, the various United States Attorneys, and other Federal and State agencies to bring to justice and prosecute to the full extent of the law all violators of Federal and State laws protecting historic, archeological, and other cultural resources.

However, the Council recognizes that it is unlikely that police action alone will control pothunting on Federal and Indian lands, and that since pothunting occurs on other lands as well, increased enforcement on Federal and Indian lands may only increase pothunting elsewhere.

Accordingly, the Council encourages cooperative efforts among Federal agencies, States, Indian tribes, archeologists, art and artifact dealers, artifact collectors, and other interested parties to seek mutually agreeable means of reducing pothunting while ensuring those interested in finding, studying, enjoying, and possessing artifacts the continued opportunity to do so.