National Conference on Aging & Title VI

Working with Tribal Governments; Another Perspective

Edward Fairbanks| Tribal Affairs

08/15/2019

DEPARTMENT OF TRANSPORTATION

mndot.gov

What is Indian Country?

"Indian Country"
is legally defined under federal law

It is where tribal sovereignty applies
and state power is limited

- Indian reservation
- Tribal trust lands
- Indian allotments
- Ceded Territories

MN Tribal Nations

Minnesota Tribes

Bois Forte
Fond du Lac
Grand Portage
Leech Lake
Mille Lacs
White Earth
Red Lake

Lower Sioux
Prairie Island
Shakopee Mdewakanton
Upper Sioux

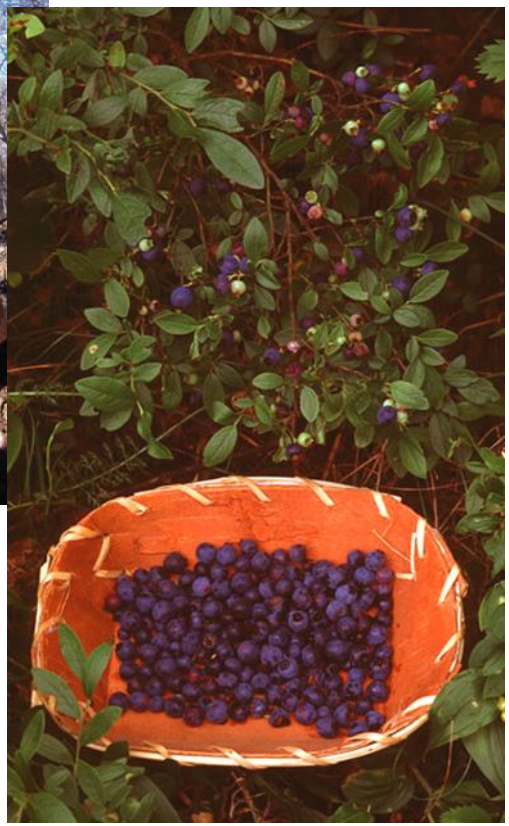
Wisconsin Tribe:
Ho-Chunk

Minnesota Tribes Today

Did you know…

- Minnesota is home to 11 sovereign tribal nations and trust lands of the Ho-Chunk Nation of Wisconsin
- MN tribes are the 6th largest employer in MN
- MN is home to 108,000 American Indians
- Tribal jurisdiction impacts thousands of acres of land within reservation boundaries and ceded territories
- All MN State Agencies are required to consult with tribes (EO 19-24)
- All State Agencies have issues that intersect with tribes

Traditional Way of Life

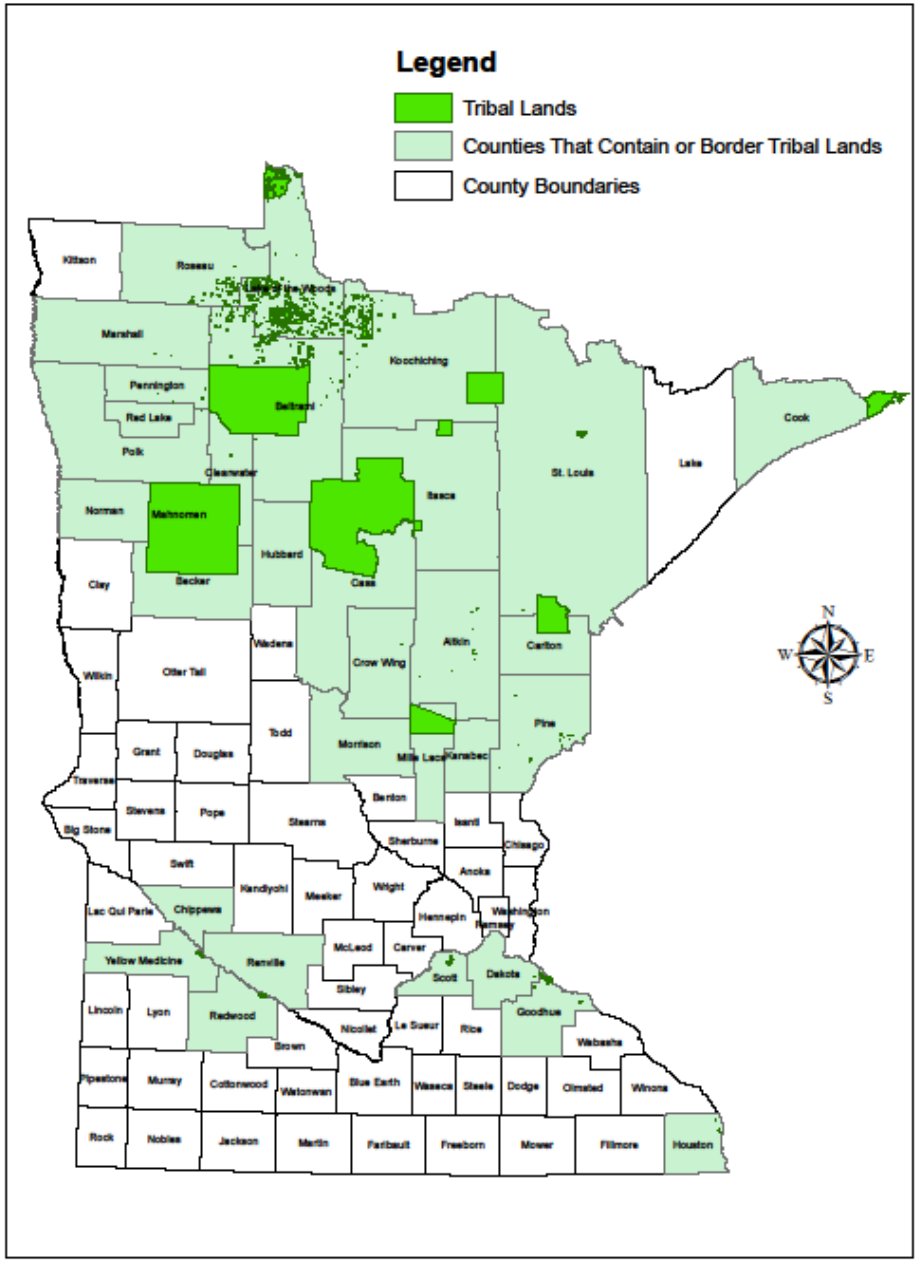


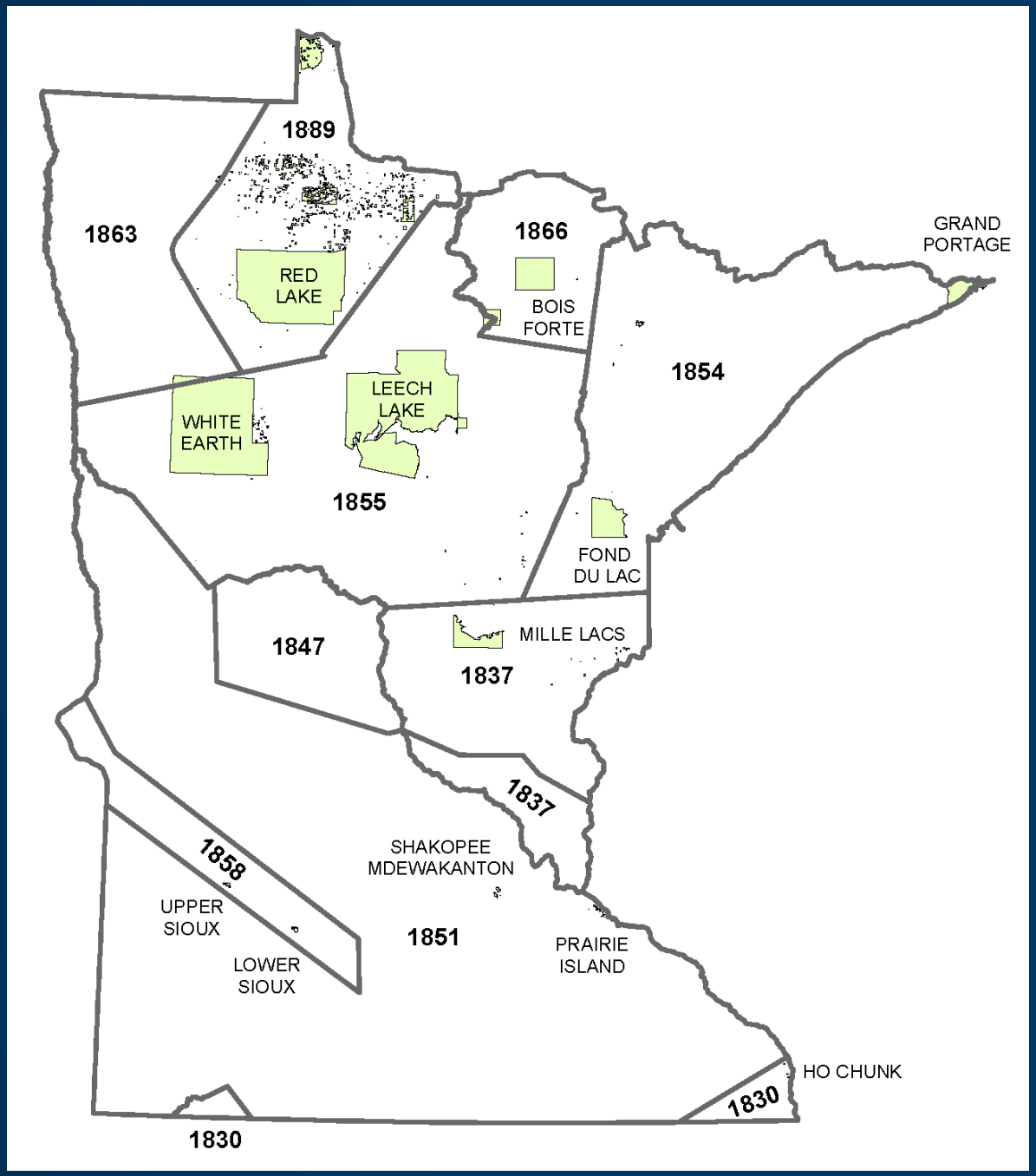
Spring Maple Camp

Counties that are contained within or border Indian Country

Did you know…

While American Indians make up less than 2% of Minnesota's population, tribal governments have jurisdiction in nearly 42% of the entire state.





Ceded Territories

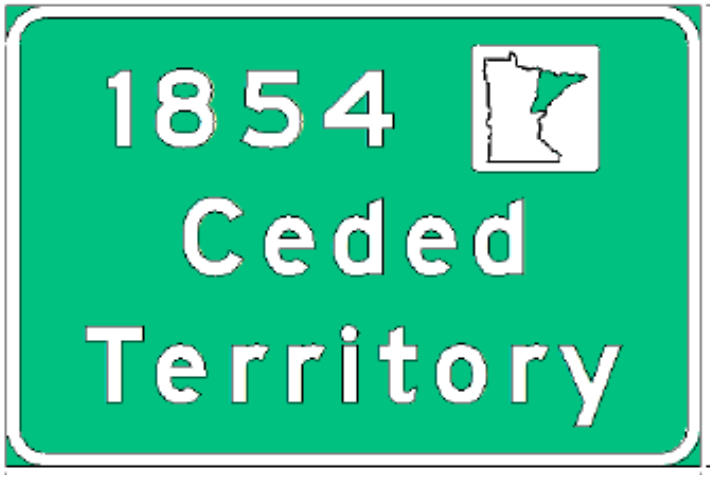
Land Cession Treaties with Federal Government

Indian Treaties 1778-1883 primary purpose – forcibly remove Indians and take their land for US Government expansion to the West.

Reservations

Many people think that the United States gave land to the Indians. The reverse is true. Dakota and Ojibwe agreed, often under pressure, to cede land and retain small areas, called "Reservations"

Ceded Territory Signing Guidance



The signs are intended to inform people of the historic boundaries established by land cession agreements between the U.S. Government and the sovereign Indian tribes living in the areas of what is now the State of Minnesota.

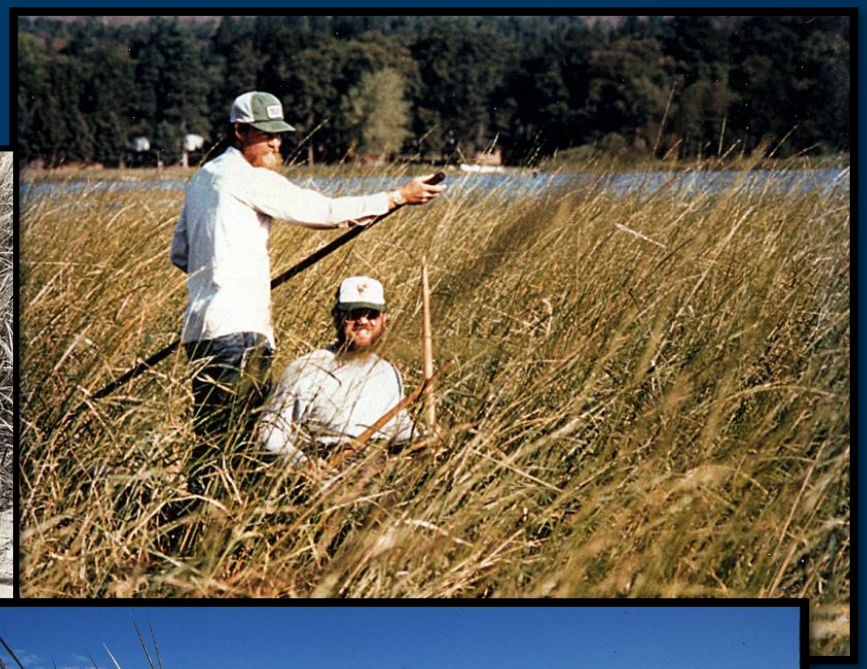
A treaty is a very significant document in which inherent rights such as hunting, fishing and gathering rights were retained in the treaty.

Because tribes are the original owners of the land, courts have held that tribes keep the right to use the land unless they expressly give up that right. Tribes preserve all their rights to use the land until then. This doctrine is known as the "reserved rights doctrine"; it was first used by the Supreme Court in United States v. Winans, 198 US 371 (1905) where the Supreme Court held: ***"The treaty was not a grant of rights to the Indians, but a grant of rights from them - a reservation of those not granted."***

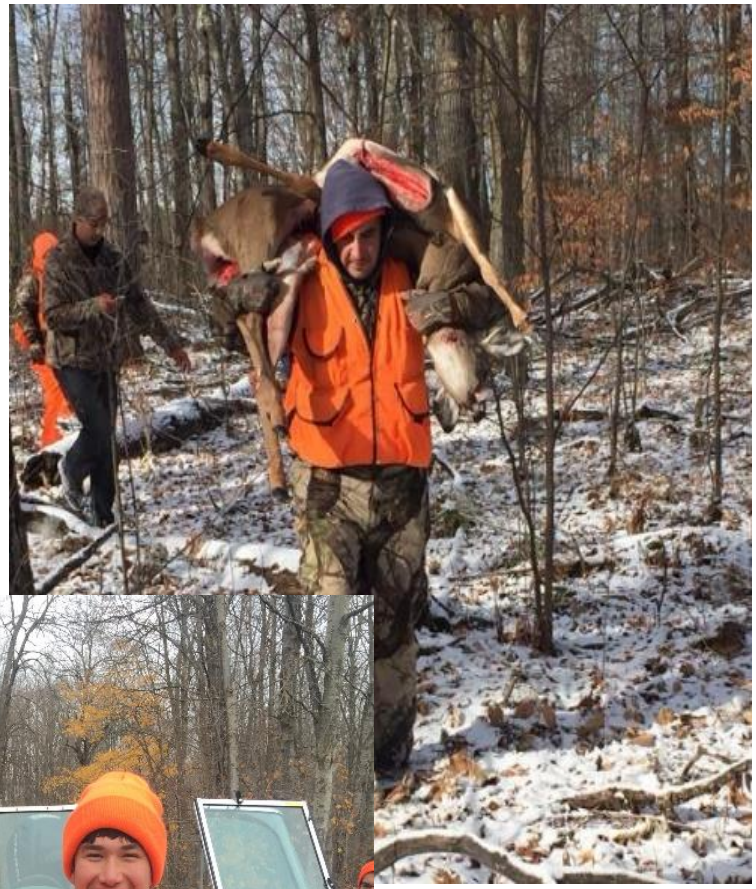
http://www.wabanaki.com/treaty_rights.htm

1854
Ceded
GI CHI ONI GA MING
Grand Portage Chippewa

Harvesting Native Wild Rice

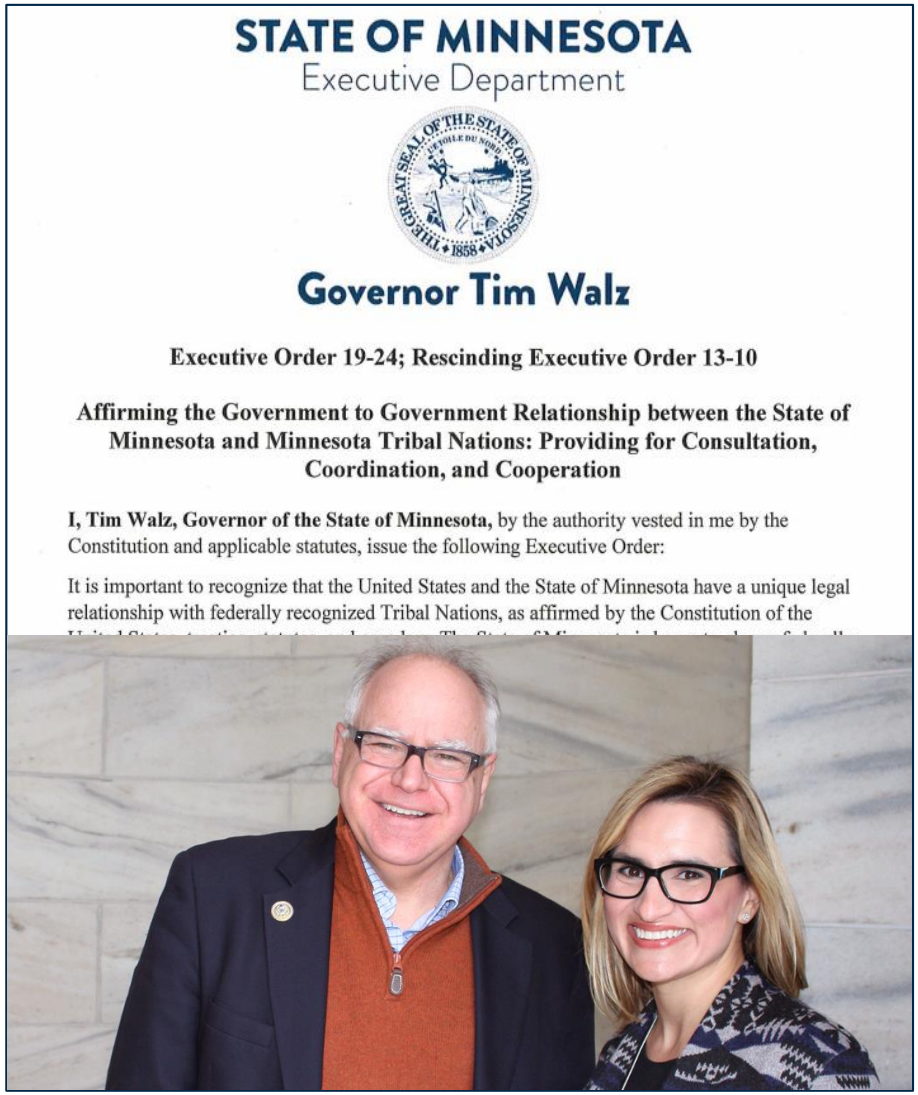


Traditional Fall Gatherings



Executive Order 19-24
Government to Government Relationship

- Recognizes the unique legal relationship between the State and MN Tribal Nations
- Requires ongoing Consultation, Collaboration and Coordination
- Tribal consultation policies to guide agencies work and interaction with MN Tribal Nations
- Must consider the input gathered from tribal consultation into agency decision-making processes
- Designated Tribal Liaisons
- Complete Training



STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Executive Order 19-24; Rescinding Executive Order 13-10

Affirming the Government to Government Relationship between the State of Minnesota and Minnesota Tribal Nations: Providing for Consultation, Coordination, and Cooperation

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

It is important to recognize that the United States and the State of Minnesota have a unique legal relationship with federally recognized Tribal Nations, as affirmed by the Constitution of the

MnDOT's Tribal Nations Policy

The policy seeks to foster and facilitate positive government-to-government relations between MnDOT and all federally recognized Minnesota Tribal Nations.

The principles of the *Minnesota Tribal Nations* policy are to be considered at all phases of planning and project development in the establishment, development, operation, and maintenance of a comprehensive, integrated, and connected multimodal transportation system.

Annual formal consultation with Tribal Nations to develop joint partnership and improve transportation in Indian Country

"Indian Nations have always been considered as distinct, independent political communities, retaining their original rights, as the undisputed possessors of the soil … The very term "nation" so generally applied to them, means "a people distinct from others."

Chief Justice John Marshall, United States Supreme Court
Worchester v. Georgia, 31 US (6 Pet.) 1515, 561 (1832)

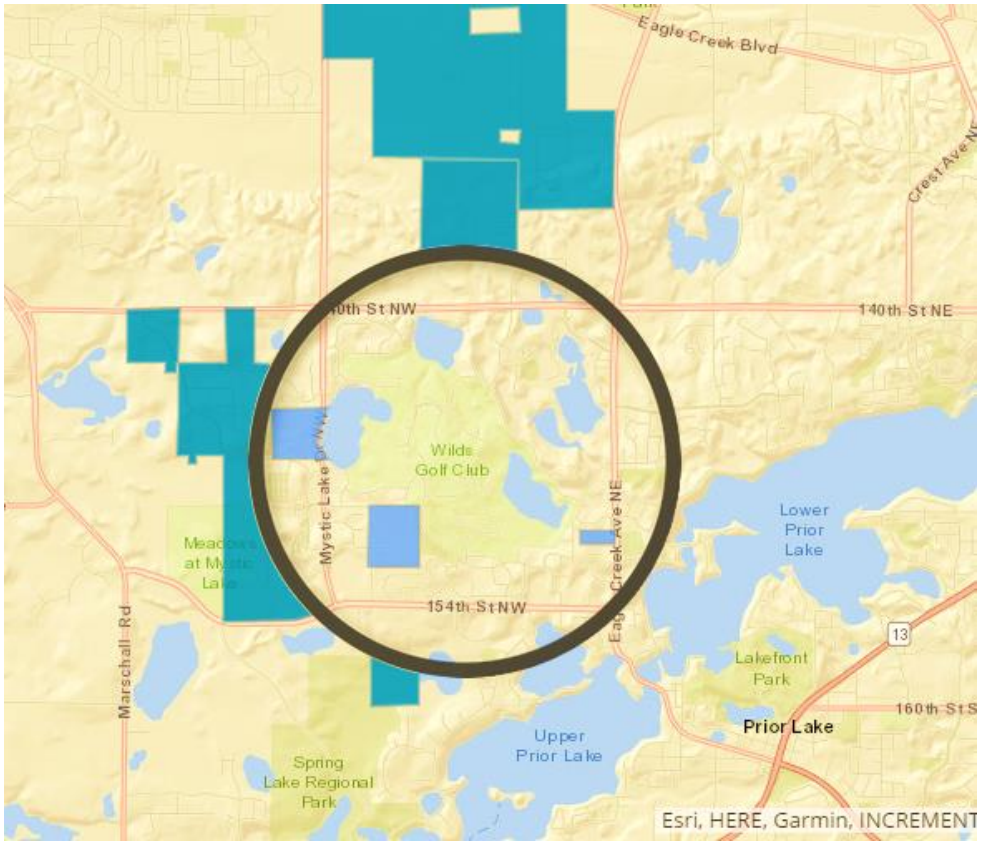
- It has been used as a model by other agencies as they develop their tribal consultation policies to guide their work and interaction with Minnesota Tribal nations

Agreements

Developing government-to-government relationships through partnerships

- Programmatic agreements for federally funded projects in compliance with FHWA Section 106
- Roadside vegetation management MOU's
- Increase employment of American Indians on transportation projects on or near Indian reservation lands
- Developing maintenance agreement in Indian Country
- MOU's – Tri-Party mapping project (Tribe, Federal, MnDOT)

Where is Indian Country?



Comparison Map of Shakopee Mdewakanton Sioux Community's expansion

- Inside scope: original lands
- Outside scope: current lands

MnDOT Policies/Programs that Directly Affect Indian Tribes and their Members

- Trust Lands: Rights-of-Way
- Indian Employment on/near Reservations (TERO) and contracting
- Cultural Preservation: FHWA/Tribal Governments 106 agreements
- Improved Mapping and Distinguishing Indian Country in MN (Tri-Party Agreement)
- Road Safety: Pedestrian Safety Study in Rural Minnesota
- Transportation Planning and Partnering on Highway Projects
- Development of Public Engagement vs. Clarification of Government to Government with Tribal nations
- Tribal-State Relations Training and supplemental training
- Dakota/Ojibwe Language Sign Program and reservation road signs

Positive Partnerships between MN Indian Country and MnDOT

- Tribal Sovereignty Day 2019
- Tribal-State Relations Training
- E-Learning for State Employees
- Language Revitalization, Cultural Preservation
- Ceded Territory Signing Guidance
- Transit Development in Indian Country
- Contracting with the State
- Agreements
- Bike Ped Study
- Cultural Exchanges
- …and more!

Tribal Sovereignty Day

Leech Lake News

Home › Local › Tribal Leaders Attend "Tribal Sovereignty Day" at MN State Capitol

Tribal Leaders Attend "Tribal Sovereignty Day" at MN State Capitol

By Kayla Duoos — Last updated Feb 21, 2019

LOCAL

Copyright Minnesota House of Representatives. Photo by Paul Battaglia

The day envisioned last year by House Speaker Melissa Hortman and Lieutenant Governor Peggy Flanagan sought to unite tribal leaders and MN officials by spending a day giving cultural training, tribal history education and a open floor for tribal leaders and state legislators to discuss issues as a group. This event marks the first time all eleven MN tribal leaders have been together in the House chambers.

2:00 PM

CRAFT CIRCLE

AUGUST 6TH, 13TH, 20TH 2019 11am-2pm Onigum Community Center • No registration needed! •

Tribal State Relations Training

Tribal–State Relations Training
Government to Government

TRIBAL-STATE RELATIONS TRAINING

Building Effective Relationships with American Indian Tribes

Minnesota is home to **11 sovereign tribal nations** which collectively represent the sixth-largest employer in the state and the majority of the state's **61,000 American Indians**. Since 2013, state agency employees have had the opportunity to learn more about Minnesota's tribes and interact directly with them through expert-led Tribal-State Relations Training. This ongoing program is key to improved relationships, understanding, and progress among state government agencies, which are mandated to consult with the tribes on matters of mutual interest.

PROGRAM Highlights

Learn why the State of Minnesota consults individually with the 11 tribes

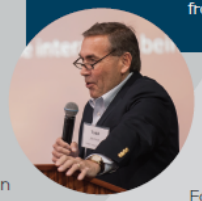
Discover the similarities and differences of the seven Ojibwe and four Dakota tribes in Minnesota

Learn how key events in American Indian history and policy shape life today

Interact directly with tribes on their home reservations, the best place to experience American Indian culture, traditions and music firsthand

"This training goes far beyond what you could learn about Minnesota tribes from a book. It also does an excellent job of connecting state professionals with their tribal counterparts, which sets the stage for **better collaboration in the future.**"
Charlie Vig | Chairman, Shakopee Mdewakanton Sioux Community

"This was a comprehensive review of the federal Indian policies and background between the tribes and state. It gave me a better understanding of tribal experiences from a legal perspective."
Comment from trainee



ABOUT Us

The Tribal-State Advisory Group on American Indian Training and Consultation leads Tribal-State Relations Training. The advisory group consists of representatives from state agencies, tribes, the University of Minnesota Duluth American Indian Studies and Continuing Education departments, and several American Indian organizations. The training is endorsed by the Minnesota Indian Affairs Council.

Vision

Foster a state and communities that value and promote knowledge, understanding and respect for American Indian governance, history, and ways of life.

Mission

Train and educate Minnesota state employees about American Indian tribal governments, histories, cultures and traditions.

"Tribal-State Relations Training is a historic step in strengthening the relationships between the 11 sovereign tribal nations and the State of Minnesota. Good relations depend on mutual understanding, respect and cooperation, which are achieved through learning and dialogue with one another."
Erma Vizenor | Chairwoman, White Earth Nation

Mission

The mission is to create training and education for Minnesota state employees about American Indian tribal governments, histories, cultures and traditions in order to:

- Empower state employees to work effectively with American Indians, and
- Promote authentic and respectful relationships between state agencies and American Indian tribes.

- Designed by **American Indians**, Hosted at **MN tribal nations**, and delivered by **tribal members**

E-learning

Coming Soon

Choose online learning options

Explore American Indian cultural topics and tribal policies (e.g., trust land, Public Law 280)

Dig deeper into specific issues (e.g., education, natural resources) to help state employees understand the relevance of their jobs and departments to tribes

"As a result of Tribal-State Relations Training, our leaders within MnDOT have gained greater awareness and sensitivity that helps our ongoing interactions with tribal nations as we plan and implement programs and projects for our mutual benefit. I found the training intriguing, by learning a history I had not fully appreciated despite living in Minnesota my whole life."

Charles Zelle | Commissioner, Minnesota Department of Transportation

Language Revitalization, Cultural Preservation

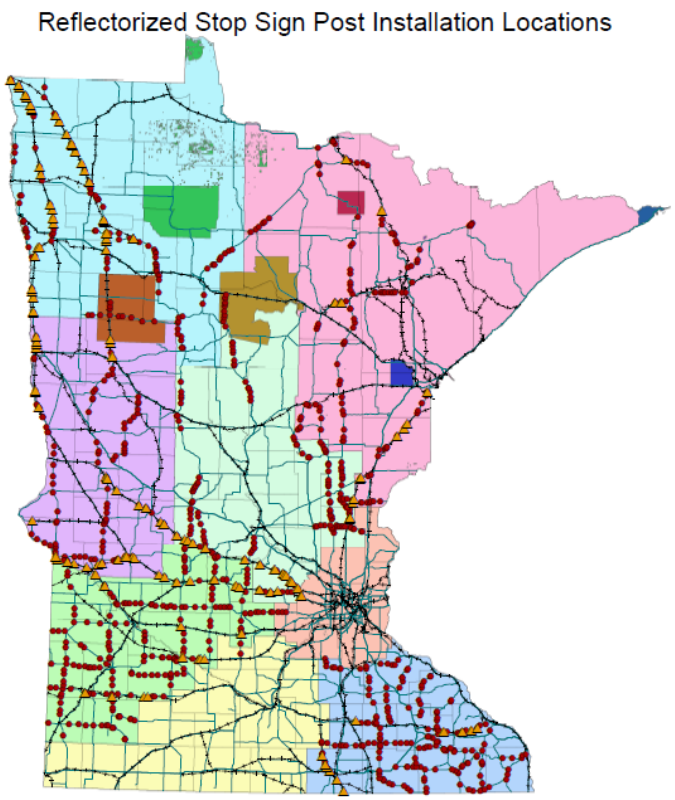
"It's in the critical stages of being a language lost"
-Mary Otto, Assistant Education Director for White Earth Nation and Native Tongue speaker

Negotiated Maintenance Contracts, Trainings and Employment

DEPARTMENT OF TRANSPORTATION

Employment through contracting

- Extreem Forestry, a Native-owned firm, worked on a fencing project on I-35.
- Red Lake Engineering installed reflective plates on stop signs across Northern MN.



ADA Hands-on Training - White Earth Nation Tribal Employment Rights Ordinance

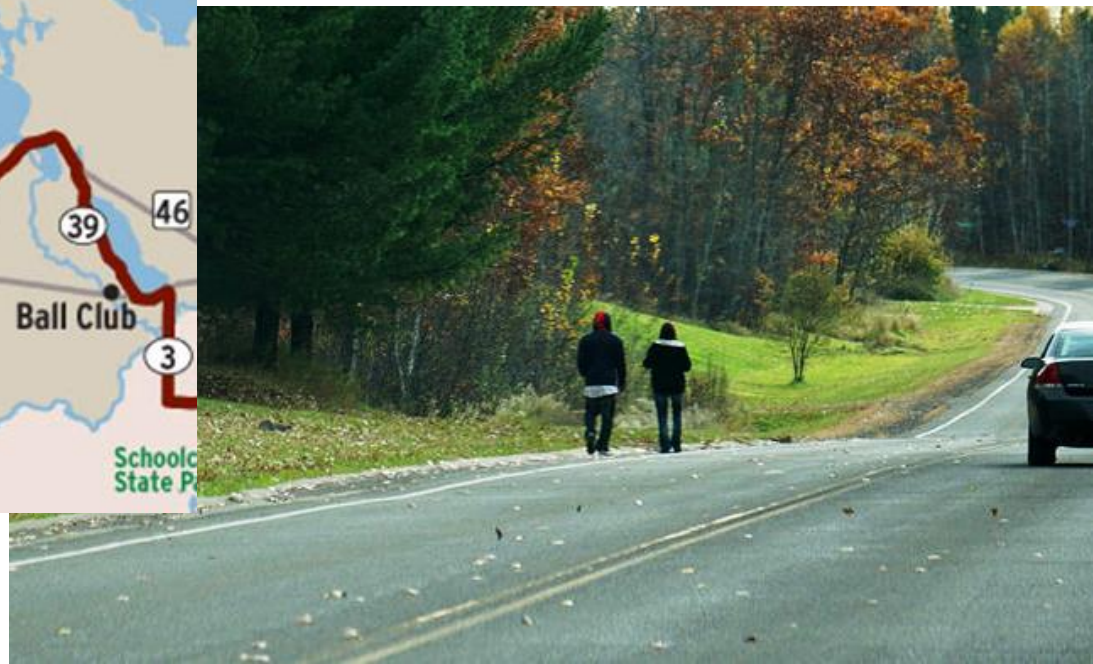
- Fifteen graduates from the MnDOT concrete sidewalks class in order to work on upcoming MnDOT projects

Training Partnerships

- Cement masons training
- CDL, Traffic Control

Bike Pedestrian Safety Reservation Roads

- In Government to Government partnership, MnDOT studied safety risks on reservation roads in Mille Lacs, Bois Forte and Grand Portage
- Corrective actions are being implemented in the same G2G partnership: Multi-Trail created on Leech Lake reservation



Transit Development within MN Indian Country

Cultural Exchange

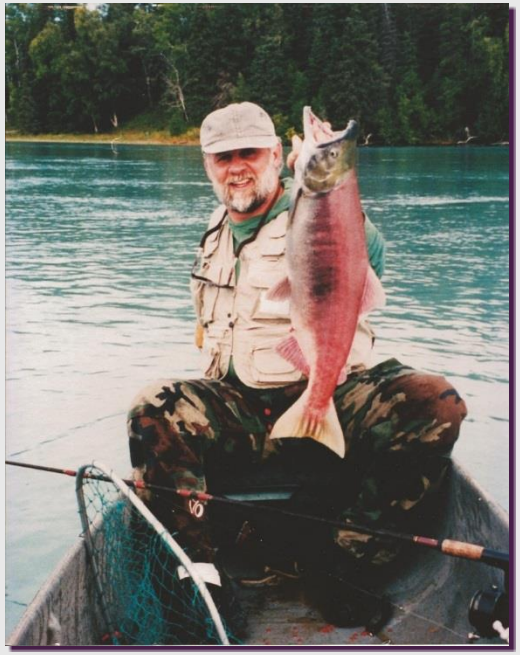
Tribal State Relations Trainings, National and Regional Conferences held in MN

Questions?

Miigwech Bi-Izhaayan Gaa-Waabaabiganikaag Ishkonigan
WELCOME TO
White Earth Reservation

DEPARTMENT OF TRANSPORTATION

Thank you again!



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