

# **THE POWER TO PLAN: TRIBAL SOVEREIGN NATIONS AND STATE AND LOCAL PLANNING**

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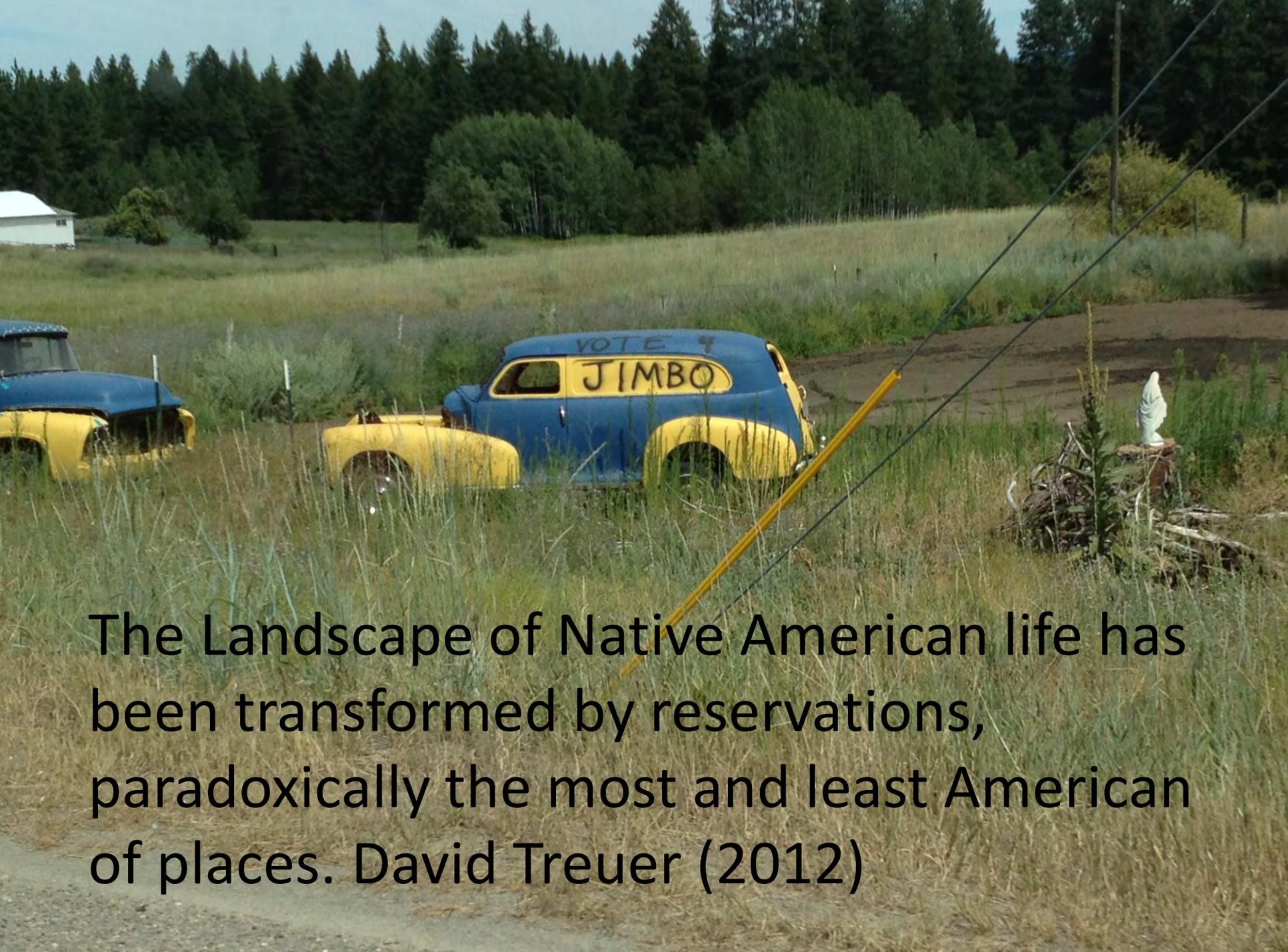
**Washington Tribal/State Transportation Conference**

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# Enduring Culture





The Landscape of Native American life has been transformed by reservations, paradoxically the most and least American of places. David Treuer (2012)



**The meaning of enduring culture is uniquely framed by the evolution of American Indian tribal governments as sovereign nations, made fast by the creation and finally the empowerment of American Indian Reservations.**

The Reservation is the foundation for American Indian sovereignty.



# The Power to Plan

- \* Indigenous Sovereign Nations (pre-contact)
- \* Inherent Sovereignty
- \* Treaties and Agreements established nation to nation relationships. NW includes rights to Usual and Accustomed areas
- \* Indian Reorganization Act (1934) established processes of tribal government through model constitutions and structures for Tribal decision-making
- \* Tribes were full participants in HUD 701 Comprehensive Planning Programs to create autonomous tribal comprehensive plans to guide all aspects of planning and community development.
- \* Indian Education and Self-Determination Act (PL 93-638) identified federal failure to create effective and empowered tribal governments, sought to address that by promoting tribal governance through self-determination with powers to tribes and funding.

# Tribal Planning Partnerships

- Recognize Sovereignty of Tribal Governments and powers of all governments.
- Review and Comment on Current Plans and status of relations.
- Develop Long-term Partnerships and Collaborations through regular meetings.

# American Indian Reservations as Sovereign Nations

Tribal Sovereignty is not well understood, but it is the basis for government-to-government relationships, the framework through which to establish MOA's and MOU's to initiate cooperation and collaboration between state and local governments with tribal governments.

# President Reagan's American Indian Policy

- On January, 24, 1983, President Ronald Reagan issued an American Indian policy statement which **reaffirmed the government-to-government relationship of Indian tribes with the United States; expressed the primary role of tribal governments in reservation affairs; and called for special efforts to develop reservation economies.**
- The President's policy expanded and developed the 1975 national Indian policy of self-determination for Indian tribes. President Reagan said it was the goal of his administration to turn the ideals of self-determination policy into reality.
- <http://www.epa.gov/indian/pdfs/reagan83.pdf>

## **Executive Order 13175- Consultation and Coordination with Indian Tribal Governments**

**In November of 2000, President Bill Clinton signed an executive order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.**

- <http://www.epa.gov/fedrgstr/eo/eo13175.htm>

## **President George W. Bush's Memorandum for Heads of Executive Agencies**

**In September of 2004, President George W. Bush released a memorandum for the heads of executive departments.**

**This memorandum emphasized the government-to-government relationship with tribal governments.**

**The document also expresses the intent to improve relationships between federal agencies and tribal governments.**

**All government-to-government interactions should promote mutual respect and advance understanding.**

# WA State Centennial Accord

**This Accord dated August 4, 1989, is executed between the federally recognized Indian tribes of Washington signatory to this Accord and the State of Washington, through its governor, in order to better achieve mutual goals through an improved relationship between their sovereign governments.**

**This Accord provides a framework for that government-to-government relationship and implementation procedures to assure execution of that relationship.**

- <http://www.goia.wa.gov/Government-to-Government/Data/CentennialAccord.htm>

# WA State Millenium Agreement

**The work of the 1999 Tribal and State Leaders' Summit will be the foundation upon which our children will build. A stronger foundation for tribal/state relations is needed to enable us to work together to preserve and protect our natural resources and to provide economic vitality, educational opportunities, social services and law enforcement that allow the governments to protect, serve and enhance their communities.**

- <http://www.goia.wa.gov/Government-to-Government/Data/agreement.htm>

# WA State Governor's Agreement

**On April 28th, 2005, Governor Gregoire signed a Proclamation reaffirming the government to government relationship between the State and Federally-recognized Indian Tribes.**

**The Proclamation signing took place during a meeting of the Association of Washington Tribes (AWT) held at the Red Wind Casino Conference Room on the Nisqually Indian Reservation.**

- <http://www.goia.wa.gov/Calendar/Proclamation.PDF>

Figure 1: The Sources of Constitutional Democracy

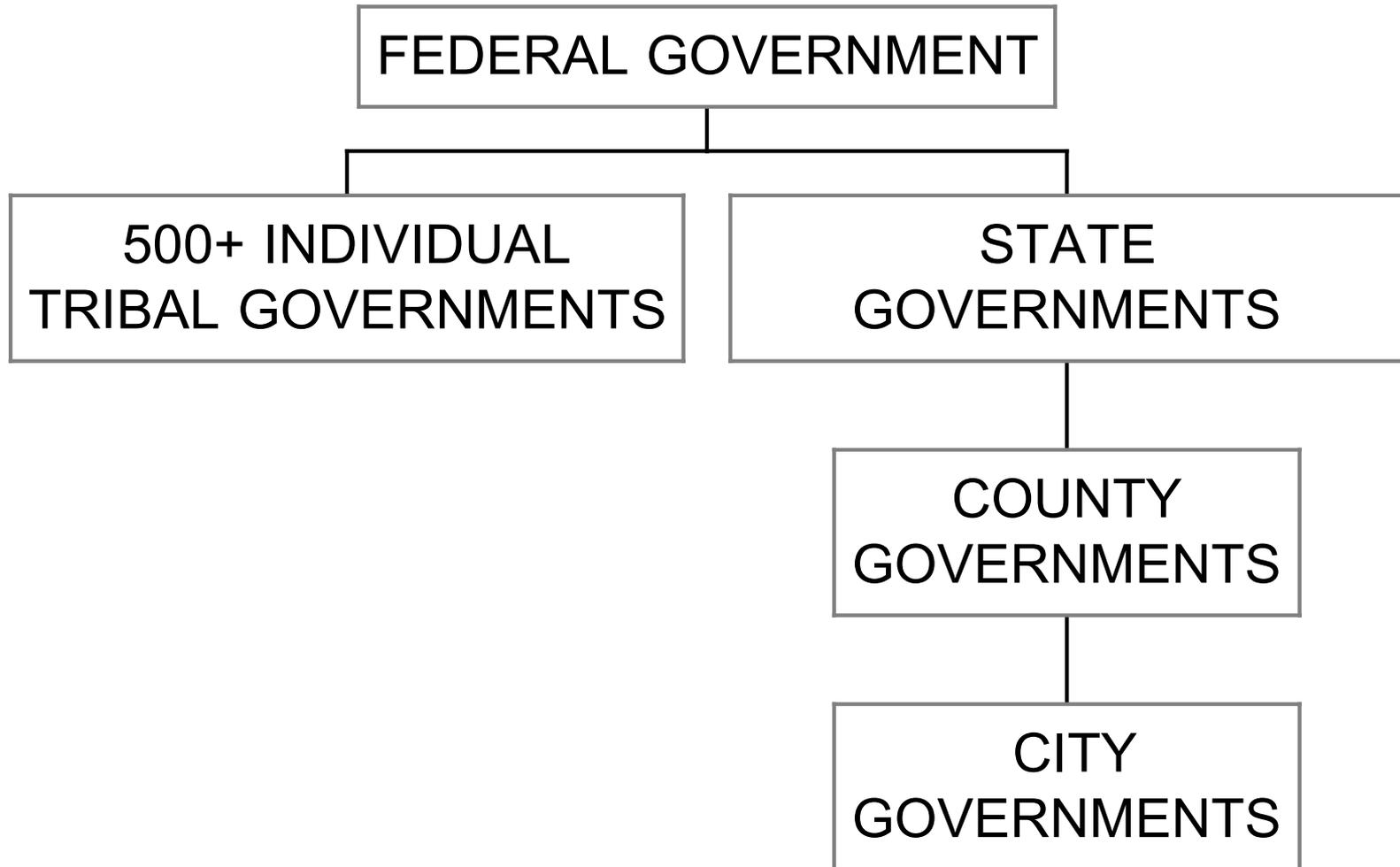


Figure 3: Barriers to State/Tribal Relations

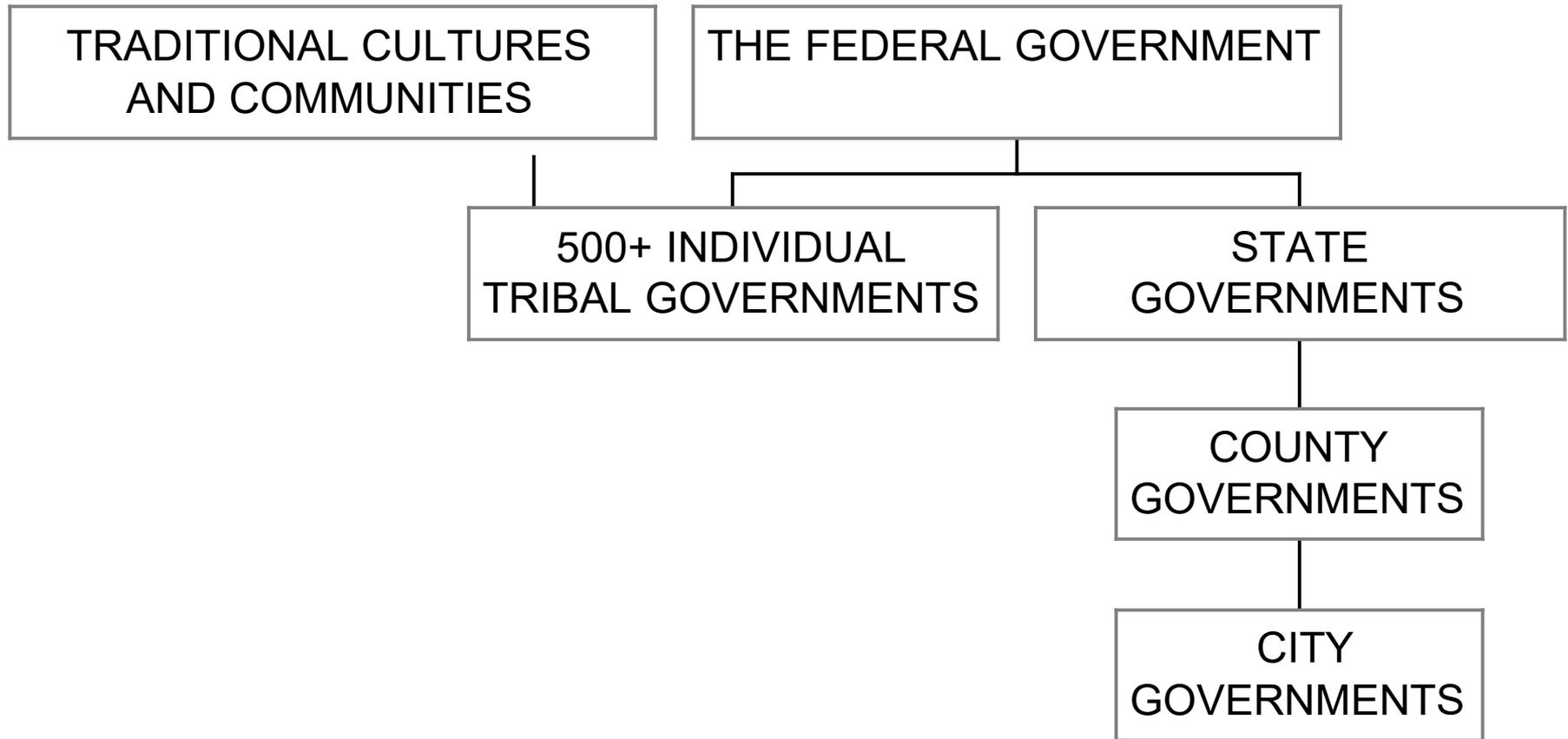
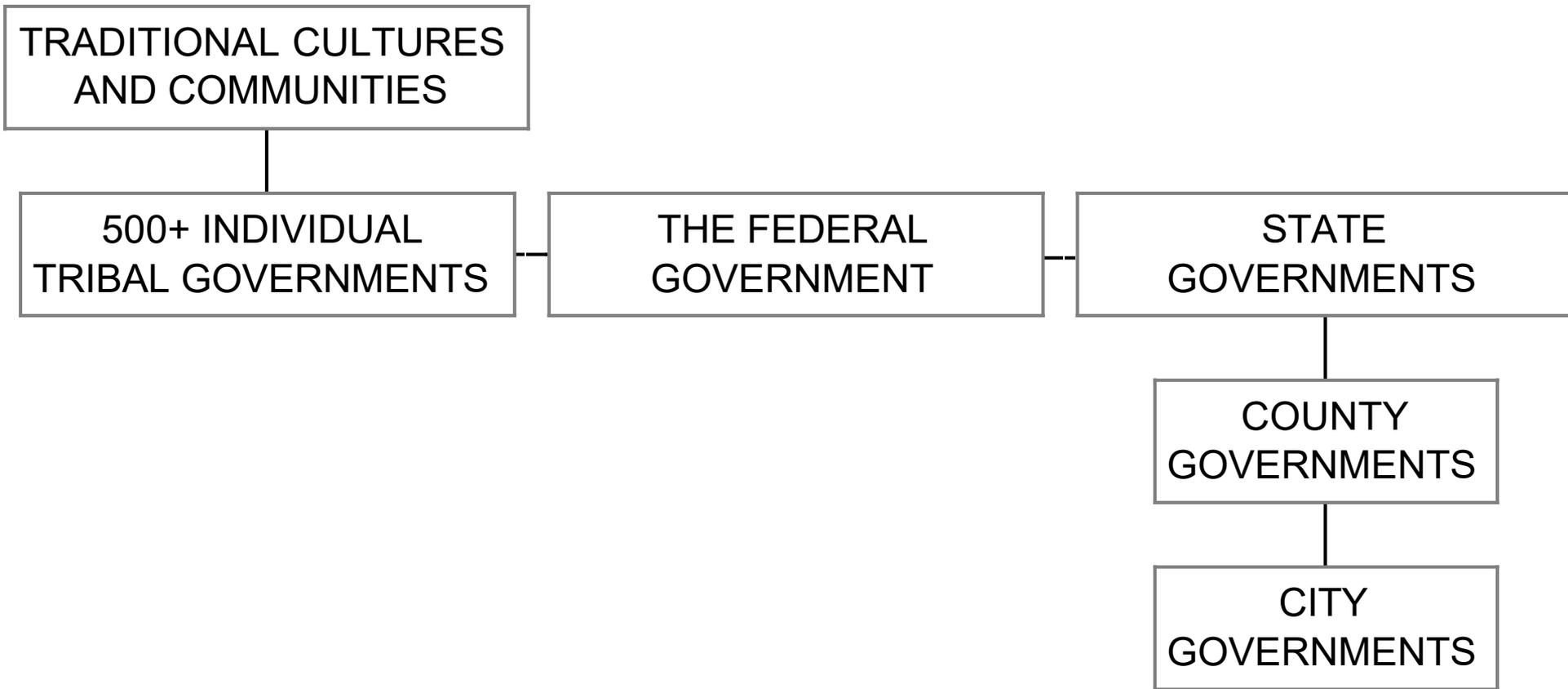


Figure 2: The Sources of Sovereign Powers



# Why recognize the Tribal Power to Plan and establish working relations with tribes?

Reflects tribal sovereignty under federal law.

Tribal economic renewal based on tribal decisions regarding Native American reservations' sustainability and success continues to expand.

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New powers for self-governance and tribal enterprises, new opportunities in the form of casinos operated by tribes, and successful reinvestment of casino revenues by tribes has led to new businesses and community programs including wellness centers and new programs in tribal history, language and culture.



# Enduring Culture

