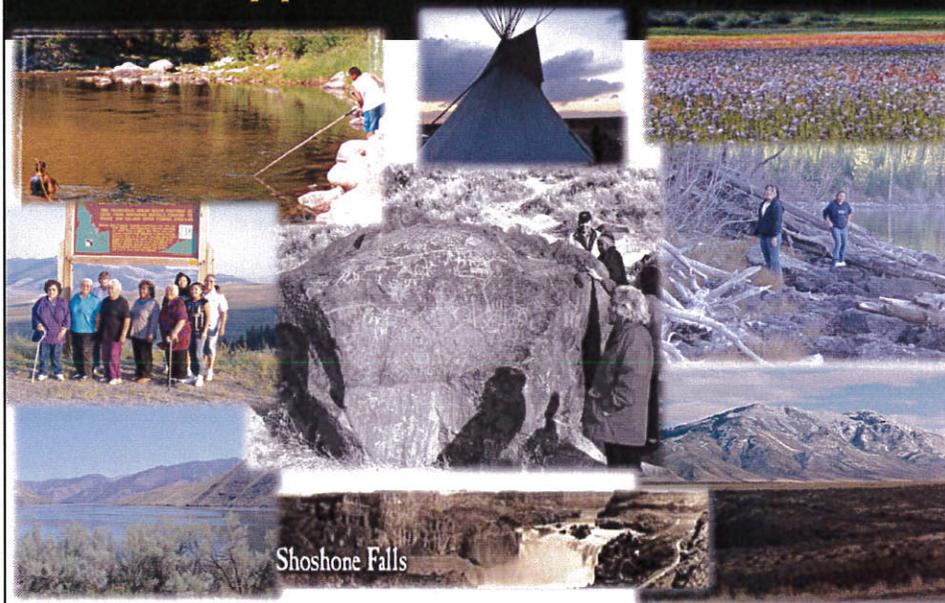




Improving Relationships by Understanding Tribal Culture & Perspectives

Yvette Tuell
"Working Effectively with Tribal Governments"
Boise, Idaho
August 6, 2013

"bia sokoppe" – Mother Earth



Road map

- "Mythbusters"
- Be open to learning
- Shoshone-Bannock Tribes
- How to work with Tribes 101
- Tribal Cultural Perspectives

Mythbusters

- "isn't all Indians the same?"
- "Oh, I never drive off the main roads onto the Reservation! Its scary!!"
- Nah, one of my workers is an Indian. I'll ask him, so I don't need to contact the tribes.
- Indians get everything for free from the government.
- All Indians get casino money.
- Ah, those Indians are just a bunch of drunks and drug addicts.
- "got any fish to sell?"
- "Its all good. I will let you Indians know when you should be concerned." **pats Indians on the head**

Be open to learning...

- Compliments for coming to this workshop to learn
- Open mind
- Ask Questions!
- Acknowledge the past, but work together to improve
- Sometimes, agree to disagree
- Establish positive relationships

From time immemorial...

- Shoshone and Bannock legends describe creation stories in our homelands.
- The Tribes link to the land helps preserve our traditions and culture for future generations.

HISTORICAL BACKGROUND

- The Shoshone & Bannock peoples used a wide geographic territory which extended from Mexico to Canada.
- We were hunters and gathers who moved with the seasons to gather various foods and products. Our names were based on the names of the food we ate (*Agai Dika*, *Tuka Dika*, *Kamma Dika*) from our geographical areas.
- Some of the tribes composed of the nation are tribes known today as the Shoshone, Bannock, Paiute, Comanche, Ute and other linguistic Uto Aztecan speaking groups.
- Each had distinct governments, values, languages, lifestyles and traditions.

Then Manifest Destiny happened...

- US was expanding and needed lands
- Fur traders established forts in the northwest
- Lewis & Clark Expedition to explore the "new lands" the US government purchases sight unseen
- Westward expansion via trails, trading posts, military posts, miners, settlers and ranchers

Fort Bridger Treaty

- Peace treaty between US and Shoshone and Bannocks
- 13 Articles
- Provisions include: Agency Construction, Permanent home on reservation, off reservation hunting rights, Duties of Agent, school, Agricultural assistance, Annuities

Assimilation & Progressivism

- Indians forced to change their lifestyle
- Farming, schools and established homes
- Formal churches and religions
- Limited access to aboriginal lands and resources
- Starvation
- High level of paternalism and oversight by federal government
- Corruption and mismanagement

Indian Reorganization Act of 1934

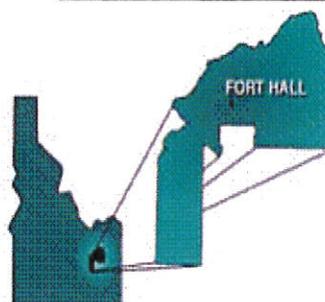
- Congress passed the IRA to strengthen tribal governments and build a relationship between tribes and the federal government.
- Changed how some tribes were governed from traditional forms of Indian government to a non-Indian form
- Provided some representative constitution powers, organized in accordance with the Indian Reorganization Act.
- Many tribal constitutions based on a generic template.

Shoshone-Bannock Tribal Government

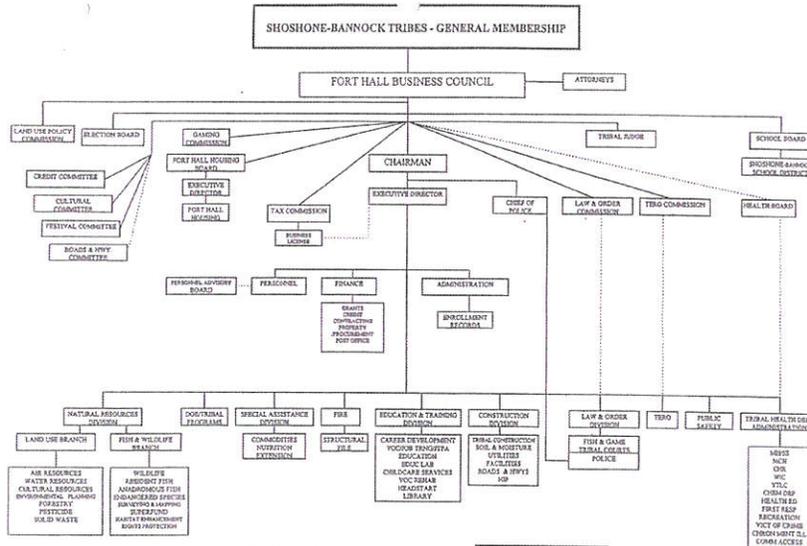
- In 1936, the Tribes adopted the Constitution and Bylaws and Corporate Charter of the Shoshone-Bannock Tribes, which established the present form of Tribal Government.
- Powers and Duties provides for an elected tribal council & to set up Departments of Law & Order, Health, Education, etc.
- Fort Hall Business Council - Establish Policy; Oversight of all tribal entities responsible to reservation community; protect and oversee lands and resources of reservation, promote tribal sovereignty, Delegate Authority to Chairman
 - General Membership
 - Regular Meetings & Annual Meetings
 - Resolutions
 - Ordinances

Fort Hall Reservation today

- Currently the lands on the Fort Hall Reservation is 98% trust lands, owned by either the Tribes or individual allottees.
- The Fort Hall Reservation comprises of 544,000 acres of land in four counties: Bingham, Bannock, Power, and Caribou.
- Over 6,000 enrolled Tribal members.
- Tribal governmental services provided include: Police and Fire departments, Tribal court system, Utilities, Transportation and Roads, Water system.



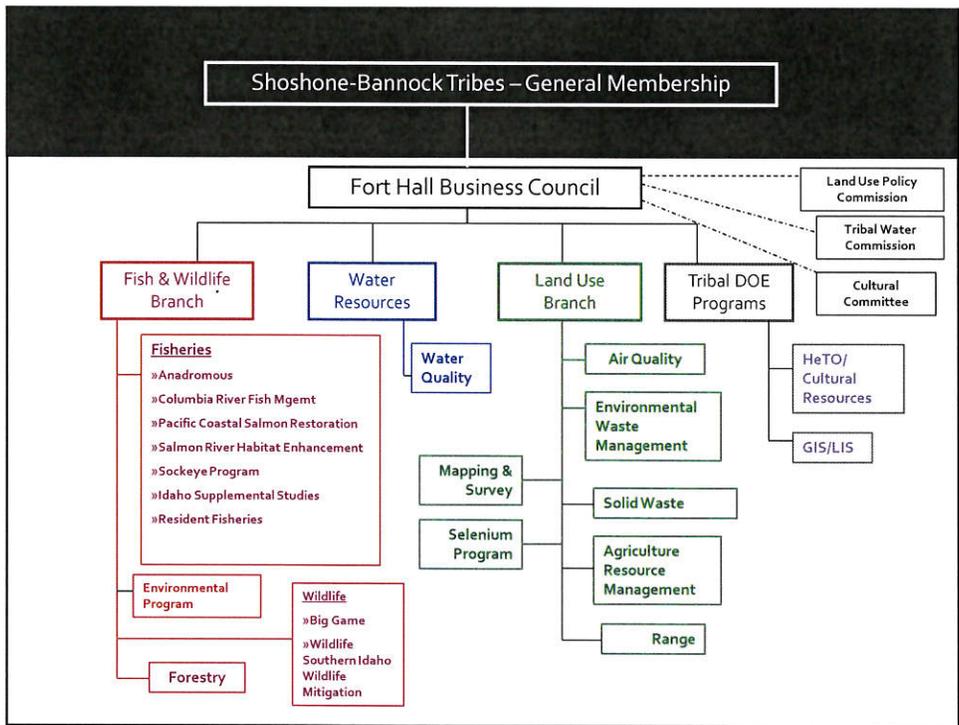
Shoshone-Bannock Tribes ORGANIZATIONAL CHART



by KEITH TINNO
KEITH TINNO, CHAIRSMAN
FORT HALL BUSINESS COUNCIL

THE SHOSHONE-BANNOCK TRIBES
PROPOSED ORGANIZATIONAL CHART
Final Revision March 31, 1995
Approved by Resolution of the Fort Hall Business Council
March 31, 1995
FIBC-95-019

LEGEND
ADVISORY/PROFESSORIAL
DIRECT LINE OF AUTHORITY ———



Purpose and Responsibilities of:

- Fort Hall Business Council: Establish policy, oversight of all Tribal entities; responsible for Reservation community; protect and over lands and resources of the Reservation; promote and protect Tribal sovereignty.
- Tribal Chairman: Provides oversight of Tribal operations; Delegated Authority.
- Executive Director: Administer Policy; Oversight of all Tribal Departments and Activities.
- Department Directors: Provides Supervision to all Tribal programs within their departments.
- Worker bees.

Direct Regional Economic Impact

- In the four-county 2010 regional economy, the Tribes constitute 5.6% of all jobs, 3.7% of all sales, and 4.7% of all wage and salary earnings.
- The Shoshone-Bannock Tribes offer a significant diversified economic contribution to the regional economy. The economic activities provide stability and sustainability to the regional economy.

Challenges in the Indian Workforce

- Not being able to demonstrate qualifications or technical competence
- Lack of marketable skills or basic education
- Lack of transportation
- Lack of childcare
- Cultural or Traditional Differences
- Stereotypes and/or Discrimination

Challenges to Indian Contractors and Business

- Lack of bidding opportunities
- Limited access to financing, specifically bonds
- Not being able to meet regulatory requirements for contracting
- Unwillingness of agencies to cooperate with Tribes and Indian-owned businesses
- Misconception of tribal government and tribal sovereignty
- TERO

How to work with Tribes 101

- Learn about them
- Contacts
- What protocols do they have in place
- Establish a positive relationship
- Tribal government structure
- Listen
- Patience
- Respectful

Seeking Tribal consultation....

- | | |
|--|---|
| <ul style="list-style-type: none"> ■ NEPA: CAT X, EAS, EISs, Scoping, Pre-scoping, Determination of Adequacy, Draft, Final, Programmatic Draft, Decision memos ■ Mining actions: Plans of operations, exploratory drilling, leases, patenting ■ Abandoned mine proposals/results ■ Range: health, allotment renewals, litigation ■ Notices of Grazing activity ■ Resource management plans ■ Forest management plans ■ Special Use Permits ■ Transportation Plans & projects ■ Application for 401 Certifications ■ Wastewater treatments ■ Developments | <ul style="list-style-type: none"> ■ ESA actions ■ Realty Rights of Way, Leases, Sales, Disposals, Transfers ■ Oil, Gas & Geothermal explorations, sales ■ Recreational issues ■ FERC new licenses, renewals ■ Annual Reports, monitoring plans ■ Water Quality reports ■ Watershed assessments ■ Environmental Stewardship groups ■ Consultation requests ■ Cultural Resource management issues: violations/Section 106 ■ CERCLA actions ■ Other projects |
|--|---|

Tribes of concern

- Identify what tribes should be contacted
- Understand the difference between individual Tribal members and the Tribes, the government
- When do you need to contact the individual, and when do you need to contact the Tribal government?

Tribal governmental protocols

- Each tribe is their own sovereign
- Formal Government to government process
- Each tribe is different
 - I.e., Culturally, language, traditions
- Learn what the process is for each tribe
 - **DON'T MIX THEM UP**

Communication

- What is the appropriate form of communication?
 - Letters, emails, phone calls, FB
- Who and how do you initiate formal government to government consultation?
 - Tribal Leader, Chairman
 - Suggest: cc Tribal staff
- In formal governmental meetings, please acknowledge the Chairman in formal terms.

Identify your respective contacts

- Tribal governments can be complicated with the numerous branches
- Don't assume everything has to go to Council level
- Tribal Organizational structure
- Respect Tribal chain of command
- Ask!

Timeliness

- "Indian time"
- Plan extra time for consultation/coordination
- Depends on Tribal staff work load
- Lack of process for working with local and state agencies
- Tribes may be inclined to the federal-tribal relationship and process
- Patience.

Avoid:

- Legal analysis of treaty and inherent rights
- Preference in tribes
- Interpretation of treaty rights
- Speaking on behalf of the Tribes without express approval
- Neglecting to address Tribal comments
- Downplay or sidestep comments or issues
- Ignoring tribes

Lost in Interpretation

Tribal Text	Application:
<p>"...the Tribes are not members of the general public; the Tribes are a sovereign nation... Do not include Tribes as a general stakeholder."</p>	<ul style="list-style-type: none"> •Address letter to the Shoshone-Bannock Tribes, NOT as "Interested Stakeholder". • Acknowledge the Tribes as a Sovereign Government with Reserved Rights in your NEPA documents.
<p>"Include in your relevant statutes, laws, plans, policies, etc., the Treaty, and consultation requirements."</p>	<p>Acknowledgement of treaties, goes to demonstrate consideration of policies</p>
<p>General & specific statements in Tribal letters on aboriginal areas</p>	<p>Areas of significant concern & Tribal history – demonstrates significance to Tribes</p>
<p>"Please provide written letter back to the Tribes detailing how, why and where Tribal comments were or were not considered in the document"</p>	<p>Begins to demonstrates consideration of Tribal issues, builds trust. Do not address only the first half of the comment, or split the comment/sentence/or paragraph.</p>

Suggestions:

- What is your expectations of the Tribes?
What decision are you asking of them?
- What authority are you basing your inquires from?
- Ask questions if you don't understand
- Contact Tribal staff for clarifications
- Be open minded, creative and express interest in learning about the Tribes

Agree to disagree

- Tribal agreement/support/concurrence may not always occur
- Disagree on principle
- Regardless, formal government to government may be necessary
- Be objective; don't take it personal

Breaking Barriers :

- **High turnover rate for agency and tribal staff**
 - ✓ Develop protocol and training
- **Federal and state agencies general lack of understanding of Treaty, treaty resources, and how it applies to their work**
 - ✓ Provide regular training for necessary staff and decision makers
- **Internal communication barriers**
 - ✓ Tribal, federal, state and local agencies should develop lines of contacts
- **Tribal staff needs to improve and provide more specific comments, especially for mitigation of Tribal impacts**
 - ✓ Increasing education and experience of Tribal staff
- **Difficulty of working with Federal Agencies when dealing with Treaty Rights and resources, Trust Responsibility and 3rd parties (Hells Canyon, mining issues, etc.).**

Realistic goals

- Work to improve or establish positive relationships
- More effective communication
- Recognize different drivers
- Recognize Treaties, resources and impacts
- Creative solutions, thinking out of the box

Tribal perspective & culture

- Differences in perspectives
 - Historical interpretation of events
 - Elders respect
- Tribal diversity (intertribal & intra-tribal)
- Religion (traditional vs contemporary)
- Listen
- www.SAMHSA.gov/shin

Tribal Holidays

- Shoshone-Bannock Tribes:
 - Tribal Leadership Day, February 18 (Presidents Day)
 - Fort Bridger Treaty Day, July 3
 - Indian Day, September 27
 - Native American Heritage Day, November 29
 - Administrative Leave for weather

Thank You

Photos: courtesy of
Sho-Ban News



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