Minnesota Environmental Stewardship Conference 2015

Session 1: Working in Indian Country:
Forging Successful Relationships

Welcome!

Ed Fairbanks
Tribal Liaison
MnDOT Government Affairs

Levi Brown
Environmental Director
Leech Lake Band of Ojibwe
MnDOT Tribal Liaison Role
Edward Fairbanks

Tribal Chair
Governor

Tribal Staff
State Agency Staff Member

Leech Lake Environmental Director Role
Levi Brown

Tribal Chairperson / President
State of MN Governor

Federal Government
Local Governments: City/County
IN THE LEGAL–POLITICAL SENSE, TRIBAL EXISTENCE RESULTS FROM RECOGNITION UNDER FEDERAL LAW:

- US Constitution
- Treaties
- Federal Laws
- Executive Actions
- US Courts

FEDERAL RECOGNITION OF INDIAN TRIBES

12 Federally Recognized Tribes (Including the Minnesota Chippewa Tribe)

Tribes in Minnesota

**Anishinaabe Bands (Chippewa/Ojibwe)**
- Bois Forte (Nett Lake)
- Fond du Lac
- Grand Portage
- Leech Lake
- Mille Lacs
- Red Lake
- White Earth

**Dakota Communities (Sioux)**
- Lower Sioux
- Prairie Island
- Shakopee–Mdewakanton
- Upper Sioux
POLICIES/PROGRAMS THAT DIRECTLY AFFECT INDIAN TRIBES AND THEIR MEMBERS

- Trust Lands: Rights-of-Way
- Indian Employment on/near Reservations
- Historic & Cultural Preservation
- Road Safety
- Reservation Road Signs
- Transportation Planning
- Partnering on Highway Projects
Harvesting Native Wild Rice

Traditional Way of Life
Traditional Way of Life

• NHPA
• NEPA
• AR
• NAGPRA
• Executive Order 12875 – *Tribal Governance*
• Executive Order 12898 – *Environmental Justice*
• Executive Order 13007 – *Sacred Sites*
• Executive Order 13084 – *Consultation and Coordination with Indian Tribal Governments*
• Executive Order 13–10 – *Consultation with Indian Tribal Governments*
• Presidential Memorandum–November 5, 2009

Legal Consultation Requirements
Fast Forward to Today

STATE OF MINNESOTA
EXECUTIVE DEPARTMENT

MARK DAYTON
GOVERNOR

Executive Order 13-10
Affirming the Government-to-Government Relationship between the State of Minnesota and the Minnesota Tribal Nations; Providing for Consultation, Coordination, and Cooperation; Rescinding Executive Order 03-05

Consultation Meetings

Chairman Kevin Jensvold, Upper Sioux Community and MnDOT Commissioner, Charles Zelle (2014)
The Work of ACTT

Assess and Evaluate Common Tribal Issues
Identify and prioritize issues and determine the appropriate action for those issues

Develop Statewide Policy and/or Legislation
Determine that external stakeholders, gather input, gain ACTT consensus on any action, obtain endorsement from the Minnesota Indian Affairs Council, and submit to appropriate the agency for approval/implementation

Create Awareness and Educate on Issues
Identify information resources, gather feedback on issues/topics of interest, and identify and develop forums

Identify and Promote successful Practices
Work to develop process to identify, evaluate, disseminate successful practices and identify resources and develop mechanisms to promote forums for successful practices

Partnership in Fixing One of the Deadliest Intersections
Project Details:

- One of the busiest highways in MN with large volume of 18 wheelers, logging trucks, and recreational traffic
- Deadliest intersection on Leech Lake Reservation
- Native housing with no walking–biking access
- Commerce corridor complications

Coordination Efforts:

- Funding, application processes, timelines
- Face-to-face meeting critical – Tribal Council Representative, Tribal Technical staff and MnDOT
- Partnerships utilized

Resolution:

- Separate Walking \ Biking Trail from the Tribal Housing to Village of Bena
- Phase II – additional trail to connect a State Wide Bike Way and provide additional safety measures to the Tribal Membership
Questions?

- What’s a respectful greeting when meeting with the tribal leaders or tribal counterparts?
- I’ve got a local road project that is within the Leech Lake Reservation exterior boundaries, who’s my first point of contact?
- Who’s responsible for what environmental documents when they’re involved in a project inside reservation boundaries?
- What does project consultation entail? (vs. day-to-day coordination?) At what point is consultation required by law?
- How is consultation different between Dakota communities and Ojibwe bands?
- How can I find out who is the appropriate contact for Tribes? Should we work directly through the Chairman first?
- Where can I find out more about tribal history?

MiiGwitch

(Thank You)

We all have a stake in A & B