Improving Relationships by Understanding Tribal Culture & Perspectives

Yvette Tuell
"Working Effectively with Tribal Governments"
Boise, Idaho
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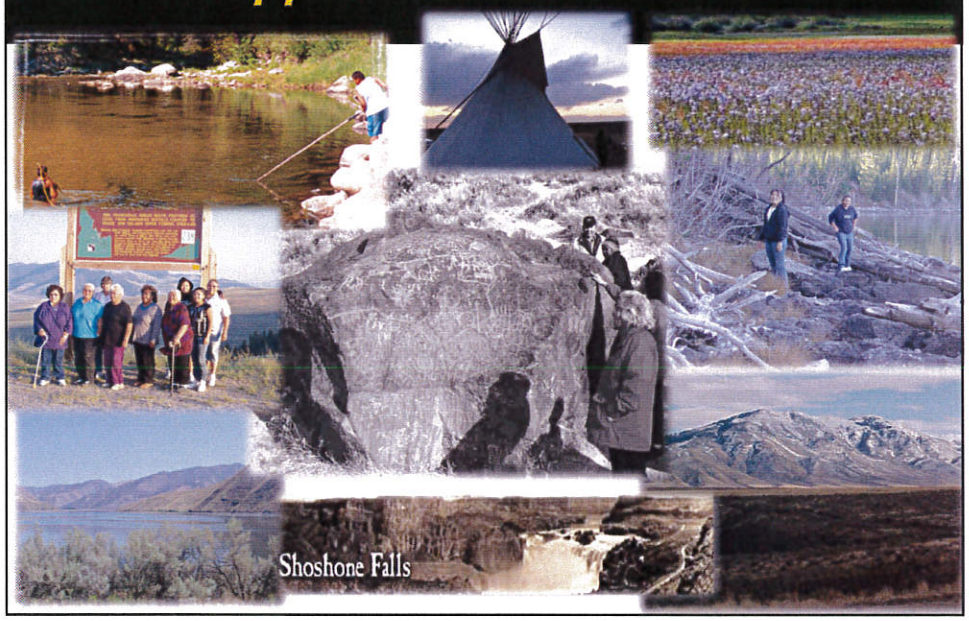
"bia sokoppe" – Mother Earth



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

Treaty History of the Shoshone-Bannock Tribes

- October 14, 1863 - Treaty of Soda Springs UNRATIFIED
- October 10, 1864 - Treaty of Fort Boise UNRATIFIED
- April 12, 1866 - Bruneau Treaty UNRATIFIED
- August 21, 1867 - Long Tom Treaty (Between Bannocks and Gov. Ballard, where the Bannocks agreed to move to the Fort Hall Reservation, provided that such reservation belongs to the Bannocks). UNRATIFIED
- June 14, 1867 - Executive Order establishing the Fort Hall Reservation
- July 3, 1868 - Fort Bridger Treaty ***RATIFIED***
- September 24, 1868 Treaty of Virginia City, Montana Territory (Between Shoshones, Bannocks and Sheepeaters) UNRATIFIED

President Johnson Ex Order

- 1867 – President Johnson established the Fort Hall Reservation
- Land cessations reduced the reservation to current size

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

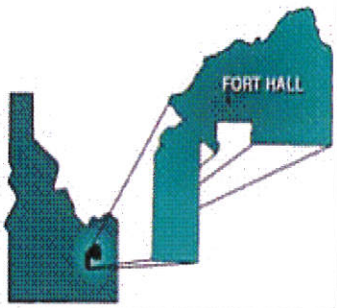
- Congress passed the IRA to strengthen tribal governments and build a relationship between tribes and the federal government.
- Changed how some tribes were governed from traditional forms of Indian government to a non-Indian form
- Provided some representative constitution powers, organized in accordance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

Shoshone-Bannock Tribal Government

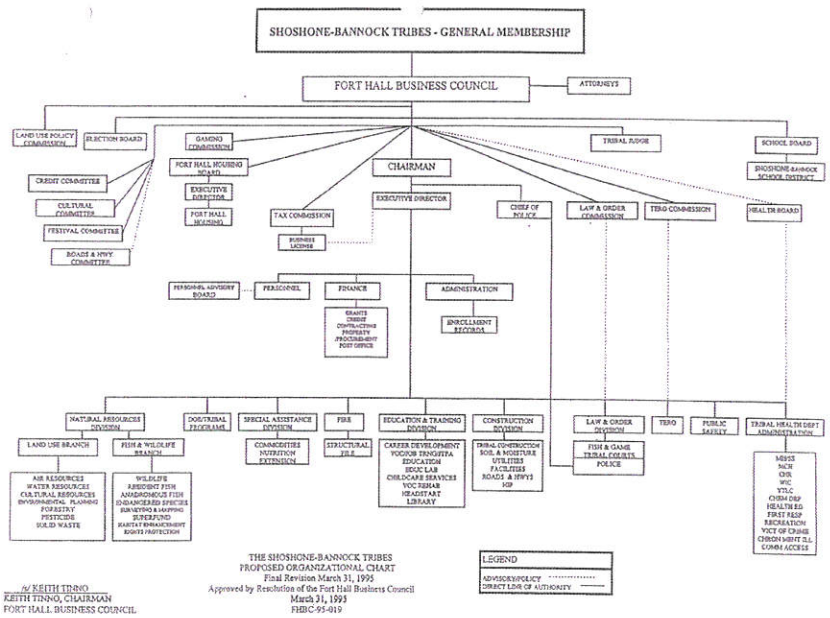
- In 1936, the Tribes adopted the Constitution and Bylaws and Corporate Charter of the Shoshone-Bannock Tribes, which established the present form of Tribal Government.
- Powers and Duties provides for an elected tribal council & to set up Departments of Law & Order, Health, Education, etc.
- Fort Hall 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

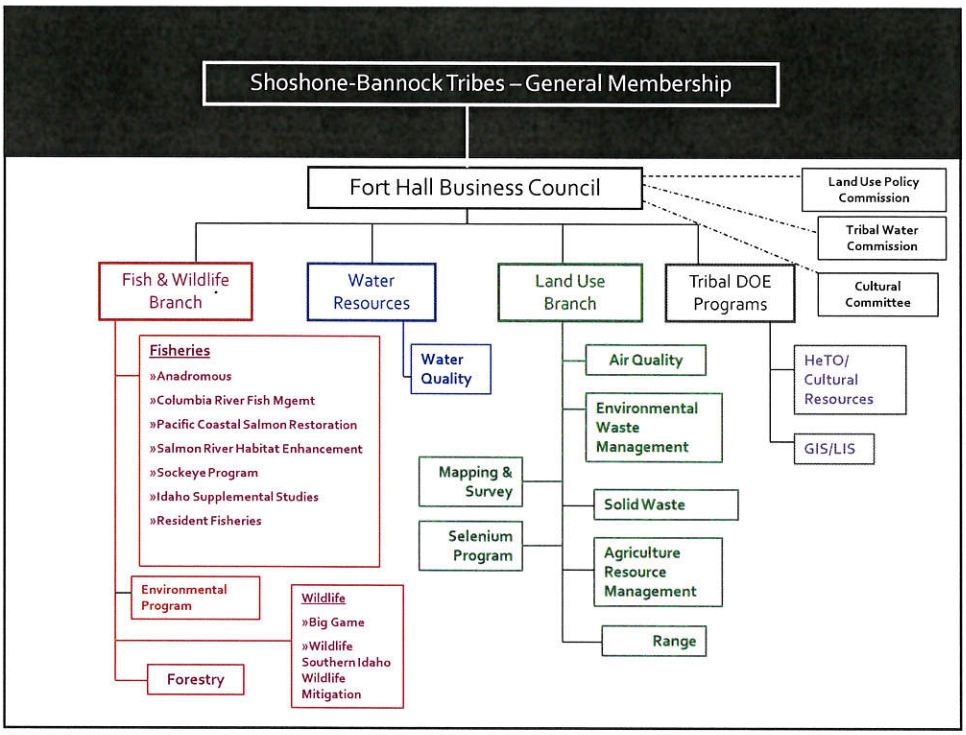
Fort Hall Reservation today

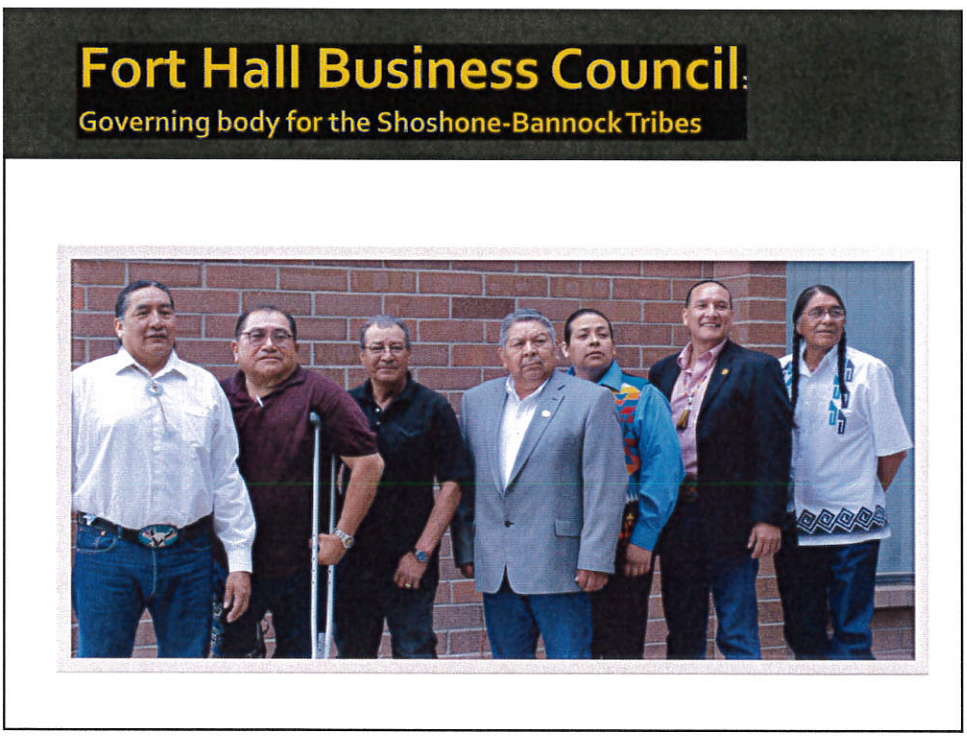
- Currently the lands on the Fort Hall Reservation is 98% trust lands, owned by either the Tribes or individual allottees.
- The Fort Hall Reservation comprises of 544,000 acres of land in four counties: Bingham, Bannock, Power, and Caribou.
- Over 6,000 enrolled Tribal members.
- Tribal governmental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



Shoshone-Bannock Tribes ORGANIZATIONAL CHART




Shoshone-Bannock Tribes – General Membership
Fort Hall Business Council
Land Use Policy Commission
Tribal Water Commission
Cultural Committee
Fish & Wildlife Branch
Water Resources
Land Use Branch
Tribal DOE Programs
Fisheries
»Anadromous
»Columbia River Fish Mgemt
»Pacific Coastal Salmon Restoration
»Salmon River Habitat Enhancement
»Sockeye Program
»Idaho Supplemental Studies
»Resident Fisheries
Water Quality
Air Quality
Environmental Waste Management
Mapping & Survey
Solid Waste
Selenium Program
Agriculture Resource Management
Range
HeTO/ Cultural Resources
GIS/LIS
Environmental Program
Wildlife
»Big Game
»Wildlife Southern Idaho Wildlife Mitigation
Forestry


Fort Hall Business Council:
Governing body for the Shoshone-Bannock Tribes

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....

- 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
- 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:
"…the Tribes are not members of the general public; the Tribes are a sovereign nation… Do not include Tribes as a general stakeholder."	•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.
"Include in your relevant statues, laws, plans, policies, etc., the Treaty, and consultation requirements."	Acknowledgement of treaties, goes to demonstrate consideration of policies
General & specific statements in Tribal letters on aboriginal areas	Areas of significant concern & Tribal history – demonstrates significance to Tribes
"Please provide written letter back to the Tribes detailing how, why and where Tribal comments were or were not considered in the document"	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.

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

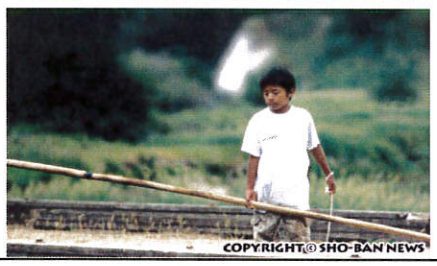
- Work to improve or establish positive relationships
- More effective communication
- Recognize different drivers
- Recognize Treaties, resources and impacts
- Creative solutions, thinking out of the box

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