

THE EVERGREEN STATE COLLEGE  
MAY 3, 2002

Comments on notes: I have done some conceptual lumping into the broad categories we discussed at our Evergreen meeting. I added in a few items and, er, embellishments as a means of pushing the project toward on-the-ground curriculum. Any and all of it can be changed. Feel free to add in anything that is crucial to the program: the blank spaces are for your comments. In addition, some lined areas are provided for your written comments. Besides adding ideas and concepts, writing in key resources (people, books, government publications, key tribal projects, etc) is appreciated. And please make corrections wherever needed. lms

- Identification of problems, alternatives and solutions
- Reflect on big picture: problem-solving orientation
- Identify alternative models
- Understanding of full-blown concept of “home rule” and actual political conditions surrounding it
- Advancing tribal authority, moving traditional concepts into this century
- Create students and committed people who are concerned with tribal issues and act as skilled bureaucrats.
- Understanding of mechanics of tribal governance---638, TANF, etc.
- Knowledge of state, federal, and regional levels of government operations
- Technical competencies to operate a government, to “run a constitution”
- Knowledge of dispute resolution, structure and purpose of tribal and federal courts
- Decision-making
- Collaboration and convening people

**Target Audiences:** Outreach to tribal officials, tribal employees, tribal members who want to work in tribal government, Indian organizations and nonprofits, try to develop strong approach to cooperative education, applied research to link tribal members to their Nations, state and federal tribal liaisons, offer auditing opportunities to interested individuals, opportunities to take single electives for those not wanting to pursue the degree program possibly develop a certificate program, listen to communities.

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## PART ONE: THE PARAMETERS OF TRIBAL GOVERNANCE

### PARAMETER ONE: SOVEREIGNTY

#### I. Act like a Sovereign: act like a government

- a. Assert standing: project image of who they are as tribal governments

Cultural and legal basis of sovereignty

Basis in International Law, indigenous self-determination and rights

Basis in treaties with the U.S., judicial history, cultural identity

Basis in political history

Current Issues in Sovereignty: What diminishes or expands sovereignty

Current Legislative Issues Affecting Sovereignty

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#### II. Inter-tribal relations

- a. Multi-lateral agreements

b. Multiple Tribe Treaties

c. Success for some tribes amplifies inter-tribal responsibilities

#### IV. CURRENT AFFAIRS

Link student with political side of current issues and affairs

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#### PARAMETER TWO: INTERGOVERNMENTAL RELATIONS

##### I. Consultation and Government to Government Relations: federal Political history

a. Protocols: who meets with whom to represent whom—the scope of their authority  
Lower level representative dilutes consultation

b. Authorities and agreements—authority to sign what and capacity to implement

c. Commissions BPA, Fish Commissions, role of lobbyists and advocacy organizations, etc  
nonprofits, and NGOs.

d. Issue: reconciling trust with self-determination

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II. State and Tribal Government Relations

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III. Local/Regional/Tribal Government Relations

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IV. Inter-Tribal Governance

- a. Joint Authorities, Joint Powers
- b. Regional Agreements
- c. Inter-tribal organizations, non-profits

- d. Regional dynamics: East and West side dynamics  
Eastern and Western Tribes
- e. International: US and Canada, US and Mexico

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### PARAMETER THREE. THE STRUCTURE OF TRIBAL GOVERNMENT

- I. Forms of Government: separation of powers?, delegated authorities?
  - a. Traditional
  - b. IRA
  - c. IRA-amended
  - d. Statutory
  - e. Executive Order
  - f. Hybrid
  - g. State-recognized
  - h. Unrecognized (unrecognized and pending, unrecognized and not pending..longterm issues
  - i. Self-governance.

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## PART TWO: TRIBAL GOVERNMENT OPERATIONS ROLES AND FUNCTIONS

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- Incentive-based regulation: waivers, privileges, etc for good management

---Regulatory authority over market-based management: water leasing, etc.

----Enforcement

--- Setting standards

---. Decision-making

- f. Analyzing capacity to regulate in terms of selecting alternative models:  
powers held by the tribal nation and available infrastructure of the tribal government  
based on capacity, roles, resources and responsibilities  
What does a Tribal Government need?  
What does a particular Tribal Government need.?

g.. Tribal role in regulatory systems: inter-tribal, state, federal, local

h. Models of Natural Resources Regulatory Operations: Nuts and Bolts to Link  
Principles to Practice

---Trust and natural resources: on and off trust land

---Self governance and natural resources

---Co-management

---Tribal standards

---Bolt Decision

---Intergovernmental aspects

---Land based regulatory issues: reacquisition of lands, fee into trust regulations, etc.  
distinctions between land ownership categories (trust, allotment, leased, owned, etc)

---Land use planning and management: Development, cultural sites, housing, NEPA,  
SEPA, regional planning, urban planning

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### III. FISCAL POLICY FOR TRIBES

- A. Taxation and revenues
- B. Compacting with states
- c. Federal funding: federal budget process
- d. Tribal budgets, budget process
- e. Leasing
- f. Grants-writing.

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III.

IV. HUMAN RESOURCES

- a. Identify functions, duties, roles to accomplish activities
- b. Positives and negatives of different approaches: use of grievance procedures, advocates, Cultural or Employee Councils, ombudsmen, appeals, etc.
- c. Personnel Codes and Processes: selection, promotion, benefits, nepotism
- d. Issue: Creating integrity in human resource processes  
(sharing information, participation, perception of equity, creating positive work atmosphere)
- e. Issue: cultural values and human resources: how to define sick leave and other policies to meet cultural needs
- f. ICRA: tribes have preference, etc.
- g. Case studies