



## Local government relations: Butt heads or shake hands?

**W**hen we set about researching this, the 11th edition of Indian Land Tenure Foundation's *Message Runner*, our goal was relatively straightforward: To find examples of tribal governments working hand-in-hand with their counterparts from neighboring cities, counties and states in pursuit of mutual success. That turned out to be easier said than done. Not surprisingly, it wasn't hard to find situations marked by ongoing conflict, long-running disputes and endless legal battles between sovereign tribal nations and non-Indian entities. There's no better example of that than the Village of Hobart.

The wealthy suburban enclave that abuts Green Bay, Wisconsin, is the poster child for bad behavior. For more than 15 years, the Village has been engaged in a series of legal battles with the Oneida Nation over everything from liquor licenses to stormwater fees to boundary disputes. The latest and most costly debacle has been a prolonged court fight over an event permit for an annual apple festival. At every turn, Hobart has taken an antagonistic approach even though the Tribe continues to prevail.

The Hobart situation is instructive if nothing else. It is, by all accounts, a terrific example of how to do everything wrong. The Village has spent nearly \$1 million on litigation against the Oneida, and the Tribe's expenses have no doubt been similar. One recent dispute led to a \$400,000 cost overrun when the Village couldn't figure out how to properly negotiate the route of a broadband connection over Tribal land. What a waste!

Hobart may have gone to war over an apple festival, but they are by no means the only bad apple when it comes to relationships between Native and non-Native entities. In the state of Washington, Yakima County has had a protracted battle with the Yakama Tribe over jurisdiction for policing and criminal prosecution. Neighboring Klickitat County has fought with the Tribe over reservation boundaries and the sale of fireworks on Tribal land, among other things. In Minnesota, the Leech Lake Band of Ojibwe and neighboring Cass County have been butting heads for years over local taxation. Conflicts over fishing and hunting have been an ongoing saga across Indian Country. It doesn't have to be this way.

### Stories of success

Interestingly enough, the Oneida Nation has not run into the same type of difficulties with other local governments as it has with Hobart. The Village of Ashwaubenon and Brown County have worked well with the Tribe. A cooperative service agreement with the City of Green Bay fell victim to the political winds driven by former Wisconsin governor Scott Walker and the vagaries of the Donald Trump era. In perhaps the best indicator of how the relationship actually functions, however, the City continued to provide services to the Tribe until a new arrangement could be worked out. While the politicians postured, City employees were committed to doing the right thing.



*Developer Samuel Banowit (left) and Agua Caliente Tribal Chair Eileen Miguel (right) posed in front of the Spa Hotel in 1960, a development that was a turning point in relations between the City of Palm Springs and the Tribe. (Photo courtesy of Palm Springs Historical Society. All rights reserved.)*

We didn't have to travel far to find another positive example at the Wisconsin Department of Transportation (WisDOT). Their approach to tribal relations is commendable, and is chronicled on pages 4 and 5.

On pages 2 and 3 we explore the relationship between the City of Palm Springs and the Agua Caliente Cahuilla Indians in California. The two sides were in conflict for more than a century before the City was forced to compromise. The result has been more than 40 years of cooperation that has helped Palm Springs become one of North America's most successful tourist destinations.

On page 10 we share the story of the Lake Roosevelt Cooperative Management Agreement, a unique arrangement forged in the state of Washington to manage a vast recreation area. The challenge of bringing together two tribes, three government entities and a variety of stakeholders was enormous, but the agreement signed on Earth Day in 1990 has stood the test of time.

### Asking what works

So what is it that makes the successful relationships work? How do they do it? On pages 8 and 9 we offer a how-to guide. We suggest 10 keys to success, but these three really stand out:

- ▶ Building personal relationships – When individuals get to know and trust each other, good things happen. When problems arise, the conflicts are easier to resolve.
- ▶ Forging good written agreements – Elected officials come and go, Tribal staff and government employees move on to greener pastures, but legal documents have staying power.

- ▶ Seeing opportunities, not liabilities – Hobart feels threatened by the Oneida and acts accordingly. In Palm Springs, a new generation of leaders pictured the possibilities. When the Tribe does well the City does well, and vice-versa. That's how it should be.

In the end, tribal governments and their local counterparts have a choice to make: Butt heads or shake hands. Either side can spend a fortune on attorney's fees and stir up trouble ad infinitum, or they can sit down in the same room and figure out how to use those resources to build better communities. Which approach makes sense to you?



*Cris Stainbrook*

Cris Stainbrook, ILTF President



# Desert oasis: Partnering for prosperity in Palm Springs

Confrontation. Conflict. Consternation. Since 1492 these have been the dominant themes in Indian Country when it comes to relations between Native American tribes and the descendants of those who colonized the United States. That’s how it was in California’s Coachella Valley, too, at least until 1977 when the City of Palm Springs and the Agua Caliente Cahuilla Indians came together to sign a document that has guided their relationship ever since. Although subsequent interactions between the Tribe and the City haven’t been perfect, the land use agreement written more than four decades ago has resulted in one of the most economically successful partnerships between a tribe and a local government anywhere in the United States. This is how it happened.

### A tourist magnet

Palm Springs is one of the most popular tourist destinations in the United States, a place where millions of visitors come to bask in the warmth and sunshine of the Sonoran Desert. They stay in the city’s fashionable resorts, shop at the high-end boutiques, attend major music and film festivals, and watch professional golf and tennis tournaments.

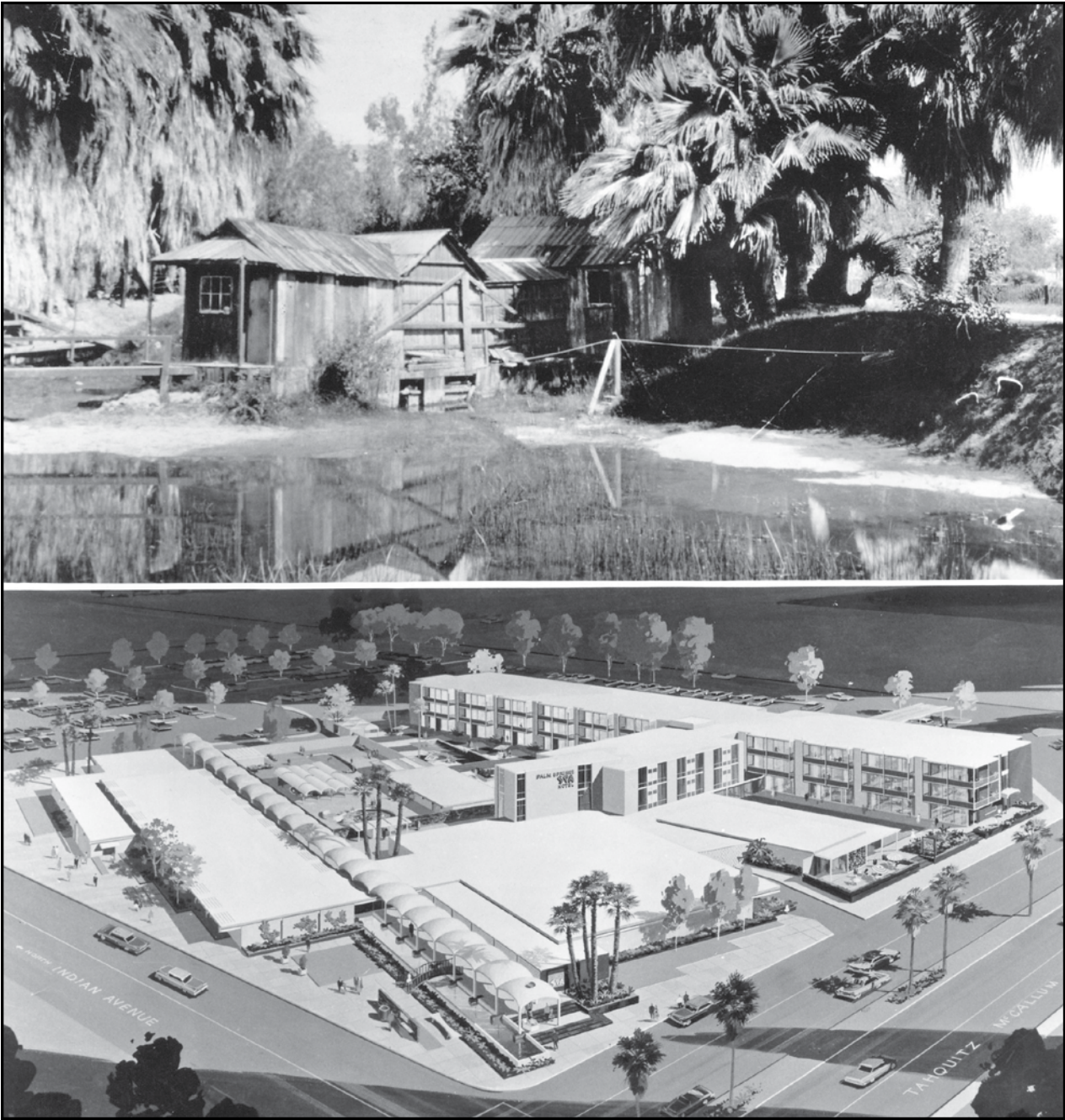
In the early 1900s, the first tourists arrived for the health benefits offered by the warm, dry climate. Then came the rich and the famous as Palm Springs’ relationship with the stars of Hollywood began with the opening of the magnificent El Mirador resort in the 1920s. By the 1950s, the stars were building winter homes in the ‘Movie Colony’ neighborhoods, playing golf with their famous friends and frequenting the glamorous nightclubs and gambling emporiums.

Ironically, the neighborhoods where the elite resided – folks like Dinah Shore, Cary Grant, Marilyn Monroe and Frank Sinatra – were located just across the street from Section 14, a square mile of Indian land that caused no end of irritation for the wealthy residents of Palm Springs. The local government, stoked by real estate developers and fueled by systemic racism, stopped at practically nothing in its attempts to remove the Indians. In their view, Section 14 was an eyesore that stood in the way of progress.

### A checkerboard reservation

Division of Agua Caliente land began in the 1860s when the U.S. government gave the Southern Pacific Railroad the odd-numbered sections of land for 10 miles on either side of the railway. In 1876, President Ulysses S. Grant designated the even-numbered sections as the Agua Caliente Indian Reservation. The resulting checkerboard pattern of land ownership has permeated the relationship between the Tribe and settlers ever since.

*"The 99-year lease was a game-changer."*



*The Spa Hotel in Palm Springs (bottom) opened in 1960, replacing the historic Agua Caliente bathhouse (top). (Photo courtesy of the Palm Springs Historical Society. All rights reserved.)*

Palm Springs grew up around Section 14. It became the place where most low-income workers lived as discriminatory housing practices kept blacks and other minorities from residing elsewhere. “Our people were living on dirt, basically, and there’s all this development going up around us except for that one square mile. It was rough,” Agua Caliente Tribal Chair Jeff Grubbe said in a 2019 article in *The Smithsonian* magazine.

By 1960, downtown was largely built out and the pressure grew to evict the Indians. The City attempted to enforce its building codes and zoning ordinances in Section 14 while refusing to connect the area to public utilities. When that failed the government made plans to raze the entire square mile, demolishing or burning at least 235 buildings in the mid-60s. Clearing of land ended in 1968 when Loren Miller Jr., assistant attorney general for the State of California, published an investigative report documenting what the City had done. “The City of Palm Springs,” Miller wrote, “not only disregarded the residents of Section 14 as property owners, taxpayers and voters; Palm Springs ignored that the residents of Section 14 were human beings.”

### Indian Leasing Act of 1959

Up until the 1950s, leases of Indian land could be no longer than five years, a provision that precluded development. That changed with the Indian Long-Term Leasing Act of 1955, which

increased lease terms on reservation lands to 25 years. When the first all-female Tribal Council came to power at Agua Caliente in 1955, they embarked on a long legal and political fight against the City’s actions. The Council pushed tirelessly for the passage of the 1959 Indian Leasing Act, which extended lease terms to 99 years. This was a game changer.

The Council’s first big win was a long-term lease deal to build the Palm Springs Spa. The multi-million dollar facility was constructed on the site of the ancient Agua Caliente mineral hot springs from which the Tribe derives its name. Opened in 1960, the Spa was built by a group of investors led by developer Samuel Banowit. In 1963 they added the Spa Hotel, which became a symbol of change in Palm Springs.

As Palm Springs grew, there was great demand for land, and individual Indian landowners seized the opportunity to enter into lease agreements. At the same time, the City ramped up its efforts to control what the Indians did with their land. The City government’s goal was clear: to add Section 14 to its tax rolls.

Agua Caliente leaders pushed back, arguing that as a sovereign nation they were not bound by City laws or ordinances on Tribal land. In a 1973 *New York Times* article, the City’s planning director Richard Smith warned that an Indian victory in the courts would produce “utter chaos,” destroy the attractiveness of Palm Springs, and place



its 31,000 permanent residents at the mercy of what he considered to be a handful of Indian “agitators.”

Ultimately the Tribe prevailed. Soon after, the Department of the Interior told the City to concede authority on their land to the Tribe because that’s what federal law required. Having been forced to the negotiating table, the City ultimately entered into a 1977 land use agreement with the Agua Caliente Tribe that is still in place today. The Tribe administers its own lands and the two sides work together on development. The land use agreement spells it all out: “Both parties recognize the need for effective planning, zoning, and land use controls with respect to all lands under their respective jurisdictions,” it reads. “The parties desire to make a sincere effort to effectively resolve this problem without delays in a mutually satisfactory manner.”

The agreement was written to cover such issues as building and utility permits, building codes, zoning requirements, conditional use permits, tract and parcel maps, compliance with state and federal environmental regulations and more. For a more detailed look at the agreement please see the accompanying story on page 3. The Tribe now has similar agreements with other local governments.

In 1993, the Tribe purchased the Spa Hotel and now owns and operates major resorts and casinos across the region. The Palm Springs Convention Center sits on land leased from tribal members, as do more than 20,000 homes and businesses.

Will cooperation continue?

By all measures the leasing arrangements have worked well in Palm Springs. Buildings on Indian land have a market value of more than \$2 billion. After more than 40 years of peaceful prosperity, it came as a shock in 2016 when a group of tribal landowners informed their tenants that the leases would not be renewed on a downtown building erected in 1956. It was their decision to tear down the asbestos-filled structure and replace it with something more profitable.

According to an article in the *Desert Sun* newspaper, the non-Indian community was suddenly fearful about the stability of the lease arrangements. Although there have been no other lease terminations reported since that time, the landowners’ decision made one thing clear: the Agua Caliente are in control of their land.

“It’s a business enterprise,” Tom Davis, Chief Planning and Development Officer for the Tribe, told the *Desert Sun*. “Land leasing has given opportunity for tribal members and the tribe to generate revenue from their property... You have an asset, you put it to use, give it the highest and best use of the property, enter into an agreement and collect rent. Simple.”

In the same article, Palm Springs attorney Joseph Roman, who has worked on Indian issues in the area for more than 30 years, issued a friendly reminder: “Palm Springs is on the reservation,” he said. “It’s not the other way around.”



It was a historic occasion in 1963 when the Agua Caliente Cahuilla Indians signed an agreement for their first long-term land lease. (Photo courtesy of the Palm Springs Historical Society. All rights reserved.)

Get it in writing: the importance of comprehensive legal documents

‘This agreement is made as of the 26th day of July, 1977, by and between the Tribal Council of the Agua Caliente Band of Cahuilla Indians (“Tribal Council”) and the City Council of the City of Palm Springs, California (“City”).’

These words comprise the first sentence of a legal agreement forged between two government entities, both seeking to act in the best interests of their citizens, that changed the economic future of the Coachella Valley forever. Now, more than 40 years later, the 1977 land use agreement between the Agua Caliente and the City of Palm Springs stands as an excellent example of the good that can happen when confrontation evolves into cooperation, and tribal councils and local governments come together with a common purpose. Everyone wins.

“It took a long time,” Agua Caliente Tribal Chair Jeff Grubbe said in a 2019 article in *The Smithsonian* magazine. “It was just constantly butting heads, and the Tribe, through good leadership, was finally able to work with the City. Having new elected officials in the City realizing that they should work with the Tribe and respect the Tribe, I think that’s what finally broke down those barriers.”

A framework for success

The 1977 agreement recognized that, “The Tribal Council has the power under its Constitution and By-Laws and in keeping with its powers of self-determination to adopt policies to achieve the highest and best use of Agua Caliente Indian lands, including but not limited to zoning and development thereof.”

Despite the history of severe conflict between the two sides, both recognized the need for effective planning, zoning and land use controls. That’s what the agreement covers:

- ▶ Building and utility permits
- ▶ Zoning & variances
- ▶ Conditional use permits
- ▶ Planned Development District permits
- ▶ Tract and parcel maps
- ▶ Amendments to the General Plan
- ▶ Building code enforcement
- ▶ Compliance with state and federal environmental regulations

While the agreement crafted the framework to move forward in tandem, it also gave either party the right to terminate with 30 days written notice. In 1978, a supplemental agreement was added to cover specific details regarding how appeals would be handled for land use decisions. It also recognized the Tribal Council’s right to make final decisions on issues related to their lands. Additional supplementals were added in 1987, 1994 and 1999 to offer further clarification to the agreement.

Today the Agua Caliente and the City collaborate on policing, fire protection and tourism promotion. The Tribe is a major employer and has donated millions of dollars to local non-profit organizations. The agreement has survived the shifting political winds, turnover in elected officials and staff, and the many economic ups and downs of the past 40 years. By getting it in writing, the two sides paved the way for an enduring partnership.

“Today, there’s more of a mutual respect with one another,” said Grubbe, the Tribal Chair. “We know if the City is doing well, the Tribe is going to benefit, and if the Tribe is doing well, the City’s going to benefit too.”

Multiple sources were used in the research and writing of this article, and quotations from those sources are cited within the stories. Sources included:

Borocas, Victor. “Before the Tribe Found Its Power: The Agua Caliente Cultural Museum Documents the Life of Poor Palm Springs Residents in ‘Section 14.’” *Coachella Valley Independent*. May 25, 2015.

Catlin, Roger. “How the Agua Caliente Band of Cahuilla Indians Held On in Palm Springs.” *The Smithsonian* magazine, April 5, 2019

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Holles, Everett R. “Wealthy Indian Tribe Suing Over Its Palm Springs Land.” *The New York Times*. Dec. 29, 1973.

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Nuttall, Arwen. “Section 14: The Agua Caliente Tribe’s Struggle for Sovereignty in Palm Springs, California.” *American Indian* magazine, Vol. 20, No. 2, Summer 2019.

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# Personal connections are paramount in tribal relations

When it comes to establishing good business relationships between tribal governments and outside entities, so much of the success or failure of the effort is tied to one thing: the people involved. If the parties like each other, and are genuinely interested in a mutually beneficial relationship, chances are things will go well. If the non-tribal partner goes above and beyond to try and do things right, the outcomes will be even better. Case in point: Wisconsin Department of Transportation State Tribal Affairs Program Manager Sandy Stankevich.

“That’s the biggest thing when you are working on a project,” said Todd Mulvey, who is the Roads Manager for the Forest County Potawatomi Community. “You have those established contacts, a familiar person that you see on a regular basis. Sandy Stankevich was the North Central Region representative for 15 years. Now she is the statewide tribal program manager. Whenever there is an issue that is road-related, whether it be a maintenance issue or a project or whatever is going on with the Tribe, I contact Sandy and ask her who I need to talk to. She will always get me to the right person and will follow up to ensure that our needs are being met.”

In fact, Stankevich is the first point of contact for numerous tribal employees across the state. Chances are, if a road project is taking place on land that belongs to one of Wisconsin’s 11 federally recognized tribes, Stankevich is right in the middle of things. “Her relationship is so good here,” said Crystal Chapman-Chevalier, Director of Community Development for the Menominee Nation. “Everyone knows Sandy. It’s all about trust. She is always willing to work with us and respects and recognizes our sovereignty. She also recognizes the potential for vulnerability, and she makes sure that we are protected.”

### Mutual respect

It wasn’t always that way.

When Stankevich was appointed as the first regional tribal liaison for WisDOT in 2005, she had no knowledge of tribes or tribal traditions or tribal government or tribal anything. “Nothing. I

knew nothing, so it has been a learning process every step of the way,” said the civil engineer. “I didn’t understand sovereignty. I didn’t understand tribal government. But they picked me to be the tribal liaison and I thought it would be interesting. To say it’s changed my life would be an understatement. I have learned so much and I have enjoyed it so much.”

*"I was new and needed to earn trust and mutual respect."*

Although her role as a tribal liaison was only 15-20% of her job back then, the most important thing Stankevich did immediately was to invest a substantial amount of time in reading everything she could about the tribes she would be working with. It was a steep learning curve. She read books and scoured the Internet for any scrap of information she could find that would help her understand how to build quality relationships with tribal leaders and their staff. Taking the time to learn about Native culture was crucial. “My family came here from Poland, and I’m only second-generation here,” she explained. “I’m invested in my culture, so I understand the value of culture and traditions and community. When you come from that I think you accept it more from other cultures, from other people.”

By employing some of her new-found knowledge, and taking an approach that was based on mutual respect, Stankevich was committed to working with tribes in positive, proactive ways.

She quickly discovered, however, that the feeling wasn’t mutual.

One of her first encounters with tribal leadership was an appearance before the Menominee Legislature in 2008 where she pitched her request to gain access to the Tribe’s vehicle crash reports, information she wanted to use to help the Tribe enhance safety on roads in the community. Not surprisingly, members of the Tribal legislature greeted the state government employee with suspicion. “I’m sitting in the middle of a half circle and it felt like the inquisition. I was just shaking, and there were no smiling faces,” she recalled. “They had a little discussion and the Tribal chair said, ‘You come back next month and talk to us again.’ I walked out into the hallway and I thought I was going to burst out crying.”

Fortunately, Stankevich had help from Chad Waukechon, who was on the faculty at the College of Menominee Nation at the time and also facilitated the Inter-Tribal Task Force. “Chad served as a mentor to me on the culture, traditions and policies of the Tribe,” Stankevich said. “The funny thing is when we walked into the hallway after being dismissed from the meeting, he looked at me and said, ‘Well that went well. Nobody yelled at you.’ Right there I gained an understanding that this wasn’t unusual. I was new and needed to earn trust and mutual respect.”

At the time, Chapman-Chevalier was one of the elected officials grilling Stankevich about her intentions. Now that the two women have known each other for years and have become good friends, Chapman-Chevalier can laugh at the memory. “I remember giving her such a hard time when I was on the legislative board,” Chapman-Chevalier said. “But we didn’t know her, and she wanted our statistics. That process took years of her building trust, coming back and asking again. We were not going to give that information to anyone, but she was able to work out an agreement. She gets treated a lot better now which is good!” she said with a laugh.

“I have lifelong friends in that community now,” Stankevich said. “It’s a whole different feeling. It’s mutual respect. Over time we have worked together and built that trust.”



The Wisconsin Department of Transportation (WisDOT) worked in cooperation with the Menominee Nation to construct a roundabout on Highway 55 in Keshena, Wisc, which created a safer and more efficient way to enter the Menominee Casino Resort. (Photo courtesy of WisDOT.)



# Formal agreements provide a framework for success

Before tribal relations were a priority, when there were no formal agreements in place, employees of the Wisconsin Department of Transportation (WisDOT) had a very different concept of what it meant to communicate with tribal governments. When a project that might require work on tribal land was in the planning stages, there wasn’t much consultation involved. “We would just send a letter to the tribe that basically said, ‘Here’s where we’re going to be, here’s what we’re going to be doing, here’s when we are going to be there,’” said Sandy Stankevich, the State Tribal Affairs Program Manager for WisDOT. “I don’t know if there was even a line that said, ‘You’re OK with that, aren’t you?’ That was just the way we did things. It obviously didn’t work out too well.”

WisDOT’s approach to working with tribes began to change in 2004 when Wisconsin Governor Jim Doyle issued Executive Order #39, which directed state agencies to work cooperatively with the 11 federally recognized tribes located within the state’s borders. It affirmed the government-to-government nature of relations between the tribes and the state and set a goal of strengthening day-to-day working relationships while pursuing mutually agreeable objectives. This declaration led to a partnership agreement between the 11 tribes and the DOT. In 2019, WisDOT worked with the Federal Highway Administration and the Bureau of Indian Affairs to update the document which serves as a framework for how the agency works cooperatively with Tribal Nations in ways that respect sovereignty and self-determination.

When Stankevich was first appointed as the tribal liaison for the North Central Region of Wisconsin more than 15 years ago, she had no experience working in Indian Country and had difficulty finding anyone else who did, either. “There wasn’t anybody there I could ask. I was the first regional tribal liaison,” she explained. “There were people who said, ‘Oh yeah, we did that one job 10 years ago and they weren’t happy about it. But we did it anyway.’ It was a whole different mindset.”

One of Stankevich’s first projects as a DOT engineer was a culvert replacement on the Lac du Flambeau Reservation. With the crew already on site, the Tribal Historic Preservation Officer got wind of the activity and she was not happy about it. “She said, ‘Stop everything! Nobody talked to me about this. Nobody got my permission and you are digging up our land,’” Stankevich said, paraphrasing the awkward conversation. “We sat down and talked and said we were sorry. Ironically, that was Kelly Jackson, who ended up working for the DOT as the State Tribal Affairs Program Manager before me. I learned so much from her through that process.”

## Making connections

One of the most important steps WisDOT took was the formation of the Inter-Tribal Task Force (ITTF), which consists of representatives of each tribe and DOT staff. ITTF is engaged in a wide array of transportation-related efforts, from an annual conference to workforce training and development, highway safety and signage, youth outreach, transportation policy and best practices, and public transit. Perhaps its greatest impact is in facilitating better communication on a day-to-day basis.

A lot of ITTF’s efforts are developed around education and training, but when tribal and state



*Wisconsin Lieutenant Governor Mandela Barnes (left) and Oneida Nation Tribal Chair Tehassi Hill (right) signed a multi-party agreement between the Wisconsin Department of Transportation, the U.S. Federal Highway Administration and the Bureau of Indian Affairs. (Photo courtesy of WisDOT.)*

employees get together to learn, there is so much more to be gained according to taskforce member Todd Mulvey, Roads Manager for the Forest County Potawatomi Community. “The training is important, but I think the main benefit of the task force is it brings all of the tribes together with the DOT folks and the federal agencies.”

Crystal Chapman-Chevalier agrees. She is the Director of Community Development for the Menominee Nation, and represents her Tribe on the task force. “When I first started attending it was a great learning experience, just working with a lot of people who were in the same role with other tribes,” she said. “We are all working on the same problems, and we’re solving those problems in different ways that we can share with each other.”

Over time, solid relationships have been formed between tribal leaders and employees and their WisDOT counterparts. People have come to know each other on a more personal basis, the culture gap has narrowed, and now the people involved in projects on tribal land know who to call when the need arises.

“What I’ve found since I’ve been here is that everybody wants to work together. They just don’t know how to take that first step,” Mulvey said. “Having the ITTF framework in place creates that bridge that’s always there.”

The Forest County Potawatomi have now established similar frameworks with local governments nearby. For example, the Tribe crafted a Memorandum of Understanding with the Town of Lincoln regarding oversight of mutual roadways that establishes how often they will meet, what issues will be discussed, and who will be involved.

“This puts something in place so that regardless if the town board gets completely turned over in an election the framework is still there,” Mulvey explained.

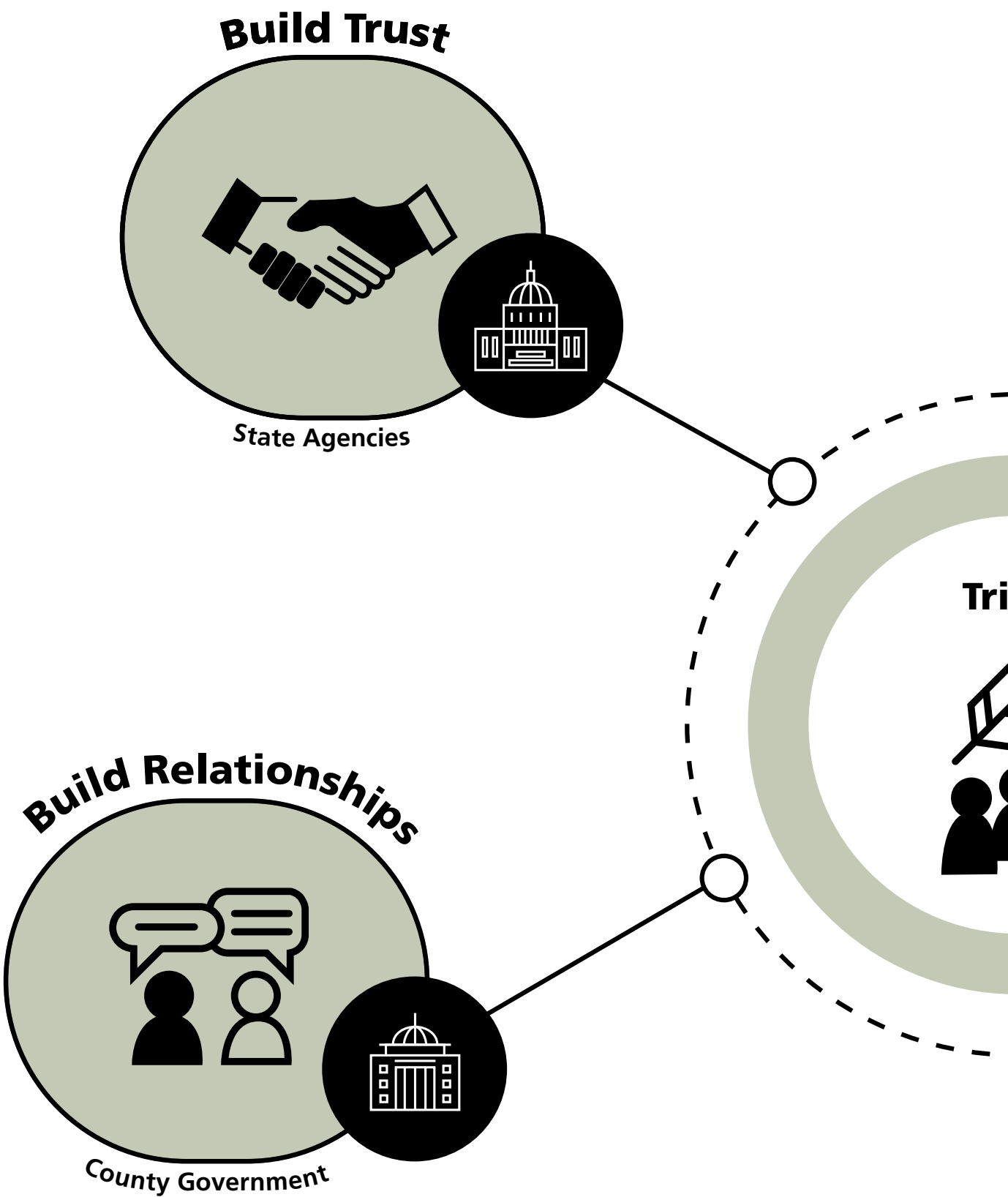
The Tribe also has formalized agreements with the City of Crandon and Forest County regarding the sharing of equipment, purchasing of supplies, and contracted services. “When something comes up like paving or sealing cracks, we can just write a purchase order,” Mulvey said. “If they are available, they’ll come out as soon as the next day and do it.”

The personal connections that have developed along with the formal agreements are invaluable. “Relationships are better when you come together and talk not only when the other party is needing something,” Mulvey said. “The setup we have now between the Town of Lincoln and the Tribe, for example, is perfect. They’re meeting quarterly no matter what. The framework is now set.”

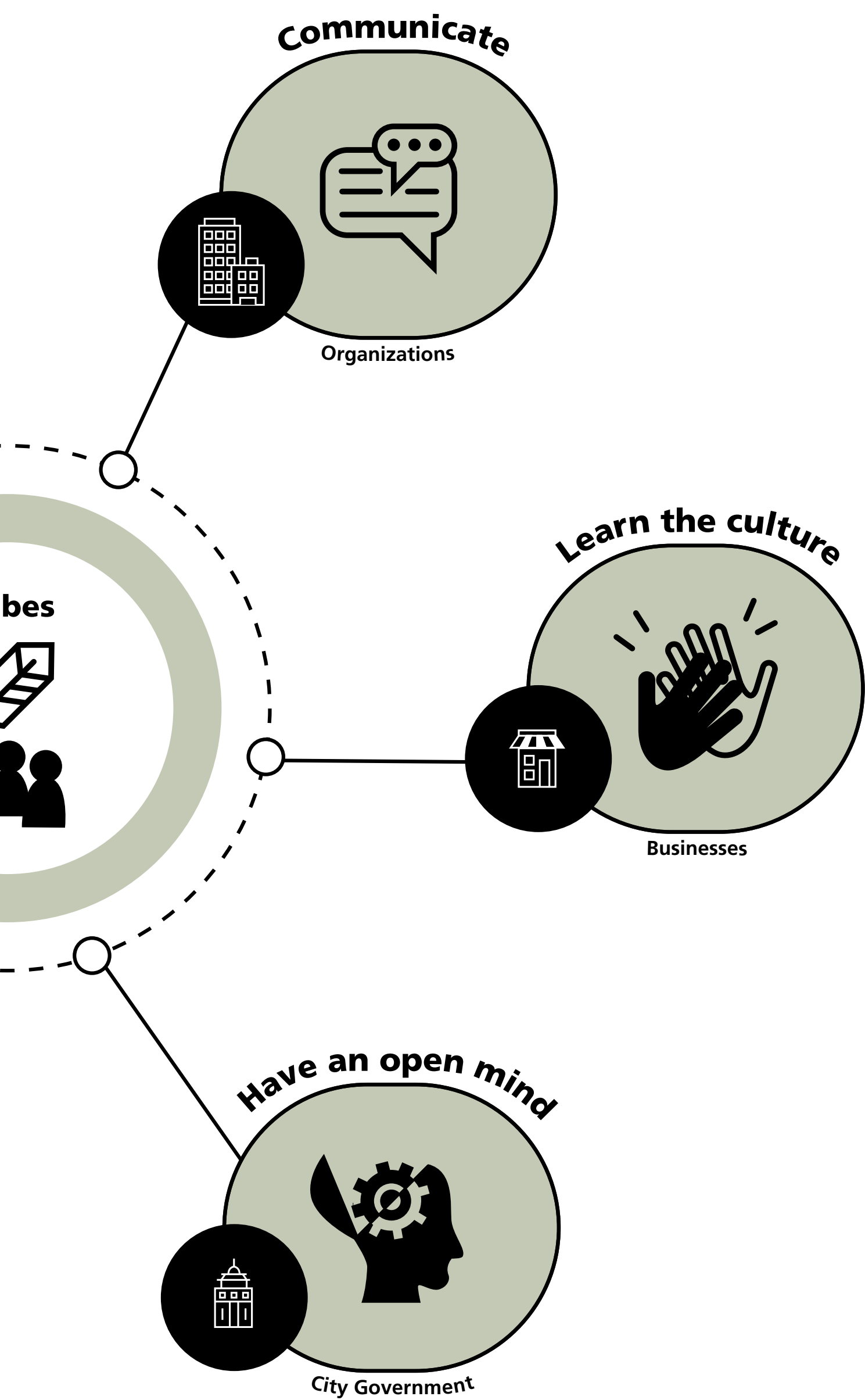


*Wisconsin Department of Transportation tribal liaisons gathered at the annual State of the Tribes address, including statewide program manager Sandy Stankevich (fourth from the right). (Photo courtesy of WisDOT.)*

# Building quality relationships in Indian Country



Whether you work in government or business or the non-profit sector, it takes time to build quality relationships with people from different organizations. This is especially true in Indian Country. There are a number of steps outsiders can take to establish trust, communicate effectively, and work toward mutually beneficial outcomes. This illustration highlights a few of the most important factors in helping relationships with Tribal governments be successful for all involved. See pages 8 and 9 for a more detailed look at how to build relationships in Indian Country.





# 10 keys to success for outsiders working with tribes

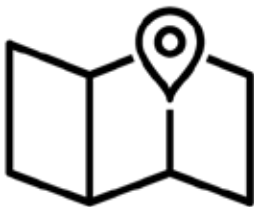
Sandy Stankevich is the State Tribal Affairs Program Manager for the Wisconsin Department of Transportation. Crystal Chapman-Chevalier is the Director of Community Development and Utilities for the Menominee Nation. Todd Mulvey is the Roads Manager for the Forest County Potawatomi Community. All three are knee-deep in the business of managing projects that involve tribal and non-tribal entities. We asked for their advice on the keys to success in such relationships. These are their top 10.



### 1. Learn the culture

It's a lot easier to work with someone when you understand where they're coming from. "A lot of times now when someone comes to meet with us for the first time, they'll say they want to learn more about the Tribe and our culture," Chapman-Chevalier said. "That's a good thing."

"You absolutely want to educate yourself. I have a shelf full of books about Native culture," said Stankevich. "I created a binder that contains information on everything I could find about every tribe in Wisconsin – their structure, how their government works and what it's called – and every time I went to meet with a tribal leader I made sure I knew how to address them. It gave me some background and understanding. To me that's just a form of respect."



### 2. Find yourself a guide

When an outsider is initiating a tribal business relationship it helps to have an insider who is willing to help pave the way. "I have been in that role many times," Chapman-Chevalier said, citing the example of a utility company that wanted to fly a drone over tribal land. She brought the utility's request to tribal leadership, provided guidance on crafting a suitable agreement, and answered questions tribal leaders had about the project.

Stankevich concurs. The late Chad Waukechon, former facilitator of the Inter-Tribal Task Force, was crucial in helping her build trust with leadership and Tribal staff at the Menominee Nation. She had similar relationships with a 'go-to' person at every tribe who could answer questions and provide guidance. "If you are coming in from the outside, and you are not familiar, you have to build that relationship," she said.



### 3. Build relationships

As in most business situations, success often comes down to who you know. "It's hard to put a finger on but that's how things get done pretty much anywhere in my experience," said Mulvey, an engineer who previously worked for private firms. "You've got to have somebody pushing things on your behalf," he said.

"When a problem comes up we know who we can call," Chapman-Chevalier said of her Tribe's relationship with WisDOT. "We know who we can get help from and who is going to facilitate those conversations."



### 4. Establish trust

Trust is earned, not given, and outsiders must acquire the respect of Tribal leadership and staff. "Just because you are there, don't assume that you are going to be trusted even if you are proposing a project you think will be beneficial to the community," Stankevich said. "I have seen a lot of tribal liaisons come and go. They just don't make the connections."

"That's what it all boils down to," said Chapman-Chevalier. "Having someone like Sandy who we can trust provides a comfort level for the Tribal members, and it's a comfort level for me in my position knowing that our people are going to be heard and someone is going to be looking out for our interests even when we are not in the room."



### 5. Single point of contact

It can be challenging to stay on top of the many details involved in a long-term project, even more so when there is staff turnover. Stankevich says it is vital to establish a single point of contact

who is likely to be around long-term. For her that person is often the Tribal Historic Preservation Officer (THPO), a highly specialized position that requires years of training and experience. "Tribal elections result in new leadership, and tribal department directors also change, but the THPO is probably the most stable position on staff," she said. "They are so invested in their work, they care so deeply about tribal history, culture and traditions that they are probably less likely to leave. They are well-respected within the community and they understand the processes."



### 6. Communicate effectively

"Communicate, communicate, communicate," Stankevich said. "I just can't emphasize that enough. With tribal communities, I have found that face-to-face communication is premier, and that's what you build trust on. You can write all of the emails you want but until someone can put a face to a name you are not going to build that trust."

Of course, email is important, too. "If you send communication to a tribal leader, which you automatically do out of respect, make sure that you are copying somebody else – an assistant or someone in the department you are working with, for example – who can bring it to his or her attention."

Chapman-Chevalier stresses the importance of understanding the people you are working with. "You have to know your audience," she said. "No matter what race or culture someone is from, everybody works differently. Some people text. Some people want you to call them on the phone and then follow up with an email. I really try to navigate those relationships on an interpersonal level."



### 7. Get it in writing

Face-to-face communication is vital, and phone calls are important, but documenting what was said is a must. This is especially important when tribes are working with outsiders who may not have interpreted the conversation in the same way. "Always get everything in writing," Chapman-Chevalier cautioned. "Even if you have a phone conversation, follow up with an email."





Throughout Indian Country, it can take time to build good relationships between outside agencies and tribal governments. (Photo by Alamy.)

In the bigger picture, long-term agreements are vital to ensure that tribal sovereignty is respected, and the interests of both governments are protected. The 1977 land use agreement between the City of Palm Springs and the Agua Caliente Band of Cahuilla Indians, for example, changed the course of the relationship between the two governments and has served as a guiding document through more than 40 years of change.

their land,” Chapman-Chevalier said. “We don’t want to be rude, but you have to stand up for your tribe and help others to realize the significance of the issue we’re talking about. At the same time, you need to establish that relationship and show that you are reasonable.”

The same is true in Palm Springs where more than half of the homes and businesses sit on Indian land. For generations the City tried to impose its will on the Tribe. Since taking a cooperative stance, both the City and the Tribe have prospered. In an interview with *The Smithsonian* magazine, Tribal Chair Jeff Grubbe indicated that mutual respect was crucial. “Having new elected officials in the City realizing that they should work with the Tribe and respect the Tribe,” he said, “I think that’s what finally broke down those barriers.”



8. Have an open mind

Every little Wisconsin town seems to have a local bar, a community gathering place where people from all walks of life socialize, debate and talk about the weather. Stankevich grew up in the bar her family owned, an environment that proved to be an excellent training ground. “That’s where I learned how to communicate. I can get along with anyone,” she said with a laugh. “To do this job well you need to be open-minded and accepting.”

From the tribal perspective, that can mean altering your approach to fit the circumstances. Some situations require diplomacy; others need a more direct approach. For outsiders, it’s vital to listen to the tribe’s viewpoint and respect their concerns. “It’s important for people who may not be familiar with tribal culture to understand the deep-rooted connection Indian people have with



9. It’s not all about you

‘What’s in it for me?’ If there is a traditional approach to negotiation in American business circles, that’s probably it. When it comes to creating effective working relationships between tribal communities and outside entities, however, outsiders need to think differently. “I had a hard time wrapping myself around the sovereignty issue,” Stankevich admitted. “I didn’t understand why we needed permission to do something with our road.”

That changed over time, thanks to a helpful analogy offered up by a colleague. “I picture it like we are building a bridge between the United States and Canada,” Stankevich explained. “Would you just plop a bridge down on Canadian land without getting their permission?”

The same holds true for projects on tribal land. “It might be the State of Wisconsin’s roadway but it’s on tribal land and it impacts them,” she said. “I take that into every meeting. It’s not just about us.”



10. Change happens

Few things in life go as planned. Working on long-term projects can be like riding on a rickety rollercoaster. Priorities change, and so do the people involved. Stankevich cited the example of a 10-year roundabout project that saw an endless number of DOT employees and tribal staff and leadership come and go. “We also went through three governors, four secretaries of transportation and at least seven different tribal chairs,” she said. “I look at it like sailing a boat. I can be on the shore and have a destination point on the other side. Then I get halfway across the water and the winds change or I might need to avoid rocks under the surface,” she said. “I just have to adjust my sails. It’s the same destination, I just have to change the way we get there.”



# From complexity to cooperation on the Columbia River

The Upper Columbia River, a place steeped in cultural and natural significance, has been an important gathering place for thousands of years, from the Native peoples of the region to the colonial settlers. The land and waters of the region were forever transformed in 1941 by the Columbia River Basin Project and construction of the Grand Coulee Dam, which created a 130-mile long lake. It is the centerpiece of the Lake Roosevelt National Recreation Area, where more than 1.5 million visitors come each year to enjoy the great outdoors.

One of the primary reasons the recreation area has been so successful is because of a unique management agreement forged 30 years ago by three government agencies and two tribal nations. The Lake Roosevelt Cooperative Management Agreement serves as an excellent example of what is possible when tribal leaders and government agencies set aside their differences in pursuit of mutual success.

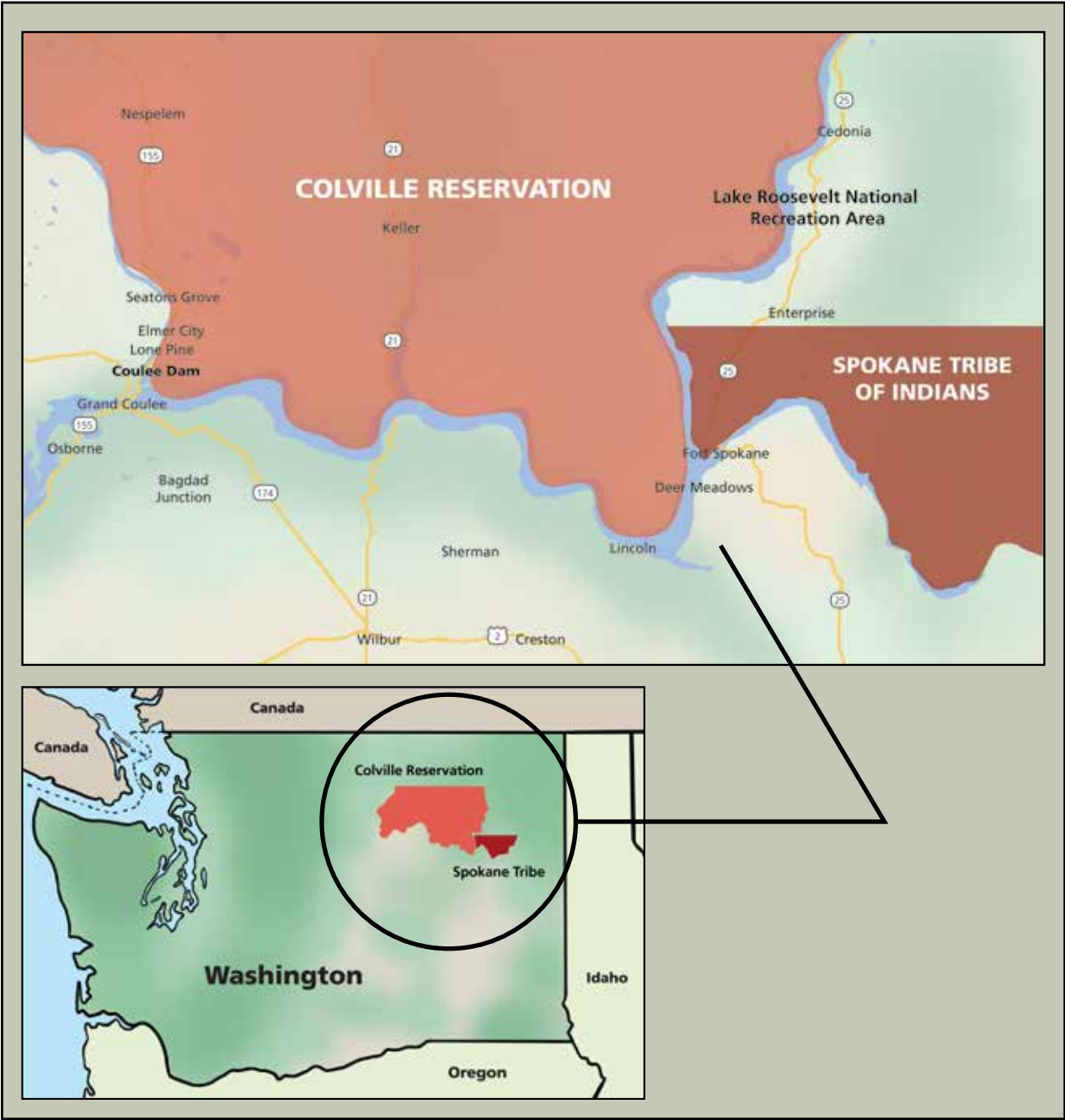
### Cultural and environmental change

The 1930s were a dark time in the United States. The 1929 stock market crash and killer droughts left millions of Americans desperate for work and sustenance. When President Franklin D. Roosevelt announced the New Deal in 1933 it spawned the construction of public works projects from coast to coast, putting Americans back to work and offering hope for a better future. One of the largest and most ambitious projects was the building of the Grand Coulee Dam on the Columbia River. The goal was to generate electric power, irrigate agricultural land and spur economic growth in the region. The dam was completed in 1942, raising the water levels behind by some 400 feet and creating over 600 miles of shoreline.

The economic benefits of the Columbia River Basin Project are undisputed. More than 600,000 acres of irrigated land produce half a billion dollars of agricultural output annually. Electricity generated serves the needs of more than four million residential customers. The flood control measures put in place regularly protect the region from massive flood damage. But all of that progress came at a very high price.

There were dramatic cultural and environmental shifts, changes that are still being felt today. With the building of Grand Coulee Dam, and then Chief Joseph Dam, salmon could no longer migrate to and from the area, and vast amounts of tribal land was submerged. Places of deep cultural significance were washed away. The project also created complex and contentious issues of tribal rights, particularly after Congress determined in 1940 that the Tribes held the legal authority to regulate hunting, fishing and boating by non-Indians on their land and water.

At the time, the Confederated Tribes of the Colville Reservation and the Spokane Tribe of Indians agreed to enforce their fishing ordinances in the existing “Indian Zones” but to leave regulation of boating, water skiing, and swimming to the National Park Service. The enforcement of the fishing regulations proved difficult, however, because the water was never marked by buoys or signs and the public had difficulty determining the boundaries. It took nearly 40 years to reach an amicable solution.



Construction of the Grand Coulee Dam in 1941 created the Lake Roosevelt National Recreation Area, which is managed through a cooperative agreement between two tribes and multiple government agencies.

### Resolving the complexities

The final round of negotiation on the Lake Roosevelt Cooperative Management Agreement didn’t begin until 1988. It continued for a year and a half until the Tribes and agencies resolved their many differences. The Agreement, signed on Earth Day in 1990, confirmed the Tribes’ management authority over the reservoir and related lands within the boundaries of their respective reservations. It included five parties, each of which had specific areas of jurisdiction and responsibility:

- ▶ The Bureau of Reclamation is responsible for the flow and utilization of water.
- ▶ The National Park Service manages the Lake Roosevelt National Recreation Area to provide recreational opportunities and protect cultural and natural resources.
- ▶ The Colville and Spokane Tribes regulate fishing, wildlife preservation and protection, recreation, economic development, and cultural, historical and archaeological resources.
- ▶ The Bureau of Indian Affairs (BIA) provides management and resource assistance as needed.

Two additional federal agencies – the Bonneville Power Administration (BPA) and the U.S. Army Corps of Engineers (COE) – work with the partners on management activities. The BPA schedules power generation and provides

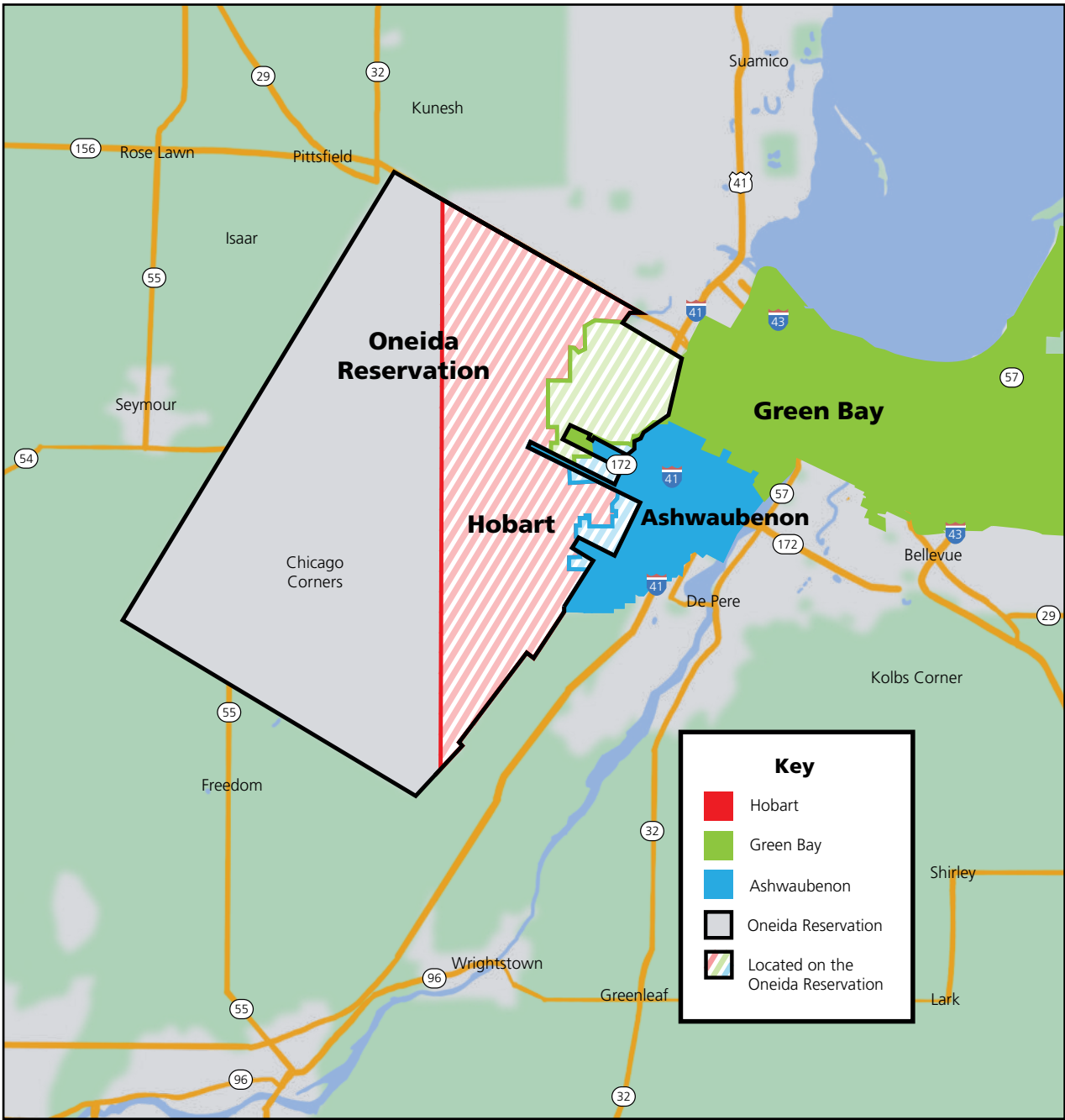
funding to the Tribes to mitigate fish and wildlife losses. The COE coordinates lake levels for flood control. The five partners also work closely with state and county agencies in the area. The agreement, which includes a dispute resolution process, calls for periodic meetings to coordinate management activities and an annual meeting to monitor compliance. Each entity has to secure its own funding.

“This Agreement is a significant milestone indicating a recognition by the Federal Government that the Colville and Spokane Tribes are equal partners in the management of Lake Roosevelt,” Jude Stensgar, Chairman of the Colville Business Council, said when the agreement was signed. “This type of government-to-government relationship will be beneficial for all citizens whether living in the area or visiting it for the many recreational opportunities that Lake Roosevelt offers.”

Despite years of hard work by federal and Tribal officials, and many years of cooperation, the Lake Roosevelt Cooperative Management Agreement is not perfect. It hasn’t resolved all of the issues in the area, and there have been some sticky jurisdictional and management conflicts along the way. On the whole, however, the document has served its purpose. When it comes to working through a complex set of circumstances over a vast area involving numerous competing political, cultural and economic entities, it serves as a great example of what is possible in Indian Country.



# Lessons in conflict: Village of Hobart vs Oneida Nation



About 14 percent of the city of Green Bay in Wisconsin sits within the boundaries of the Oneida Reservation, as do parts of the Village of Ashwaubenon and nearly all of the Village of Hobart.

On the surface, it was a dispute about an event permit for an apple festival. In reality, there was so much more to the latest in a long series of legal confrontations between the Village of Hobart and the Oneida Nation. This case serves as a cogent example of how a local government’s antagonism towards its American Indian neighbors can go horribly wrong. In this issue of the *Message Runner* we present several situations where local and tribal governments have come together with great results. That’s not what happened in northeastern Wisconsin.

### Apples to apples

Hosted annually by the Oneida Nation, Big Apple Fest has been a popular event in the Green Bay region since 2009. In 2016, the Village of Hobart enacted an ordinance that required the Oneida to pay \$5,000 for an event permit to hold the festival on its own land, which is co-located within the boundaries of both the Oneida Reservation and the Village of Hobart.

The Village claimed it wasn’t trying to harm the festival, just being fair. If other events had

to pay the fee, so should the Tribe. The Oneida balked and Hobart issued a citation. The disagreement boiled down to one question: Did local government have the authority to regulate activities on Indian land.

The case centered on the interpretation of congressional intent in passing federal laws more than a century ago – the Dawes Act of 1887, the Burke Act of 1906, and the Appropriations Act of 1906 – which permitted unrestricted sale of tribal property to non-Indians. The Oneida asserted that its land extended to the boundaries of the original 65,000-acre reservation; Hobart disagreed. In 2019, U.S. District Judge William Griesbach ruled in favor of the Village. The Tribe went to the 7th District Court of Appeals, which reversed the original decision in 2020. Hobart had lost another legal battle with its neighbors.

When considered in isolation, Hobart’s quest to manage the impact of a major festival on its citizenry might seem reasonable. Dig a little deeper, however, and it quickly becomes evident that the rift between the two entities runs much deeper.

### No end of consternation

About 14% of Green Bay is within the Oneida Reservation as are parts of the Village of Ashwaubenon and nearly all of Hobart. Land the Tribe holds in trust is exempt from local property taxes and regulatory control, a fact that has generated no end of consternation in Hobart. As the Oneida have garnered substantial economic clout and political influence in recent years, the Tribe has used its resources to buy back more than a third of the reservation land in Hobart. Local officials have described the situation as being “annexed from within” and they aren’t happy about it. This type of tension is not unique to Wisconsin, of course, but Hobart’s reaction has been extreme.

In 2004, the Village had signed a three-year service agreement with the Tribe that covered such necessities as police and fire protection, ambulance service and street improvements. As part of the contract, Hobart agreed that it would not oppose the Tribe’s attempts to place land into trust. In 2007, the Village breached the agreement, and then things got nasty. There have been numerous disputes involving everything from a golf course liquor license to unpaid stormwater fees to the route of a proposed broadband line. The Tribe responded to Hobart’s animosity with some interesting tactics of its own.

When the Village purchased 350 acres in 2008 to develop a new town center, the Tribe acquired a 17-acre, L-shaped parcel around it, essentially preventing Hobart from running utilities to the development. When Hobart spent \$3 million dollars to build roads and infrastructure for a 490-acre industrial park, the Tribe quickly purchased 75 percent of the sites within the park and declared it would not be developed.

Not only were the disputes economic in nature, they were heavily tainted by incendiary rhetoric and political dog whistles. The Village hired Elaine Willman, a national anti-Indian figure, as its highest-ranking administrator. When Willman’s ties to an overtly racist organization became clear, the Tribe passed a resolution that ceased all negotiations with the Village. According to documents obtained in a public records request by the Green Bay *Press-Gazette*, the Village has spent nearly \$1 million in legal fees fighting the Tribe.

When former Oneida chairman Rick Hill passed away, the Village refused to lower its flags to half-staff as other nearby communities had done. The Village also warned residents that they were at risk of identity theft if they patronized tribal businesses. And they fought against attempts by the Tribe to put more land into trust. It was ugly.

Continued on page 12

Multiple sources were used in the research and writing of this article, and quotations from those sources are cited within the stories. Sources included the following publications:  
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Continued from page 11

A country club community

To put all of this into context it is helpful to know more about Hobart, which is the wealthiest, most influential suburb of Green Bay. Its population has grown by over 50% in the past 10 years to more than 9,000, and is nearly 80% white and about 17% Native American. Over 56 percent of Hobart voters chose Donald Trump in the 2020 presidential election.

As described on the Village of Hobart website, it is a “premier residential community” suitable for those seeking “upscale comfort and peace of mind.” It boasts the highest household income in the region, 72% higher than the whole area. The median home value is 85% higher.

At the time of this writing, local real estate listings include a 16,392 square-foot home with 8 bedrooms, 7.5 bathrooms and an 8-car garage, and a 13,400 square foot home with 14 bedrooms. There are precious few listings under \$500,000.

The kind of folks who live in well-appointed McMansions adjacent to the carefully manicured fairways of the Thornberry Creek golf club are accustomed to having things their way. They run companies, work at top professional firms, and sit in luxury boxes at Lambeau Field, home of the Green Bay Packers. They also have attorneys.

There is another way

One of the most interesting aspects of Hobart’s relationship with the Oneida Nation is how it contrasts to that of other local governments. For years, the Tribe has had cooperative service



The Village of Hobart, Wisconsin, is the most affluent suburb of Green Bay, with expensive homes and influential residents who are accustomed to having things their way. (Photo by Shutterstock.)

agreements with Ashwaubenon, Green Bay and Brown County. They share services, cooperate on infrastructure projects and generally get along. When Green Bay’s agreement with the Tribe lapsed, the City continued providing services until a new agreement could be completed. The City receives millions of dollars in service fees in lieu of property taxes. The amount the parties save in legal fees by working together is not insignificant. Neither is the value of cooperation over confrontation.

Oneida Chairman Tehassi Hill expressed hope in 2020 that the Tribe’s relationship with the Village of Hobart can eventually move in the same direction. “Our governments working together could serve the greater community better,” he told the *Press-Gazette* when the Big Apple Fest ruling was issued. “Continuing litigation is costly and hasn’t proven to be effective for the Village. It needs to stop.”

The Message Runner



- ILTF first published the *Message Runner* in 2002 to provide Indian people and others with much-needed information about Indian land tenure issues. Previous volumes include:
- Vol. 1** — "Restoring Indian Lands." Major issues surrounding Indian land tenure along with solutions and strategies.
  - Vol. 2** — A primer on Indian estate planning and probate, including the 2004 American Indian Probate Reform Act (AIPRA). This volume was updated in 2019.
  - Vol. 3** — "Rights-of-Way." History of rights-of-way in Indian Country, including a helpful how-to section for landowners and tribes.
  - Vol. 4** — "From Removal to Recovery: Land Ownership in Indian Country," an historical account of Indian land ownership from pre-contact to today.

- Vol. 5** — "Cutting through the Red Tape: An Indian Landowner's Guide to Reading and Processing Federal Forms."
- Vol. 6** — "Native Land Law: Can Native American People Find Justice in the U.S. Legal System?"
- Vol. 7** — "Now hiring! Exploring career opportunities in tribal land."
- Vol. 8** — "Appraisals are at the heart of federal trust responsibility."
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- Vol. 10** — "A new generation is preparing to lead in Indian Country."

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The Indian Land Tenure Foundation (ILTF) is a national, community-based organization focused on American Indian land recovery and management. ILTF’s primary aim is to ensure that all reservation and important off-reservation lands are owned and managed by Indian people and Indian nations.

As a community foundation, ILTF relies on funding from private foundations and donations from Indian nations, corporations and individuals to support its programming in Indian Country. Please consider making a donation to the Indian Land Tenure Foundation today.

To learn more about our work and programs, and to make a donation, visit our website at [www.iltf.org](http://www.iltf.org).

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