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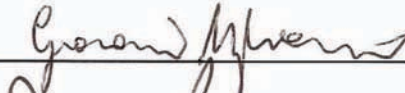
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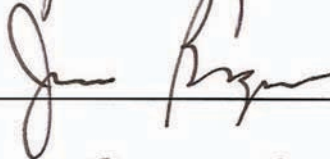
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**ESTABLISHING A COLLABORATIVE ENVIRONMENT
BETWEEN TRANSPORTATION AGENCIES AND TRIBAL
COMMUNITIES**

BY

REBECCA M. MARTINEZ

BS CIVIL ENGINEERING

THESIS

Submitted in Partial Fulfillment of the
Requirements for the Degree of

**Master of Science
Civil Engineering**

The University of New Mexico
Albuquerque, New Mexico

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ABSTRACT OF THESIS

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B.S., Civil Engineering, University of New Mexico, 2008

ABSTRACT

Historically, transportation systems have overcome physical and geographical barriers to provide a flow of people and commodities across nations. While geographical barriers have been overcome, political and institutional barriers still exist when multiple government stakeholders are involved in the transportation planning process. Such is the case on transportation projects affecting or of concern to tribal communities. Many states across the nation have taken initiative in implementing programs to aid in the creation of a collaborative environment among transportation agencies and tribal communities. One such effort has been the establishment of intergovernmental networks within states that create a working group of all stakeholders, including federal, local, state and tribal governments, to address transportation issues.

This thesis investigates intergovernmental networks that have been formed to address transportation issues and how these networks create an environment of collaboration among transportation agencies and tribal communities. An interview study was conducted with transportation and tribal professionals across the nation. This interview study resulted in the identification of states in which intergovernmental networks were utilized as a transportation planning tool among stakeholders. Further

investigation was then performed in states where intergovernmental networks have been established to identify how the intergovernmental network creates collaboration among project stakeholders. Relationship Building, Collaborative Frequency, and Leadership and Management Action, when engaged in an iterative cycle, were found to be the determinants of collaboration in the intergovernmental network. These results, background information leading to the research, and areas for future research are provided in the body of this thesis.

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CHAPTER 1: INTRODUCTION

By definition, transportation systems are represented as networks designed to permit a flow of vehicles and commodities. The transportation engineering profession has successfully overcome geographical barriers to build transportation networks crossing tribal lands, but political barriers still exist. Tribal lands are governed under different political, institutional, and cultural frameworks that present non-technical challenges in the implementation of transportation improvements. Government-to-government interaction is crucial for the success of transportation improvements whether it be state or tribal.

Local, state, federal and tribal governments often own and operate the nation's vast inventory of transportation facilities. With the expansion of settlements and the creation of new cities across the nation, a need for transportation facilities is always present and different owners are challenged with providing much-needed facilities. Surface transportation projects are extremely complex as they often involve a large number of project stakeholders in the form of different governmental entities. This is especially true on projects in which tribes are among the project stakeholders as additional governmental relationships and protocols are introduced into the project environment. Collaboration on transportation issues is impacted by complex issues such as sovereignty, intergovernmental agreements, tribal versus state jurisdiction, regional planning efforts, right-of-way (ROW) acquisition, funding and maintenance. Even when there are common interests, the planning, design, and implementation of transportation projects require collaboration among tribal, federal, and state agencies.

1.1 FEDERAL RECOGNITION OF TRIBES AS SOVEREIGN NATIONS

Tribes throughout the nation have a complex history and relationship with the federal government. Early recognition of tribes as separate and sovereign governments exists in the US Constitution, Article 1. The clause in the Constitution identifying tribes as sovereign governments gives Congress the authority to regulate commerce with many of the States, foreign nations and Indian tribes (Deloria & Wilkins, 1999). This constitutional mention to Indian tribes has been used to recognize tribes' status as governments, separate from federal or state government. As various entities and sovereign nations own land within the US, collaboration between federal, state and tribal governments is inevitable in the transportation planning process.

Project success relies heavily on the establishment of a collaborative environment among project stakeholders (Schaufelberger, 2000; Drexler and Larson, 2000). The US government identified and established the need for collaboration among state, federal, and tribal governments. In fact the Executive Branch requires consultation with tribes on projects of concern to tribal communities (Clinton, 2000). In addition, the Legislative Branch mandates the investigation of historical sites and potential cultural properties of concern to tribes (National Historic Preservation Act, 2006). However, consideration of cultural properties and impacts to tribal lands and communities can be interpreted differently by the parties involved. Crucial to project implementation and success is the collaboration between transportation agencies and tribes to ensure that all parties agree on interpretations of cultural properties.

The US Constitution recognizes tribes as sovereign nations, but efforts for consulting with tribes on a government-to-government level have only recently taken

place. Tribal involvement in transportation project planning has increased as efforts for establishing intergovernmental relationships have increased. Following a succession of Executive Orders (Clinton, 2000; Clinton, 1998; Clinton, 1994), the unique relationship between tribal governments and the US government has been recognized. This relationship is at the highest level of authority. Figure 1.1 (A) identified this relationship. The government-to-government relationship, as established by the respective Executive Orders does not automatically flow down through the hierarchical governmental structure in which states and local governments are involved.

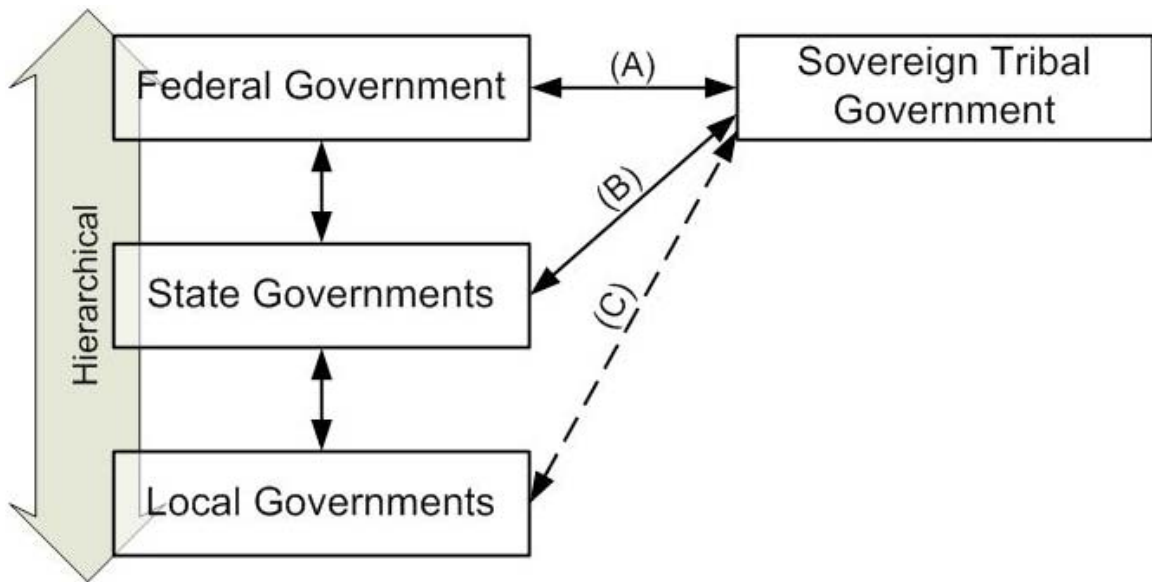


Figure 1: Relationships Between Local, State, Federal and Tribal Governments

With transportation improvements affecting tribes and tribal lands, it is often necessary for states and local governments to consult with tribes. In order to enable a direct relationship between affected parties, many states have taken the initiative in establishing and recognizing a government-to-government relationship between the state

and tribes with an interest in the state. In many states, the need for direct consultation has taken the form of formal agreements, which have been drafted and signed between the state and tribal governments residing or with interest in the state. Figure 1.1 (B) identifies this relationship. While this creates a direct relationship between the tribes and the state, the relationship between the tribes and the federal government remains the governing relationship.

1.2 INTERGOVERNMENTAL NETWORKS INVOLVING TRIBES

Increasingly, federal and state policy, Memorandums of Understanding (MOU), and Memorandums of Agreement have been utilized to establish formal working relationships between transportation project stakeholders. These initiatives have laid the foundation for intergovernmental work and initiatives between tribes, state, federal and local governments on transportation projects affecting tribal communities. One such initiative has been the establishment of intergovernmental networks among project stakeholders within states like Minnesota, North Dakota and Washington. These networks allow for direct relationships among members, and increased collaboration on transportation planning and execution.

1.3 STUDY OBJECTIVES

While literature regarding network implementation and collaboration can be found in areas like planning and policy making, little exists on the intergovernmental network on transportation projects of concern to tribal communities. It is the objective of this study to investigate intergovernmental networks in which local, state, federal and

tribal governments are members with the goal of addressing transportation issues as a cohesive working group. This investigation will be performed by answering the following research questions:

- What constitutes an intergovernmental network when tribes are members?
- How do intergovernmental networks establish a collaborative environment between transportation agencies and tribal communities?

Investigation will be performed under the assumption that intergovernmental networks create a collaborative environment. It is the goal of the study to describe products of and catalysts to the creation of intergovernmental networks and collaboration.

1.4 SCOPE LIMITATIONS

The subject of tribal involvement in transportation projects and programs is broad and can result in the formation of multiple research studies. This research study focuses on the subject of intergovernmental networks established between transportation agencies and tribal communities, and how the network can create a collaborative environment. Many initiatives in creating successful communication, coordination, and cooperation have been implemented in states across the nation. These efforts are reviewed in Chapter 2, but are not individually investigated for specific characteristics of their creation and implementation. Further, issues surrounding the transportation environment, like tribal sovereignty and state recognition of tribes as sovereign governments are cited, but not addressed. The focus of this study is to describe successful efforts in intergovernmental work as enablers for collaboration.

1.5 SUMMARY OF THE METHODOLOGY

Following an extensive review of the literature pertaining to current practices in tribal consultation and intergovernmental networks as an infrastructure for collaboration, the research question presented in the previous section was formulated. In order to answer the research question, a multiple-case study research method was utilized. For this research project, a “case” was defined by an interview with an individual considered to be an expert in transportation projects affecting tribes. Qualitative research interviews were selected as the method for data selection. Interviews were performed with “experts” in the area of tribal transportation whose experience included work in or with an intergovernmental network established to address transportation issues. The interviews were conducted using an interview guide developed from the literature review. A protocol for the interview phase was also utilized to increase the reliability of the study. This ensures that the data collection can be repeated and obtain the same results (Yin, 2009).

Following data collection, data was analyzed based on pattern-matching techniques as suggested by Yin (2009), Auerbach and Silverstein (2003) and King (1998). Data was analyzed to identify common themes serving as foundational characteristics of intergovernmental networks and collaboration. Each theme was then individually analyzed to determine specific definitions and codes within the theme. Finally, the relationship between themes was analyzed to determine interaction between each of the themes.

1.6 READER'S GUIDE TO THE THESIS

The introduction chapter provides the reader with background information as to the unique relationship between local, state, federal and tribal governments, as well as information on federal mandates regarding tribal consultation on transportation projects of concern to tribal communities. It also introduces the concept of the intergovernmental network as a tool utilized to establish collaboration between project stakeholders. Finally, an overview of the study objectives and the research methodology are provided.

Chapter 2 presents results of the extensive literature performed and is separated into three sections. Section 2.1 provides an overview of collaboration among project stakeholders. Section 2.2 provides an overview of current practices in tribal transportation. This includes initiatives that have been taken by federal, local, state and tribal governments to enable consultation on projects. Section 2.3 introduces the concept of the intergovernmental network and differences between consultation and collaboration through a network. It also provides an overview of literature pertaining to networks established outside of the transportation sector, in areas like planning and policy making.

Chapter 3 provides the reader with a detailed explanation of the research methodology. This includes background information to the current study and objectives of the current study. Chapter 3 also provides the reader with an overview of data collection, selection and analysis methods utilized to address the research question.

Chapter 4 presents the analysis and discussion of the data obtained. This includes information on themes identified as pertaining to the research question and their definitions. Finally, the relationships among themes emerging from the data analysis are discussed.

Chapter 5 provides a conclusion to the current study and addresses implications of the results. It also identifies contributions made to the body of knowledge in the area of research of tribal transportation. Finally, areas for future research as discovered during the course and at the conclusion of the study are identified.

CHAPTER 2: LITERATURE REVIEW

This chapter provides a synopsis of the literature review and is organized into three sections. First, literature regarding collaboration and the establishment of a collaborative environment among stakeholders is reviewed in Section 2.1. Section 2.2 summarizes efforts in collaboration among stakeholders on transportation projects of concern to tribal communities. This synopsis provides a summary of the “state of the practice” of collaboration between tribal transportation project stakeholders. Finally, Section 2.3 discusses intergovernmental networks as the foundation for collaborative work.

2.1 COLLABORATION

The introduction of multiple stakeholders into the project environment makes success a complicated goal as the increased number of stakeholders leads to an increase in project complexity. On projects in the US that affect or are of concern to tribal communities, this is even more true as an even higher level of project complexity is introduced into the working environment. Tribal involvement in surface transportation projects creates an intergovernmental project environment and areas of concern are added to the planning conversation, like sovereignty and cultural competence. Differing issues can make collaboration more difficult, resulting in the need for negotiation among parties (O’Mahony & Bechky, 2008).

Transportation planning complexity is escalated when the six issues as identified in the previous section are introduced into the planning environment. The issues of (1) cultural competency, (2) the protection/preservation of tribal-sensitive resources, (3) the confidentiality of tribal-sensitive matters, (4) sovereignty, (5) land ownership, and (6)

monetary matters must be taken into consideration. Each of these issues adds a new level of complexity to the transportation planning process. Without collaboration between all parties, project issues can hamper success on projects. The concept of collaboration goes back to the saying that “two heads are better than one.” Booher and Innes (2002) echo this concept when discussing the power that comes with collaborative planning, in saying that collaborative planning among a diverse set of stakeholders can lead to new ideas and innovative solutions. By combining expertise of multiple individuals and organizations, the potential for better solutions to transportation problems can be achieved. As Denise defines, collaboration goes beyond sharing information ideas, it is creating something new with the information and ideas shared (Denise). Literature in the field of community building identifies that, although there are entities that deal with facets of complex issues, not one certain entity can solely deal with these issues (Mandell, 2001). There is no single entity that knows all about any certain project or issue that may arise. The same can be said about transportation planning when tribal governments are involved. While transportation entities may be the experts in transportation planning and tribes the experts in tribal-sensitive resources, neither entity is an expert in both. Thus, a collaborative environment among stakeholders is crucial for project success (Schaufelberger 2000; Drexler and Larson 2000).

A collaborative environment, as defined by Migliaccio and Martinez, can be established through the use of communication, coordination and cooperation (3C) strategies (Migliaccio & Martinez, 2010). In this model, 3C strategies create a ladder to achieving collaboration. The first step, communication, assumes a shared knowledge base among stakeholders and the contribution of agency specific knowledge from parties

(Carlile, 2004). The second step identified by the authors is coordination, and finally, cooperation is the third step in the ladder of collaboration. Because communication, coordination and cooperation are often interpreted differently, Migliaccio and authors provided a definition of each of the 3Cs. These definitions are shown in Table 1.

Table 1: 3Cs Definitions (Alliance for Transportation Research Institute, 2010)

3Cs	Definition
Communication between Tribes and transportation agencies	Process by which information, data or knowledge regarding issues and projects is exchanged through methods, such as speech, writing, or graphics by the transmitting party, so that it is satisfactorily received or understood from the receiving parties.
Coordination between Tribes and transportation agencies	Process by which representatives of these entities communicate information on how and when each party must act in order to harmoniously work interdependently for the purpose of achieving effective common results.
Cooperation between Tribes and transportation agencies	Process by which representatives of these entities work together to achieve a common goal or objective in carrying out transportation planning, programming and delivery processes (i.e. state transportation agencies and tribes).

No single 3C strategy is ranked in importance over the other. Each strategy can result in different level of collaboration, with the highest level of collaboration achieved when all 3Cs are implemented in combination of one another (Alliance for Transportation Research Institute, 2010). A collaborative environment is one in which project stakeholders work cooperatively together, regardless of relationship. This means that stakeholders can be allies, competitors, etc. and work toward a common goal regardless of motives. On projects in which government stakeholders (e.g, state and tribal governments) do not have a formal working relationship, like that of which has been codified between the federal government and the federally recognized tribes in the US, collaboration can be difficult and elusive. The creation of formal working relationships

between parties can aid in successful project implementation and the creation of an environment conducive to success.

States across the nation have taken the initiative in implementing 3C practices to facilitate consultation on transportation projects of concern to tribal communities.

Specific 3C initiatives that were found in the literature are presented in Section 2.2 of this chapter. While the current practices presented enable and facilitate consultation, they do not guarantee collaboration. They serve as the vehicles of collaboration when an infrastructure for that collaboration has been established. The following section makes the distinction between consultation and collaboration.

2.1.1 Consultation and Collaboration

In the context of transportation projects affecting or of concern to tribal communities, consultation should not be confused with collaboration. Consultation with tribal governments on projects of concern to tribal communities is a federal requirement (Clinton, 2000). Agencies are required to consult with tribes on federally funded programs and initiatives that affect tribal governments. Collaborative work between stakeholders on projects can be characterized by parties combining knowledge and resources to create solutions to transportation problems. Collaboration between stakeholders can create an environment conducive to success when parties work across political and institutional boundaries (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003). Cooperation alone results in parties working together toward a mutual goal, while collaboration results in new solutions from cooperative efforts.

2.2 STATE OF THE PRACTICE – COLLABORATION IN TRIBAL TRANSPORTATION

This section of the chapter reviews and categorizes efforts made to enable collaboration among project stakeholders on transportation projects of concern to tribal communities. A total of 120 documents, which include articles, reports, Web sites, and case studies have been reviewed and combined in this section. All published literature regarding transportation projects were identified through Internet sources and public databases. Appendix A provides an annotated bibliography, summarizing all of the sources reviewed.

2.2.1 Issues

Transportation projects affecting or of concern to tribal communities encounter an array of issues that complicate project execution. Migliaccio, et. al, (2010) identify six major issues commonly encountered on projects of concern to tribal communities. These six issues are: (1) cultural competency, (2) the protection/preservation of tribal-sensitive resources, (3) the confidentiality of tribal-sensitive matters, (4) sovereignty, (5) land ownership, and (6) monetary matters. The first four of the issues are unique to transportation projects that have tribal involvement. This illustrates the heightened level of complexity that exists when tribes are involved in the transportation process. These issues have been addressed by transportation agencies and tribes across the nation through the implementation of 3C strategies to enable collaboration.

2.2.2 Identification of Collaboration Strategies

Tribal transportation projects encounter an array of issues, as described in the previous section, making successful project execution complicated. Even when there are common interests, the planning, design, and implementation of transportation projects require collaboration among tribal governments and federal and state transportation agencies. A review of the literature was conducted to identify collaboration strategies that address those issues.

This section includes a synopsis of the documents that were reviewed. These documents were grouped into two categories: (a) Overall Government-to-Government Efforts: these documents describe efforts to facilitate communication, cooperation and coordination between transportation agencies and are government entity-specific without referring to any specific project; and (b) Project Specific Government-to-Government Efforts: contains documentation on approaches implemented either by tribes or transportation agencies for the delivery of specific transportation projects.

All literature reviewed was categorized as addressing either the “overall” or the “project” implementation categorization. They were then further organized into subcategories describing specific collaboration strategies within each of the two major categories. Table 2 provides a breakdown of the literature based on this categorization. Appendix A provides an annotated bibliography of all sources reviewed.

Table 2: Annotated Bibliography Sources by Category

Category	Subcategory	Annotated Bibliography Reference Number
Overall		5, 8, 12, 14, 15, 22, 23, 28, 35, 38, 39, 40, 45, 55, 56, 57, 63, 78, 82, 89, 92, 93, 95, 98, 99, 102, 103, 105, 106, 110, 112,
	Tribal Summit/Meeting	5, 34, 35, 42, 43, 56, 66, 67, 74, 100,
	Tribal Liaison	1,2,3, 13, 17, 21, 29, 40, 47, 48, 52, 56, 61,62, 65, 68, 69, 72, 83, 88, 90, 91, 96, 108, 109, 111, 112, 114
	Reference Guides	11, 12, 14, 16, 31, 42, 43, 45, 56, 59, 86, 78, 90, 102, 107, 110
	Research and Study	44, 50, 70, 115, 116
	Other	6, 9, 19, 24, 27, 36, 49, 53, 54, 60, 77, 79, 80, 84, 85, 94, 101, 113
Project	Finance and Planning	6,12,77, 101, 102
	Pre-Construction: Design	4, 6, 14, 22, 25, 34, 37, 51, 71, 74, 75, 77, 85, 117
	Pre-Construction: Environmental Evaluation	6, 10, 55, 71,72, 75, 77, 85, 102,
	Pre-Construction: Right-of-Way	5,6, 21, 61, 63, 64, 77, 79, 80, 82, 85, 118
	Construction	10, 27
	Operation and Maintenance	

Using the categorization provided in the table, the state of practice was summarized into a list of different approaches to implement collaboration. These efforts were organized in terms of the project life cycle. Each category and subcategory will be described in the following sections and specific example of each will be provided.

2.2.3 Overall Government-to-Government Efforts

Government-to-government efforts in establishing collaboration in transportation planning, program management and operations are relatively recent phenomena, and tribal involvement in the decision-making process for transportation infrastructure is evolving. These efforts improve success and address issues prior to the execution of specific transportation projects. The developed framework is intended to be comprehensive and implemented at all times, not just specifically for one transportation

project. These overarching efforts are documented in this literature review through the following:

- The establishment of formal agreements between transportation agencies and tribes,
- The organization of intergovernmental tribal summits and meetings,
- The establishment of the tribal liaison position within DOTs,
- The formalization of best practices through publication of reference books and guides,

The last three of the efforts listed have also been identified by CTC & Associates LLC (2004) in a synthesis conducted for the Wisconsin Department of Transportation on state DOT activities with respect to tribal transportation. The efforts, in addition to the first listed, will be described and examples provided of each in the following sections.

Establishment of formal agreements

Executive Order 13175, issued by President Clinton on November 6, 2000, describes the unique relationship present between the U.S. government and tribal governments (Clinton, 2000). This established the formal requirements for agencies to consult with tribal governments on any project that affects tribal communities in order to reduce impositions on tribal governments and also serves to help streamline federal processes for tribal governments. Following the Order, states began to develop formal agreements (Fond Du Lac Band of Lake Superior Chippewa, Federal Highway Administration, & Minnesota Department of Transportation, 2004) and create

organizations (US Department of Transportation) in order to conform to the new requirements and strengthen relationships between tribal and non-tribal governments.

Increasingly, Memorandums of Understandings (MOUs) have been developed which detail the tribal consultation process with federal and state transportation agencies on transportation planning, development and maintenance projects for interconnected transportation systems (Minnesota Department of Transportation & Shakopee Mdewakanton Sioux Community). These agreements provide a practical framework for intergovernmental relations. Regional transportation planning efforts through Metropolitan Planning Organizations (MPOs) and Regional Planning Organizations (RPOs) are formalizing working relationships between tribes and local governments in regional and long range transportation planning (Maes). These formal relationships and agreements are significant tools for improved communication and cooperation on transportation planning and construction projects on tribal lands.

In order to assist in the process of tribal consultation on transportation projects, DOTs like the Minnesota Department of Transportation (Mn/DOT) have taken the approach of creating and signing MOUs with tribal governments. Mn/DOT and several Minnesota tribes, individually, have signed MOUs in order to work together to increase tribal employment on transportation projects taking place on or near reservation land (Minnesota Department of Transportation). Seven Minnesota tribes have signed MOUs with the Mn/DOT that define the manner in which tribes and Mn/DOT will work together on transportation projects. The MOUs define that the Mn/DOT and tribal representatives will take part in annual meetings to discuss long-range plans and the three-year program

to increase tribal employment on transportation projects. The development of formal agreements, like MOUs, serves to streamline the transportation project process.

In the state of Washington, relationships between the Nisqually Indian Tribe, the Confederated Tribes of the Chehalis Reservation and the other members of the Thurston Regional Planning Council (TRPC) are an example of successful partnerships and collaboration between tribes and an MPO (US Department of Transportation). With involvement from the state and the tribes in the MPO, communication and cooperation are successfully executed. The TRPC is a board consisting of representatives from local government jurisdictions and the Confederated Tribes of the Chehalis Reservation and the Nisqually Indian Tribe. The TRPC serves as both the MPO and the regional transportation planning organization (RTPO). The work between the TRPC and tribes has increased awareness of tribal needs, improved transportation coordination, and has provided more information on transportation projects (US Department of Transportation). This organization formalizes relationships between stakeholders in the tribal transportation process and allow for input on projects from planning to execution from all parties.

Governmental action in policies and MOUs, and tribal interaction with planning organizations, serve as vital steps toward successful transportation projects. These actions lay a foundation for consultation on project-specific issues, and each of the governmental programs serves to encourage successful working relationships between tribal governments and transportation agencies.

Tribal Summits and Meetings

The creation of a tribal summit or meeting provides a means for state and tribal governmental stakeholders to communicate on best practices, issues and needs concerning tribal transportation projects. Transportation summits and meetings provide open communication between transportation agencies and tribes. At these summits and meetings individuals from state, tribal and federal agencies discuss transportation concerns and needs, with the overall goal of improving and creating working relationships (Brouillard, 2000). Intergovernmental transportation summits have improved communication between tribal, state, and federal agencies and have provided a forum for open communication between leaders as well as a chance to identify individual agency and mutual needs and issues (Brouillard & Shean, 1999). Summits are also a means of drafting agreements between tribal, state and federal agencies. They allow input from each entity on the form of agreement as well as the opportunity for signing shortly after the agreement is created (Arizona Department of Transportation).

In 1999, the New Mexico Department of Transportation (NMDOT) took part in a tribal summit that involved tribal, state and federal representatives (Brouillard & Shean, 1999). The summit was organized to allow representatives the opportunity to discuss issues on transportation projects affecting tribal governments throughout the state of New Mexico. One of the key issues was the lack of tribal involvement in transportation planning. The summit provided tribal governments an opportunity to state their needs in the sector of transportation and to identify specific concerns that the tribes had with transportation projects. Goals of the summit included improved government-to-government cooperation, agreement on communication protocols and processes, review

of other successful government-to-government relationships, and the establishment of agreements that clarify and define issues and resolutions. Working committees were created as an outcome, and issues such as tribal sovereignty and right-of-way were defined as issues for the working committees to follow up on. All parties involved in the summit have signed one memorandum of agreement (MOA) since the conclusion of the summit.

Similarly, the South Dakota Department of Transportation (SDDOT) participates in annual meetings between state, federal and tribal representatives in order to maintain successful working, government-to-government relationships (US Department of Transportation). These meetings serve as a forum for attendees to discuss transportation needs and upcoming transportation projects as well as to share information with other representatives. All representatives in attendance are senior staff. When specific needs and projects are identified at a meeting, follow-up meetings are held in order to ensure that all issues discussed are addressed. The meetings are cited as successful in increasing project coordination between tribal and non-tribal agencies in South Dakota (US Department of Transportation). The continuity of the meetings as well as the role that decision makers play in each of the meetings, promote trust and relationship building across governments.

State Department of Transportation Tribal Liaisons

Tribal liaison positions in state DOTs provide a central point of contact between tribal representatives and multiple departments within a DOT (Federal Highway Administration, 2005). An individual serving as tribal liaison assists tribes and state

DOTS with implementing direct government-to-government relations by establishing long term working relationships based upon mutual concerns. This position is considered to be the expert on tribal transportation in the DOT and serves as a culturally competent link between the state and tribes. If held by a tribal member, the position is further enhanced (Agnew et al., 2002). The tribal liaison position assists in creating meaningful relationships to overcome the issue of tribal contact with the state and in improving project execution as the tribal liaison is typically well-versed in tribal transportation projects and issues (Federal Highway Administration, 2005). While the position may exist in different levels of a state's organizational structure, during a roundtable discussion between five state DOTs, it was recognized that the tribal liaison position was more successful when located higher in the decision-making process (Federal Highway Administration, 2005).

The Four Corners Institute (FCI) was created in New Mexico to allow decision makers from tribal, state and federal agencies to discuss barriers to cooperative and successful government-to-government relationships (Kozak, 2002). A resulting paper addresses a discussion between tribal and non-tribal leaders as well as policy suggestions that participants identified as being potentially helpful in creating a framework for successful relationships (Agnew, et al., 2002). The "Star" group found that an improved relationship between tribal and non-tribal individuals was needed in order for the cultures to respectfully share information. Mutual respect is a critical aspect for tribal entities. One suggestion for achieving this relationship was to create the position of tribal liaison or Native American coordinator, not only within the NMDOT, but also within every agency or department, and when possible to assign these positions to Native Americans

(Agnew, et al., 2002). This assignment would allow for more expertise in tribal transportation within every agency or department and would promote culturally competent projects.

In 2005, the Transportation Planning Capacity Building Program held a roundtable and panel discussion session between state DOT tribal liaisons in Spokane, Washington (Federal Highway Administration, 2005). The state DOTs maintaining the position of tribal liaison were: Arizona, California, Minnesota, Montana, New Mexico, Oklahoma, Washington, and Wisconsin. Each of these states supports a full-time tribal liaison position dedicated to the coordination and improvement of tribal and state relationship matters. Each of the states presented on tribal liaison activities and best practices of their position. It was recognized by all parties that in each of the DOTs, the position of tribal liaison was held at different levels of seniority, a higher level of seniority was identified as being more helpful on complex transportation projects. Regardless of the level of position in which the tribal liaison is located in each state, all liaisons placed the same emphasis on the optimization of the role of liaison and the need for continuing education in transportation matters that affect tribes (Federal Highway Administration, 2005).

The California Department of Transportation (Caltrans) is one of the state DOTs that supports the full-time, ongoing position of tribal liaison. In 2005, the tribal liaison of the Native American Liaison Branch of Caltrans described the structure and responsibilities of the position at the roundtable and panel discussion described in the previous paragraph (Federal Highway Administration, 2005). Caltrans supports the position of District Native American Coordinator in each of its 12 districts, while eight of

the 12 districts also support an additional tribal liaison position. The tribal liaison position is tasked as an interface between tribes and higher-level Caltrans management. Concerns raised by tribal leaders are reviewed by the liaison and staff and then passed on to management for a final decision. Caltrans also provides a tribal resource guide, tribal consultation training and tribal government information sessions to all of its employees.

Formalization of Best Practices through Reference Books and Guides

In an effort to formalize best practices and make them readily available for use by states and tribes, reference books and guides have been created by state DOTs and agencies like the American Association of State Highway and Transportation Officials (AASHTO). These resources range from compilations of best practices in tribal transportation to handbooks for agencies to follow in order to complete a transportation project within the existing legal framework (American Association of State and Highway Officials; ATR Institute, 2004; Beckerman, 2003). Resource guides such as these allow interested parties the opportunity to view current practices concerning tribal transportation. The guides detail approaches that were used by various states to improve the success of project execution, guidelines to follow when completing a transportation project and best practices in transportation projects that affect tribal governments (CTC & Associates LLC, 2004). These resources provide a knowledge base to all transportation agencies that choose to utilize them. Providing agencies with these types of resources allows for a lessons learned perspective on a new transportation project. It also streamlines the project execution process by providing transportation agencies and tribes with necessary resources, such as environmental permits – as is the case with the

Minnesota Department of Transportation's (Mn/DOT) e-Handbook (Minnesota Department of Transportation).

The (Mn/DOT) Tribes and Transportation e-Handbook is an online resource page that provides agencies with information helpful to project execution from policy and programmatic agreements to information on environmental assessment and permitting (Minnesota Department of Transportation). Tribes and transportation agencies alike can access this resource guide and will obtain similar, consistent guidance information on the process. This resource provides government entities with examples of various elements of prior successful projects that may be incorporated into the project at hand. In addition to tribal program information, the source also provides information on project phases such as construction and agreements signed between the Mn/DOT and local and tribal governments to endorse construction projects that mutually benefit all government entities involved. Contact information is also provided for the project permitting phase. Resources such as the ones provided in the e-Handbook allow quick access to government policy and Mn/DOT practices to ensure that government entities are well informed when executing transportation projects of interest to tribal entities.

The AASHTO Center for Environmental Excellence also sponsors a Web site that serves as a resource for tribes and transportation agencies. It provides a case study on effective consultation in historic preservation and also provides information on the state of the practice of programs created by state DOTs to address tribal transportation issues. This includes best practices in tribal consultation within the DOTs of Georgia, Iowa, Kansas, Louisiana, Minnesota, Nevada, Ohio, Pennsylvania, Rhode Island, and Texas (American Association of State and Highway Officials). This Web site allows for a

quick study on programs and processes currently in place for tribal consultation as well as what methods were successful. Any interested parties can access information on DOT best practices on tribal transportation programs.

The NMDOT published a handbook in 2002 for tribal and local government agencies to use when federal and/or state funds are used in a local transportation project. This handbook outlines the legal procedures that tribal and local governments must follow when executing a transportation project (New Mexico Highway and Transportation Department, 2000). The handbook does not directly address issues unique to tribal transportation projects, but provides legal guidelines on the execution of a transportation project. Legal information regarding all aspects of project execution from planning to construction is provided in the handbook.

Resource guides such as the ones cited provide local, state, federal and tribal governments with information on tribal transportation issues, projects, programs and legal proceedings as a means to ease the process of executing a transportation project. Governments have the opportunity to be better informed in the area of tribal transportation, especially in the areas of best practices, prior to the commencement of a transportation project with such information readily available. This guidance provides that best practices may be implemented when collaboration is required.

2.2.4 Project-Specific Government-to-Government Efforts

Programs implemented for increased success in tribal transportation are not only employed in government-to-government efforts, but have also been implemented in project-specific issues. These efforts were utilized to address issues that are predominant

in project finance and planning, pre-construction, construction, and operation and maintenance.

Finance, Planning, and Pre-Construction

Finance and planning is the first phase in project execution and one where tribes have expressed concern. Boyles, et al (2005) described the disadvantage that tribes have in transportation as they have poor access to services and employment through the transportation system. Financing transportation projects and improvements is a major issue for transportation stakeholders. The same issue is often more severe for tribal stakeholders because of an even larger lack of funding. To assist tribes in identifying resources, presentations to tribes and written literature has been produced that outlines innovative ways in which tribes can obtain additional funding for transportation projects (Johnston, 1999b, Schneider, 2002). Additional funding through resource sharing has been successful for tribal projects in Alaska where project finance, planning and execution has become a cooperative effort between agencies (Allen & Wilson, 2002). The lack of funding for tribal transportation projects has led agencies like the FHWA to provide ideas for innovative funding strategies to tribes. In a presentation prepared by the FHWA Resources Center, innovative finance techniques available to tribal governments are addressed, including leveraging, credit assurance, partnerships and matching funds with state DOTs (Mayer).

The Walden Point Road Project in Metlakatla, Alaska, executed in 2002, is an example of a project in which cooperation between a tribe, the Alaska DOT, and several federal agencies led to successful funding, planning and execution of a transportation

project (Allen & Wilson, 2002). In order to make the project possible, extensive coordination, cooperation and communication between multiple agencies had to take place. An MOU was signed between the different agencies participating in the project: the Bureau of Indian Affairs (BIA), the Alaska National Guard, the FHWA, the Alaska Command and the Alaska Department of Transportation. The FHWA provided design for the project; the BIA was in charge of NEPA requirements; and funding was provided by the FHWA's Public Lands Discretionary Funds, the Metlakatla Indian Community, the BIA, and the FHWA's Indian Reservation Roads Program. The FHWA identified the relationships created during the project as successful and considers the project, as a whole, a success.

Involvement of tribes in the finance and planning phases of project execution has assisted in identifying issues and needs in the tribal transportation sector. Recognition that many tribes lack the funding for roads has led to innovative ideas for finding such funding. Finally, in analyzing these needs, concerns and methods, it is possible for agencies to work in conjunction to successfully execute a transportation project as was seen in Alaska.

Following the funding acquisition for a project, pre-construction activities commence. Pre-construction activities include design, environmental assessment, and right-of-way acquisition. While literature on this phase in project execution is not as readily available, case studies have been identified in which tribal involvement was documented in the area of design, environmental assessment and right-of-way acquisition.

Design

Tribal consultation during the design phase of pre-construction is not frequently addressed in literature reviewed, as few of the documents cite the design phase. Federal or state governments most often perform engineering design of tribal transportation projects, but in some instances tribes contributed information, ideas, opinions, or suggestions on the final design of the highway (US Department of Transportation). Such was the case when Tesuque, Pojoaque and San Ildefonso pueblos affected the decision of not widening the roadway in the U.S. 84/285 Corridor Reconstruction Project by the NMDOT or when the same tribes provided input in selecting artwork for the overpasses for project (US Department of Transportation). On the 2002 Walden Point Road Project in Metlakatla, Alaska collaboration among the Alaska DOT, federal agencies and the Metlakatla Indian Community led to successful project execution (Allen & Wilson, 2002). In this case, an MOU defined the responsible party in project design as the FHWA.

Organizations also provide resources in planning and pre-construction on tribal transportation projects. The Federal Lands Highway (FLH) performs transportation planning, environmental compliance, engineering design, and construction contracting and supervision on federal roads on tribal lands (Schneider, 2002). By providing assistance to tribal governments in the form of design services, the FLH aids in the success of tribal transportation projects. The goal of the FLH is to strengthen economic development in tribal country, and recognizes the need for strong relationships to conduct successful projects.

As an example of tribal involvement during the design phase, in 1996, the NMDOT involved Northern New Mexico tribes in the design of the reconstruction of the U.S. 84/285 corridor between Santa Fe and Espanola (US Department of Transportation). The project was proposed as a solution to alleviate traffic congestion in the corridor and included the creation of overpasses on the highway that serve as direct exits to tribal land. Tribes affected by the project were included in all decision-making processes where they expressed a concern with initial plans to widen the roadway and proposed a different design that involved public transit in order to preserve tribal land by not widening the roadway. The NMDOT and tribes collaborated in order to create a final design that all parties were satisfied with and tribes further contributed to the design by providing artwork design on the overpasses throughout the length of the project. These art designs were produced by the tribes and placed within the corridor. Collaboration among parties on the project resulted in a project that all parties agreed on.

Environmental Assessment

The pre-construction phase of environmental assessment is uniquely defined in the case of tribal transportation projects. Issues of environmental protection as they apply to tribes are unique as tribal land has significance beyond physical property. Tribal land can have historical, cultural and religious meaning to a tribe and as such must be treated differently. Section 106 of the National Historic Preservation Act requires federal agencies to consider the impact of projects on historical land (Advisory Council on Historic Preservation). Keeping tribal land issues in mind, states have implemented programs to treat such issues and alleviate problems that may arise when a transportation project affects tribal land. Utilizing programs such as programmatic agreements and the

establishment of the position of the state or tribal historic preservation officer, states and tribes increase their ability to alleviate environmental evaluation and historic preservation issues while aiding in the overall success of tribal transportation projects (Armijo, et al., 2004; Clinton, 2000; US Environmental Protection Agency, 2005; Knowles, 2000; Rahn, 1999).

In the state of Minnesota, the Mn/DOT, the FHWA, and the Fond Du Lac Band of Lake Superior Chippewa Indians have signed a programmatic agreement implementing consultation in accordance with 36 CFR 800 on federal transportation projects in Minnesota (Fond Du Lac Band of Lake Superior Chippewa, Federal Highway Administration & Minnesota Department of Transportation, 2004). This agreement defines stipulations by which the Fond Du Lac Band of Lake Superior Chippewa Indians, the FHWA, and the Mn/DOT abide by in order to satisfy Section 106 of the National Historic Preservation Act. Mn/DOT provides information concerning projects to the Fond Du Lac Tribal Chairperson, and requests information from the tribe about historic, cultural and archaeological resources and concerns affecting tribal lands. If it is found that the project will have an adverse effect to property of religious or cultural significance to the Fond Du Lac Band, the FHWA is involved in creating a memorandum of agreement to minimize the effect on such historic properties. Another example in environmental assessment efforts is in the state of Iowa, where the Iowa Department of Transportation has signed a programmatic agreement with the FHWA and the Iowa State Historic Preservation Officer that serves to solve issues of environmental evaluation and preservation. The agreement defines a process by which the Iowa DOT and the FHWA will meet 36 CFR 800 requirements (Iowa Department of Transportation, 2002b). The

process contains information on the identification, evaluation, and treatment of historic properties and the Iowa DOT process, which includes steps taken prior to a project, and those taken when a historic site is discovered on a project (Iowa Department of Transportation, 2002a).

In spite of precautions taken to protect tribal land, there are still tribes that express a concern with the protection of culturally significant land. In a paper in the Transportation Research Circular, a member of the Muckleshoot Indian Tribe, located in the state of Washington, addresses concerns with the tribe's ability to keep up with transportation advancements in surrounding areas (Pacheco, 2002).

In Utah, the Utah Department of Transportation (UDOT) was preparing an environmental study to replace a bridge over McElmo Creek on SR-262. The project was located in the political boundaries of the Aneth Chapter of the Navajo Nation and a Navajo burial site was located in the project area. Several meetings were held with individuals regarding the burial in the project area. The project team enlisted the support of the Aneth Chapter Coordinator. UDOT was able to revise the design to leave the burial intact and undisturbed (Intrinsic Consulting LLC, 2007). With agreements for the preservation of tribal lands and the concern that tribes have regarding transportation projects that may affect such lands, it is important that programs in the area of environmental evaluation be further developed to not only ensure the preservation of land, but to also ensure that tribes are involved in project planning and execution on tribal land.

Right-of-Way

On transportation projects and improvements, tribal concerns about highway right-of-way (ROW) acquisition can affect state DOTs ability to maintain or construct improvements. Transportation projects often need to take place on tribal lands in order to address public transportation needs. ROW acquisition of tribal land impacts tribal sovereignty as well as their land base. As was discussed in environmental evaluation, tribal land has historical, cultural and religious meaning to tribes. The right-of-way issues are not just in the form of a monetary transaction, as there are significant issues that deal with culture. Tribal consultation processes with federal and state transportation agencies are designed to alleviate these issues and minimize delays on the project execution (Pacheco, 2002; Rosenberg, 2002; Schneider, 2002).

In the spring of 2000, the Kansas Department of Transportation (KDOT) developed new statewide tribal consultation procedures in collaboration with the four recognized tribes in Kansas (Knowles, 2000). Negotiations were held on tribal lands in order to determine the manner in which regular project contacts would occur. One participant in these negotiations was the right-of-way officer for the KDOT. This state-appointment position – ROW officer – assisted in negotiations as the employee within the DOT is the expert in ROW.

With right-of-way issues at the forefront of tribal transportation projects, the ADOT has identified a need for the alleviation of issues regarding right-of-way in a paper published in 2002 (Swan, 2002). This paper outlines the concerns surrounding tribal transportation in Arizona in such areas as right-of-way, operations, maintenance, tribal sovereignty, government-to-government relationships, cost-sharing, project clearances

and construction contract administration (Swan, 2002). The identification of such needs demonstrates the necessity of programs and implementations between the ADOT and tribes in the state of Arizona to adequately resolve these matters.

Construction

Issues that arise during the construction phase of transportation projects are typically related to inter-agency cooperation among the involved parties. In order to complete a transportation project on tribal land, tribes and transportation agencies need to coordinate activities to ensure that the project does not suffer delays. Adding to the complexity of construction activities, private contractors hired by DOTs and transportation agencies to execute the work on lands of interest or affecting tribes still have to abide by tribal laws regulations and protocols, especially when working on tribal lands and jurisdictions. Cooperation in the form of pooled resources can assist in successful project execution if all agencies have well-defined roles and responsibilities (Agnew, et al., 2002; Schneider, 2002; Smith, et al., 2002).

Kawerak Inc., located in Alaska, plays a large role in Alaska transportation and project execution (Stevenson, 2002). Kawerak is a nonprofit corporation and a regional consortium of tribal governments. It began contracting for the BIA in 1976 and began to operate a transportation-construction program in 2000 for the Bering Straits Region to meet the area's transportation needs. Kawerak began to train and employ natives of Alaska to plan, design, construct and maintain transportation projects implemented by the program (Stevenson, 2002).

On the previously mentioned Walden Point Road Project, multi-agency collaboration on the project allowed for innovative solutions (Allen & Wilson, 2002). The Metlakatla Indian Community proposed the project and federal agencies like the Alaska National Guard and the Alaska Command, considered it a viable project for a training, and assistance program (Allen & Wilson, 2002). Because the project was of interest and benefit to the federal agencies, federal workers assumed the responsibility of completing the construction phase of the transportation project. By involving interested agencies in the project and sharing project responsibilities, innovative solutions for successful project completion, such as utilizing military forces for the construction phase, were possible (Allen & Wilson, 2002).

A Navajo transportation project in Arizona required collaborative work in keeping the public informed of construction activities. The need for public knowledge of work being done was identified as a crucial component of the project (Intrinsic Consulting LLC). The project involved the installation of 62 street lights for enhanced visibility along a two-mile section of U.S. 163 in Kayenta, Arizona, a town of approximately 5,200 people within the Navajo Nation. The desire was to promote and publicize the benefits of the project, and to keep the local community apprised of the progression of the project. Communication throughout the duration of the project provided knowledge of transportation activities to the community, aiding in the increase of public support for the project. In addition, the project culminated in a community celebration and dedication ceremony upon completion of the pedestrian bridge (Intrinsic Consulting, LLC).

Examples are also available on strategies designed to facilitate the work of state-hired private contractors on tribal transportation projects. To achieve coordination for

hiring employees, the Minnesota Department of Transportation and several Minnesota tribes have signed MOUs (Minnesota Department of Transportation). These MOUs aim at increasing Native American employment on transportation projects taking place on or near reservation land. The MOUs establish that Mn/DOT and tribal representatives take part in annual meetings to discuss long-range objectives and develop a three-year program. This program aims at increasing Native American employment on projects with specific actions. To cite some of these actions, Mn/DOT agreed to include provisions to support and increase such employment into construction contracts, and tribes agreed to identify tribal members qualified for employment on transportation projects (Minnesota Department of Transportation).

Another Arizona transportation project, which took place in the adjacent communities of Tuba City and Moenkopi, encountered coordination issues due to the necessity of working inside the political boundaries of two separate, and distinct, tribal governments: the Navajo Nation and the Hopi Tribe. A private contractor was hired by ADOT to moderate and coordination activities between the separate tribal governments with respect to hiring practices and abiding by local Indian Employment Preference laws, satisfying tax obligations and obtaining permits for water resources (Intrinsic Consulting LLC, 2007). To address the myriad of additional requirements, the contractor began working with the tribal agencies involved at a pre-construction partnering kick-off meeting. Additionally, follow-up and follow-through activities by means of in-person visits ensured compliance (Intrinsic Consulting LLC, 2007).

Operation and Maintenance

Perhaps one of the least-addressed issues in the area of project-specific government-to-government efforts is in the area of operation and maintenance. Most efforts on tribal consultation are geared toward the pre-construction and construction phases of the project. Once a project has been planned and successfully executed, that specific project, whether a road or a bridge or some other transportation mode, still requires consultation between tribal and non-tribal entities in order to operate and maintain the constructed project. The issue of operation and maintenance is mentioned in the reviewed literature in the cases when the need for consultation in operation and maintenance is identified by an agency (Intrinsic Consulting LLC, 2007, Swan, 2002). While the need for continued government-to-government efforts concerning operation and maintenance has been identified (Swan, 2002), few implementations were found for addressing this need.

On the U.S. 191/I-40 traffic interchange project in Arizona, operation and maintenance concerning the project were addressed (Intrinsic Consulting LLC, 2005). The ADOT recommended three modern roundabouts for the new interchange. The ADOT wanted community buy-in and coordination for the roundabout alternative. ADOT also expressed a need for coordination with the Navajo community on the cleanup and maintenance of new sidewalks as well as the payment of electrical utilities for the new street lights. The ADOT recognized that coordination was required beyond the construction phase of the project to address operation and maintenance and hired a private contractor to help moderate the issue (Intrinsic Consulting LLC, 2005).

2.2.5 Summary of the State of the Practice

Programs implemented to increase the success of projects on the project level are fewer than those on the overall level. Little documentation exists on strategy implementation during project execution. While it is important for tribal governments and transportation agencies to have a basis for relationships and communication prior to the implementation of specific projects, it is also important for these to be carried through to project execution.

Many efforts have been implemented in order to improve coordination, cooperation, and communication between tribal governments and transportation agencies. While communication, coordination and cooperation strategies "enable" collaboration, they do not guarantee that parties collaborate throughout the project development process or that actions are conducted with mutually beneficial outcomes. The strategies identified in this section have been identified as being implemented to increase success, but the achievement of success with each individual of the strategy is not guaranteed.

2.3 INTERGOVERNMENTAL NETWORKS AS THE INFRASTRUCTURE FOR COLLABORATION

Transportation planning efforts, in general can be described as complex, because projects traversing lands often involve an array of stakeholders. In areas where transportation projects affect tribal communities, project complexity reaches an entirely different level. While collaboration among transportation agencies and tribal communities in transportation planning efforts is not a topic frequently found in the literature, cross-institutional collaborative efforts in planning and policy making address the importance of collaboration in a complex project environment. Booher and Innes (2000) argue that in complicated cases of infrastructure planning, stakeholders are often powerful and should work together when processes allow for addressing all stakeholder interests. Governmental stakeholders have decision-making authority, but institutional protocols do not always lend themselves for intergovernmental work. In environmental policy, affected areas tend to be located across different political boundaries (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003), as is the case in tribal transportation projects where natural resources, such as water supplies, are not located solely within the jurisdiction of one political entity. These cross-boundary projects create an environment in which multiple governmental stakeholders must face project issues. However, different political jurisdictions are not always able to address emerging issues (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003) and in the area of policy making, “public policy makers are looking for innovative solutions to complex social, economic, and environmental problems that are beyond the capacity of any one group or organization to solve,” (Mandell, 2001). With the simple identification that stakeholders can achieve

more together than apart, the idea of working as a network has emerged as a strategy for enabling collaboration (deLeon & Varda, 2009).. Ahuja identifies that in order to collaborate, stakeholders create “interfirm linkages or alliances between potential competitors,” (2000). These linkages are made through professional relationships and the network for collaboration incentives. Each individual party has its own financial and human capital (Burt, 1992), but when combined through networks, stakeholders then share social capital. By combining each parties’ individual financial and human capital, a return on the invested capital can be experienced. This is the social capital and in the network, can also be defined as the solutions found to transportation problems.

By working as a network, project stakeholders are brought to the same table in order to work on project planning and issues. Provided that authentic dialogue takes place among parties, identified issues can be alleviated and agreements made as to problem solutions (Connick & Innes, 2003). This allows parties to speak freely about their interests (Booner & Innes, 2002) and can be achieved with diversity within a network and true interdependence between parties (Innes & Booher, 2000).

Authentic dialogue among the planning group helps in addressing policy issues (Connick & Innes, 2003) and allows stakeholders to discuss important planning and policy issues (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003) to find innovative solutions. Network members can each contribute ideas for solving complex issues to find the best solution possible (Booher & Innes, 2002; Innes & Booher, 2000; Innes & Booher, 2003)

The network spans organizational boundaries (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003) and formally establishes stakeholders as a working group for addressing planning issues. This create interdependence among members and “formal

lines of authority are blurred,” (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003). The network also serves as a working group where all members are equal partners, no one entity or person has authority over the group (Mandell, 2001). This allows all stakeholders to truly work in a collaborative manner as all interests are represented within the group, and power is achieved, not by any one individual, but by the network.

While networks can be seen to establish the infrastructure for collaboration, its characteristics and structure do not parallel existing governmental structures. This is especially true in the case of transportation projects that are of concern to tribal communities, where stakeholders not only represent multiple organizations, but also further represent multiple sovereign nations. In addition, stakeholders can be resistant to change (Gray, 1989), since the network concept is relatively new in the realm of transportation planning. Because of this, groundwork in the form of formal agreements among stakeholders is often established. Also, in the tribal transportations sector, the network must be referred to as an “intergovernmental network” because members come from separate sovereign nations. The following sections review the intergovernmental network in the special case that tribes are members of the network. Literature specific to the success and characteristics of intergovernmental networks involving tribes is rare.

2.3.1 Intergovernmental Networks with Tribes as Stakeholders: Current Practices

Increasingly, federal and state policy, Memorandums of Understanding (MOU), and Memorandums of Agreement have been utilized to establish formal working relationships between transportation project stakeholders. These initiatives have laid the

foundation for intergovernmental work and initiatives between tribes, state, federal and local governments on transportation projects affecting tribal communities. One such initiative has been the establishment of intergovernmental networks among project stakeholders within states like Arizona, Minnesota, North Dakota and Washington. Collaborative work can now be found in the transportation planning sector (Innes & Booher, 2000). These networks allow for direct relationships among members, and the increased success of transportation planning and execution.

2.3.2 Networks

With the foundation laid for intergovernmental work on surface transportation projects, states have taken initiatives to formalize coordination and collaboration with tribes. Initiatives for the highest level of cooperation include those in which state, tribal, local and federal governments establish partnerships to explore methods for coordination and collaboration on transportation projects. Such intergovernmental networks have been employed in some states for addressing transportation needs and issues on tribal lands. They serve to establish collaborative relationships among project stakeholders and network members. While the government-to-government relationship remains between tribes and the federal government, and in some cases between states and tribes, informal, direct working relationships are established among all parties. Figure 1 (C) identifies this relationship among tribal and local governments.

Networks have been used as a management tool between governments to bridge information gaps (Agranoff, 2007) and to identify and share common resources. In a setting in which all affected stakeholders are partners in networks, alternative solutions to

transportation needs and issues can be analyzed to identify the solution of most benefit and least impact to all parties. This is most important with respect to tribes' historical and cultural sites and resources as tribal history predates European colonization of the US, and results in an abundance of tribal historical and cultural sites. Intergovernmental networks facilitate collaboration and discussion between parties in order to assist in minimizing impacts on properties and resources of all project stakeholders.

In a general sense, networks can be considered a collaboration mechanism between different governing bodies. Agranoff (2007) describes four different classifications of intergovernmental networks. The four classifications that Agranoff describes are summarized in Table 3.

Table 3: Network Classification

Network Type	Description
Information	<ul style="list-style-type: none"> • Promotes communication on policy, programs, technologies and solutions, and serves as a conduit for the transfer of knowledge • Requires that members take action on an individual basis
Developmental	<ul style="list-style-type: none"> • Provides education and technology opportunities to members in order to increase capacity of member agencies
Outreach	<ul style="list-style-type: none"> • Promotes resource sharing among parties in addition to information sharing. Shared resources are utilized for the creation of new programs within agencies
Action	<ul style="list-style-type: none"> • Promote information and knowledge sharing among members • Provides services, and the framework for making interagency changes • Allows for decision-making and plan implementation to be made by the network

Each of these networks takes a different approach to the achievement of goals set by the individual network and defines a different level of involvement and decision-making authority from each of its members. These categories will be utilized to classify intergovernmental network types in which tribal governments are partners.

State Policy

Several states have established and recognized government-to-government relationships with tribes residing in or with an interest in the state. In addition, some of these relationships have taken the form of advanced collaboration efforts through the creation of networks among stakeholders. While various levels of networks have been employed across the nation, four states have established intergovernmental networks where stakeholders on tribal transportation projects are members (Minnesota Department of Transportation). Arizona, Minnesota, North Dakota, and Washington have all established these networks (Arizona Department of Transportation; Anonymous, 2009).

2.3.3 Summary

The establishment of intergovernmental networks among states, tribes and other stakeholders, facilitates collaboration and promotes success on transportation projects. While transportation projects in general can have a high level of complexity because of the introduction on multiple stakeholders, the project environment becomes even more complex when each of those stakeholders represents a separate sovereign government. Facilitating and maintaining intergovernmental relationships is challenging in cases where large cultural and institutional differences are present. However, the establishment of intergovernmental networks can assist in the facilitation and maintenance of relationships. These relationships help establish a collaborative environment among stakeholders, and lead to initiatives that may otherwise not happen. A network can

operate on different levels of collaboration and decision-making authority to meet the needs of members.

CHAPTER 3: RESEARCH METHODOLOGY

SECTION 3.1: OVERVIEW OF THE METHODOLOGY

The research methodology followed a two-phase approach. The first phase of the research was conducted in order to establish a body of knowledge of current practices in tribal consultation and efforts to enable collaboration among stakeholders. The role of intergovernmental networks in creating an infrastructure for collaboration was identified during the first phase of the research. This role was investigated and validated as a conclusion to the first phase of the research. The second phase of the research aims to explain how intergovernmental networks establish the infrastructure for a collaborative environment.

Initial investigation resulted in the identification of practical strategies that enable communication, coordination and cooperation between transportation agencies and tribal communities to overcome issues encountered on projects when such parties are stakeholders. This initial research included a literature review, a content analysis and an interview stage. Initial results of these stages led to the formation of the research study, which serves to investigate the creation of collaborative environments between stakeholders on transportation projects through the use of intergovernmental networks.

The study seeks to identify common “themes” of intergovernmental networks that have already been established and working in states where tribes and other stakeholders like state departments of transportation and the Federal Highway Administration are members. The results of the study will serve to characterize how intergovernmental networks establish a collaborative environment among stakeholders, and a better understanding as to the benefits of a truly collaborative environment.

3.2 PHASE 1 – PREVIOUS RESEARCH STAGES

As mentioned in the previous section, initial research on current practices in tribal transportation has resulted in the formation of the research study. The initial research phase of the study will be described in this section. Concluding statements on how this initial research led to the current research study will also be provided.

3.2.1 Literature Review

The first stage of NCHRP project 08-65 was a review of existing literature on the state of the practice in tribal transportation programs and initiatives. This included a review of all literature pertaining to transportation projects in which tribes are affected. The literature reviewed the “state of the practice” in programs and initiatives regarding transportation when tribes are stakeholders. The state of the practice provided a review of initiatives on both the programmatic level of transportation planning and the project level of transportation projects. The literature review, as was conducted for the project was presented in Chapter 2, Section 2.2 of this thesis.

3.2.2 Content Analysis

Following the initial literature review, a content analysis was performed on the literature to characterize current practices in tribal transportation according to their ability to enable successful communication, coordination and cooperation. The content analysis further served to identify issues commonly encountered on projects of concern to tribal communities. The identification of these issues was a necessity in understanding barriers

faced by project stakeholders when working for success on projects. The content analysis followed a qualitative analysis protocol, in which literature reviewed for the first phase was representatively sampled for analysis in order to answer questions posed by the researcher, like “What issues are commonly encountered on projects affecting tribes?” and, “How can current practices be characterized based on the 3Cs?” (White & Marsh, 2006). Results of the content analysis, in the form of issues encountered on tribal-related projects are included in Chapter 2, Section 2.2.

3.2.3 Interviews

While the literature review and the content analysis provided information on issues encountered on tribal transportation projects, and the state of the practice, it was recognized that written literature might not provide the current information as to initiatives in collaboration. Also, new initiatives on such transportation projects are constantly being implemented and the need for up-to-date information is crucial in obtaining the best representation of current practices. In order to collect additional information on current practices and specific examples of each, an interview phase was conducted.

In addition to seeking information on current practices, the interviews were exploratory, so as to not limit the collection of data. The purpose of the interview phase was to explore the current state of the practice in states across the US. Interviewees were selected for their expertise in both transportation and tribal relations in transportation. Initial selection of interviewees consisted of state department of transportation tribal liaisons across the nation. Further selection of interviewees included volunteers and

suggested contacts as identified by initial interviewees. A total of 30 interviews were conducted with transportation professionals in the Northwest, Southwest, North Central, South Central and Northeast US and Alaska. Of the thirty professionals interviewed, four were from federal agencies, 11 from state agencies, nine from local agencies, and two from non-governmental agencies. Four additional interviews were conducted with members of tribes from the Northwest and Southwest regions of the US. Refer to Appendix B for a complete interview protocol.

3.2.4 Intergovernmental Networks as a Collaboration Enabler

Following the analysis of the interviews, the researchers observed an emerging theme of a “general attitude of collaboration” from the interviewees working in states in which transportation agencies and tribes work together on transportation projects and issues by forming an intergovernmental network. Following the emergence of this theme, a second literature review was performed to investigate intergovernmental networks and their ability to establish a collaborative environment among project stakeholders. In addition, literature pertaining to states in which transportation stakeholder networks were formed to facilitate collaboration was also reviewed. This literature review is provided in Chapter 2, Section 2.2.

In order to validate the intergovernmental networks as a collaboration enabler, an analysis was performed to evaluate intergovernmental state networks and levels of collaboration associated with each. This analysis covered ten states. Levels of network integration and levels of collaboration were first defined from the analysis.

Intergovernmental networks in each of the states were then classified based on their level

of integration, or the level of which stakeholders were actively involved. These classifications were then cross-referenced with the “level of collaboration” existent between stakeholders within the state. Results of this analysis, as presented in Chapter 4, verified the relationships between network integration and collaboration.

3.3 PHASE 2 – RESEARCH STUDY METHODOLOGY

3.2.1 Use of Case Studies

This research project focuses on investigating “how” and intergovernmental networks create the infrastructure for collaboration between transportation agencies and tribal communities. Because of the nature of the explanatory “how” and question, the use of case studies was selected as the research method for data collection and analysis.

According to Yin (2009), case study research should be utilized when the focus of the research study is to explain contemporary phenomena. This research aims to explain the phenomena of intergovernmental networks and their link to a collaborative environment. Yin recommends the use of case studies for “explanatory” research. Case study research is recommended when researchers cannot control events and individual behaviors cannot be altered, as is the case in the management of the transportation planning process when tribes are involved. It is not possible for the researchers to create and alter environments in which planners, engineers, administrators, and tribal members interact. Because of this, it is more appropriate to observe current “cases” of intergovernmental networks.

In the case of transportation project planning and execution, when tribes are affected, the project context and interactions between stakeholders are important for investigation. The level and manner of interaction between transportation agencies and

tribal communities has evolved over time and research in the sector of transportation project planning and construction requires investigation into operational links and analysis of the “real-life” context, leading to the use of case studies (Yin, 2009) for the research method. The use of surveys or other research methods are more appropriate when measuring variables related to frequencies and incidents. Also, case study research is an appropriate method when the “how” and “why” questions being answered pertain to contemporary events (Yin, 2009) as is the case in the operation of intergovernmental networks.

The following sections describe the aims of the study, and explain the selection and analysis of the case studies. The protocol for the case study creation and selection will be described as well as analysis techniques utilized to address the research aims.

3.2.2 Case Study Design

Study Question

More than 50% of states across the nation have resident tribes that are recognized as sovereign nations by the federal government. Virtually all of these tribes have historical and cultural properties that are affected by transportation projects, and stakeholders in such projects. In order to achieve a successful project, establishing a collaborative working environment is critical. Initial review of literature regarding tribal transportation and transportation planning and preliminary analysis of the data indicates that the establishment of intergovernmental networks among stakeholders serves to create a collaborative environment among stakeholders. While literature pertaining to transportation planning and areas like water policymaking, addresses the

intergovernmental network and its characteristics and benefits, such literature does not exist that is specific to transportation projects that affect tribal communities. In addition, literature as to the characteristics of already established intergovernmental networks in which tribes are stakeholders is restricted to technical details about the networks. This research seeks to answer the study questions:

- What constitutes an intergovernmental network when tribes are members?
- How do intergovernmental networks establish a collaborative environment between transportation agencies and tribal communities?

Study Assumptions

The process of consultation is complex in the area of tribal transportation and has many facets. In order to guide the data selection and analysis, case study assumptions will be stated (Yin, 2009). This study will focus on the phenomena of collaboration occurring among stakeholders when an intergovernmental network is established for working together. In order to focus on true collaboration among stakeholders in states where networks have been established the following assumptions are stated:

- It is assumed that states across the nation understand the federal requirement that they consult with tribes on projects of interest to tribes when federal dollars are utilized or when federal agencies have empowered states to consult on their behalf. Because consultation requirements have been codified, it is assumed that all states with projects affecting tribes are performing consultation, although it is recognized that the process might not be effective in reaching project success.

- Consultation and collaboration are separate and different interactions between parties. Consultation entails fulfilling the basic requirement that tribes be consulted with on projects of interest to them. Consultation alone does not guarantee success or the level to which parties work together to satisfy all stakeholders. References to collaboration assume that all parties are working together, toward a common goal in a harmonious manner.

Unit of Analysis

In the design of the case study research, it is important that a unit of analysis or what constitutes a “case” must be defined. The classic case study defines a case as an individual (Yin, 2009). For this project, the classic definition of the case study will be used. Each case will be an individual, and more specifically, an interviewee. While it is possible to select the unit of analysis as a specific topic within each interview, like success factors in consultation, for this research study, it is more appropriately defined as an individual. This is because of individual biases and perceptions regarding intergovernmental work between transportation agencies and tribal communities. For example, if an individual’s job is to facilitate successful consultation, that individual might be biased to say that consultation is a collaborative and successful process within that state, as it is a reflection on his/her own ability to perform essential job duties. To further ensure that a “true” illustration of current workings within intergovernmental networks was captured, individual cases will be part of a multiple-case study. Multiple cases will be selected and analyzed.

Addressing Quality of the Case Study Design

In order to ensure that a quality case study design is being utilized, the four tests as presented by Yin (2009) will be used. These include (1) construct validity, (2) internal validity, (3) external validity, and (4) reliability. The following describes efforts made to ensure quality of the research design:

1. *Construct Validity*: Yin (2009) proposes three tactics for increasing construct validity within the case study research. Of the three tactics, the use of multiple case studies or multiple sources of evidence was utilized. This ensures that the correct operation measures are created for the concepts being studied.
2. *Internal Validity*: Yin (2009) defines three tactics in ensuring that internal validity is achieved. Pattern matching as an analysis technique will be utilized to ensure internal validity, as defined by Yin (2009), Symon and Cassell (2003) and Auerbach and Silverstein (2003).
3. *External Validity*: Yin (2009) presents one tactic for ensuring external validity, which is the replication of logic across cases. This addresses the ability of a case to be “generalized” or “transferred” across cases. A multiple-case study is being utilized to ensure that results of one case can be transferred to another, which is also addressed by the pattern-matching technique that is utilized for analysis. Further, cases are selected based on their ability to represent states with different intergovernmental demographics, while maintaining the common theme of the intergovernmental network. This selection is described in the following section.
4. *Reliability*: Yin (2009) presents two tactics for ensuring reliability within the case study research. Each addresses the ability of research to be repeated, with the

same results. Both are utilized for this study. Reliability is achieved by utilizing the interview study protocol, as provided in Appendix B, and by developing a case study database. The case study protocol guides the researcher to perform the same data collection for each case. Also, by developing a database and documenting collection procedures for each previous case, any modifications in the protocol can be consistently applied to all cases.

3.2.3 Data Selection

Data for this research study was collected during the first phase of the research. Collection techniques, as identified by both Yin (2009) and Symon and Cassell (2003) were utilized during these initial phases. Refer to the complete interview protocol in Appendix B for additional detail.

With data collection for the study already complete, the next critical step included the selection of data. Initial data collection included interviews with individuals across the US. A total of 30 interviews were conducted with transportation professionals in the Northwest, Southwest, North Central, South Central and Northeast US and Alaska. Of the thirty professionals interviewed, four were from federal agencies, 11 from state agencies, nine from local agencies, and two from non-governmental agencies. Four additional interviews were conducted with members of tribes from the Northwest and Southwest regions of the US. The data collected was representative of current practices across the nation, from states varying in consultation practices, including those with little involvement with tribes to those in which intergovernmental networks have been established.

This research study is specific to collaboration through the use of intergovernmental networks therefore; an initial review of the 30 cases was conducted to categorize states based on the level of network integration present in the transportation planning environment. A sample of the data was then selected from states in which a high level of network integration was present. A total of ten interviews were selected from the original 30 for the case study analysis. These were selected based on the criteria that cases selected have the context of the intergovernmental network. The literature review as presented in Chapter 2, Section 2.3, identified four states in which intergovernmental networks have been established. These were in the states of Arizona, Minnesota, North Dakota and Washington. In addition, during initial review of the 30 interviews, it was identified that the state of Oregon, its DOT and tribes collaborate on transportation projects through an intergovernmental network. The ten interviews selected were conducted with professionals from transportation agencies and one tribe, with the ten interviews representing the states of Arizona, Minnesota North Dakota, Oregon and Washington. Each of the interviewees had experience working with or as a part of the intergovernmental network within their respective states. Current practices in each of the states were discussed in each of the interviews, with attention paid to each state's intergovernmental network. The same interview format was utilized for each of the interviews, to ensure transferability of data. Interviewees were also invited to provide any additional information that they felt was crucial to the description of state practices.

A complete and detailed explanation of the interview protocol is presented in Appendix B.

3.2.4 Data Analysis

In order to identify how and why intergovernmental networks establish a collaborative environment, the data collected in the case studies was analyzed through the use of pattern-matching methods. Pattern matching as an analysis method for qualitative data has been recommended by Yin (2009), King (1998) and Auerbach and Silverstein (2003). This method consists of identifying common and recurring themes in each of the case studies and across case studies and grouping them in order to develop theory about the research question. Analysis can result in themes that are overarching and higher order in hierarchy, as well as lower-level themes that can serve to define the overarching themes or make distinctions within and between different cases (King, 1998).

As is recommended by King (1998), the data set was initially reviewed and themes, as they occurred within each transcript, were documented to determine recurring themes within and across each of the cases. Each recurring theme was then marked within each case, through the use of color coding. This provided a visual depiction as to the frequency of themes occurring within each case study. Many of segments were parallel coded to reflect the occurrence of more than one theme during a segment of the case. This parallel coding is permitted in the framework of pattern matching (King, 1998).

After each case was analyzed and critical segments coded by recurring themes, case segments were extracted and organized to aid in the analysis and comparison of data. This organization was performed as suggested by Auerbach and Silverstein (2003). Each interview's coded transcript segments were collected into a table, which is organized by topic, with transcript, transcript time, comments, and theme all listed for

each segment. Copies of these tables are included in Appendix C. This organization allows for a comparison of data from case to case. Finally, transcript segments were also organized in a similar table by themes. With data organized by theme, theory could be developed.

3.2.5 Post Validation

In order to validate the results of the research study, a post-analysis follow up was conducted. Research results were summarized and provided to the ten interviewees to review. The summary was accompanied by a short survey, which allowed interviewees the opportunity to assess the research results. This short survey allowed interviewees to rate their agreement with each of the major findings. Answers were provided on a seven-point Likert scale with which interviewees rated their agreement. Refer to Appendix D for the summary and survey provided to interviewees.

3.2.6 Summary of the Methodology

The methodology for this research study was performed in two phases. The first phases consisted of initial data collection performed for NCHRP project 08-65 and resulted in the formation of the current study. The current study aims to explain how and why intergovernmental networks establish a collaborative environment between transportation agencies and tribal communities. The use of case study design was identified as an appropriate research approach for this type of explanatory research. The definition of the “case” for this study is an interview, and a multiple-case study design was utilized to ensure quality of the cases and depth of coverage of the topic.

Cases were selected from an already existing database of interviews performed in the first phase of the study. Interviews in which the interviewee had worked with or in an intergovernmental network where tribes are stakeholders were selected. The data is then analyzed through pattern-matching techniques so that emergent, explanatory themes could be identified. Finally, the research is validated through a post validation survey. Results of this methodology are presented in the following chapter.

CHAPTER 4: ANALYSIS AND DISCUSSION

4.1 INTRODUCTION

This chapter presents the results of the case study analysis on intergovernmental networks as enablers for collaboration between transportation agencies and tribal communities. Networks have established collaboration among stakeholders in areas like planning (Innes & Booher, 2000) and environmental policy (Schneider, Scholz, Lubell, Mindruta, & Edwardsen, 2003). The network as a strategy for establishing collaboration on projects has been implemented in the area of transportation and tribal involvement. States like Minnesota and North Dakota, among others, have taken initiative to creating a collaborative environment by consulting with tribes on transportation projects and initiatives through an intergovernmental network.

The current study aims to explain, “what constitutes an intergovernmental network when tribes are members?” and “how intergovernmental networks establish a collaborative environment between transportation agencies and tribal communities?” The first research question is addressed through descriptive case studies that profile the intergovernmental networks found in Arizona, Minnesota, North Dakota and Washington. Following this initial analysis, the second research question is addressed through the analysis of ten interview case studies, with subjects being professionals that had experience working in or with an intergovernmental network on transportation projects of concern to tribal communities. The ten case studies analyzed represented the states of Arizona, Minnesota, North Dakota, Oregon and Washington.

The following sections will report the findings of the case study analysis. Section 4.2 discusses the reorganization of data of for analysis based on initial review of the

interview cases. 4.3 provides descriptive case studies that profile the intergovernmental networks found in the states of Arizona, Minnesota, North Dakota, and Washington. Section 4.4 presents the results of the analysis, including recurring themes in the data in response to the research question. Section 4.5 presents the “Iterative Cycle of Collaboration and Intergovernmental Networks.” Finally, Section 4.6 presents benefits of intergovernmental work through networks beyond the establishment of the collaborative environment.

4.2 PRELIMINARY ANALYSIS

An initial step in identifying the states for analysis was the use of the descriptive case studies. This allowed the identification of four states that have implemented an intergovernmental network. Following this identification, data selection took place. This required that the 30 interviews conducted during phase one of the methodology be reviewed in order to identify the states in which intergovernmental networks have been fully integrated into the tribal transportation planning process. This initial analysis of the data was performed in order to identify common themes in the case studies and to assist in the selection of interviews for the case study analysis. This analysis indicated that the data could be organized into three categories. The first category included the states in which fully integrated, intergovernmental networks were utilized regularly to address transportation projects and programs that are of interest to tribes. The second category included the states in which an intergovernmental network has only been partially established. The third category included the states in which an intergovernmental network has not been utilized as a collaboration strategy.

4.2.1 Level of Network Integration

High Level of Network Integration

This category includes Minnesota, North Dakota, Oregon and Washington. Each of these states has formally established an intergovernmental network between stakeholders in tribal transportation. The intergovernmental networks serve as the infrastructure for collaboration as representatives from state, federal, local and tribal governments are equal members of a working group to address issues in transportation. In these states, transportation issues, projects and programs are discussed between all stakeholders, except in case where individual consultation is required. Each of the case studies from these states were utilized in the data analysis as described in Chapter 3.

Medium Level of Network Integration

The second category includes three of the 11 states. In these states, an intergovernmental network has only been partially integrated into the transportation project environment. The intergovernmental network in Arizona, as described based on the literature in Section 4.2.3, is an informal network in which tribal participation is limited. The network has worked on programmatic agreements with three tribes in the state, each on an individual basis, but stakeholders in the state do not work as a cohesive group on transportation planning efforts. In the case study of Arizona, the interviewee indicated this when describing the state's network. The interviewee said of the network, *“the tribal participation is quite limited right now and it's been since the existence of this group,”* (Anonymous, 2009c). The interviewee also indicated that the intergovernmental

network was originally established without tribes as members in saying, “*even though we’ve been promoting it to tribal officials and planners, we leave it up to them [tribes] whether they decide they want to participate in this partnering effort.*” In the case of the other two states, intergovernmental networks currently in place do not involve all project stakeholders, and are also only partially integrated. With this categorization, the data obtained from Arizona will be analyzed by the same protocol as the others, but results will be utilized as a contrast where deemed appropriate, to call out differences between working networks and initiated networks.

Low Level of Network Integration

The third category includes states in which no apparent steps have been taken toward establishing intergovernmental networks among project stakeholders. Four of the 11 states included in the interview case studies can be found in this category. States in this category may have implemented other collaboration strategies for project implementation, as presented in the literature review, but have not utilized the network strategy.

4.2.2 Level of Collaboration

In order to determine the level of collaboration occurring in each of the three categories, each state was also categorized according the level of collaboration among stakeholders on projects of concern to tribes. Three levels of collaboration were identified and include: (1) high, (2) medium, and (3) low.

High Level of Collaboration

A high level of collaboration was assigned when project stakeholders within a state identified that parties worked together to create a solution that all stakeholders were in agreement with. Parties that collaborate at a high level meet as a cohesive group. In addition, stakeholders discuss issues and make decisions as a working group rather than as individual parties.

Medium Level of Collaboration

A medium level of collaboration was assigned in cases where project stakeholders worked together to find solutions to problems a majority of the time. In these cases, interviewees indicated that project stakeholders, on occasion, inhibit the collaborative process. This can occur when stakeholders are unhappy with a project and present barriers to success.

Low Level of Collaboration

Finally, a low level of collaboration was assigned when project stakeholders do not work jointly on projects. This can occur on any type of project in which stakeholders do not consult or collaborate. Most commonly, when governmental stakeholders refuse to recognize each other's sovereign status, collaboration does not occur. For example, if a state government does not recognize resident tribes that are federally recognized, little collaboration can occur when tribes affected by projects aren't recognized as stakeholders.

4.2.3 Summary

Interview case studies for the 11 states included in the data collection were analyzed in order to classify each state within the given definitions for level of network integration and level of collaboration among stakeholders. Table 4 presents this categorization. Raw data for this classification can be found in Appendix E.

Table 4: Network Categorization

		Level of Network Integration		
		Low	Medium	High
Level of Collaboration	High		1 state	4 states
	Medium	3 states	2 states	
	Low	1 state		

4.3 DESCRIPTIVE CASE STUDIES

4.3.1 State Policy and Network Analysis

Several states have established and recognized government-to-government relationships with tribes residing in or with an interest in the state. In addition, some of these relationships have taken the form of advanced collaboration efforts through the creation of networks among stakeholders. While various levels of networks have been

employed across the nation, for the purpose of answering the first of the research questions, four states and their respective networks have been selected as examples of different classifications of intergovernmental networks. These classifications are those that have been proposed by Agranoff and are presented in Section 2.3 of the literature review. For each network, the policy that established the foundation for such networks will be summarized. A description of the network logistics will be provided as well as examples of results-oriented actions taken by the networks. Each of the networks will be respectively categorized based on the following:

- Type of network,
- State policy,
- Function and operations of the network,
- Network organization, and
- Network members.

4.3.2 Minnesota

On April 1, 2002, at a tribal/state transportation summit, the state of Minnesota, the 11 tribes within the state and the FHWA signed the Government-to-Government Transportation Accord for improved cooperation as partners in transportation planning and programs (Minnesota Department of Transportation). The signatories of the Accord agreed to improve intergovernmental relations to achieve mutual goals of the parties, establish a framework for working partnerships among signatories, and create protocols for implementation of the framework for achieving successful partnerships. Each party agreed to show mutual respect to the government structure and culture of each of the

respective partners signing the Accord. This Accord relies on the assumption that improving cooperation, coordination and understanding among parties, it would in turn improve transportation systems, which could lead to an increase in jobs and project success.

The Government-to-Government Transportation Accord not only identifies goals for improved cooperation among parties, it also commits the signing parties to a working partnership for the implementation of the Accord. The Accord commits the signing parties to meet a minimum of once a year to discuss accomplishments and shortcomings of the Accord. The meeting focuses on identifying strategies for future success in the implementation of the Accord and on intergovernmental transportation projects. Parties also evaluate the partnerships established by the Accord. Finally, the Accord states that success can only be achieved if each respective party is accountable for continued and improved cooperation.

On April 9, 2003, Executive Order 03-05 was issued by the governor of Minnesota, affirming the government-to-government relationship between the state and tribes in the state (Pawlenty, 2003). In the Executive Order, the 11 tribal nations within the state are recognized as sovereign governments retaining the rights to self-governance and self-determination. In addition, all state employees are called to recognize the government-to-government relationship with tribal governments. In the case that the state administers a federal program, special consideration must be taken into account when the program affects any of the tribes in the state. Finally, all state employees are directed to achieve the goals of the Executive Order by working cooperatively with tribal governments and perform duties in accordance with the Order.

Intergovernmental Network: Advocacy Council for Tribal Transportation

The Advocacy Council on Tribal Transportation is an intergovernmental network that was established three years ago in the state of Minnesota for facilitating discussions on roadway issues in the state and working to alleviate issues on roadways that are of concern to tribal communities (Mn/DOT). The Advocacy Council is both an action network and an outreach network as members take action to address policy and program issues, as well as share resources, including time, expertise, and funding for the solution to transportation issues. The Advocacy Council is composed of members representing the 11 tribes of Minnesota, the Minnesota Department of Transportation (Mn/DOT), the FHWA the Minnesota Indian Affairs Council, the Bureau of Indian Affairs (BIA), the Michigan Tribal Technical Assistance Program, and Minnesota Counties and Cities. The goals of the Advocacy Council include providing information on policy and program issues, and taking initiatives for solving issues identified, all while sharing resources for the benefit of the council.

The Advocacy Council meets on a quarterly basis with most meetings taking place at tribal locations. The representatives of the 11 tribes serve to chair the Advocacy Council and are also the voting members of the Advocacy Council (Anonymous, 2009b). The office of chairperson is shared by two of the 11 tribal representatives. To ease the process of information sharing, the tribal liaison for the MNDOT serves as an information conduit within the network. Information shared includes funding and policy issues. Issues are discussed at the quarterly meeting and action items assigned to members to ensure action on resolving such issues.

Network Initiative

In the state of Minnesota, there was a need for a uniform approach for road signage to improve driver understanding of signs on state, city, county and tribal lands. This need was identified and addressed by the Advocacy Council through the creation of a uniform road sign brochure/manual. One of the reasons for misunderstanding of road signs on tribal lands was due to the driver's misconception and confusion of tribal identification. In many cases, tribal businesses are named independently from the tribal name and motorists confuse business names with actual tribal identification. A hypothetical example may be if a tribal casino is named, "The Flat Lands Casino." Motorists may misconceive the name of the owning tribe to be "The Flat Lands Tribe" when in fact, the name of the casino was arbitrary and in no way linked to the identification of the tribe. Creating uniform signing for the state on tribal land was determined to be a solution to the issue of misconceptions as a result of roadway signage (Anonymous, 2009b).

The issue of the road signing was brought before the Advocacy Council. The Advocacy Council served as a forum for members to begin discussions on uniform signing and the development of a brochure/manual to assist all parties in erecting road signs that conform to state uniformity. After discussion, the Advocacy Council designed uniform signage to be used on tribal lands. The uniform signage incorporated tribal logos and identification to combat misconceptions on tribal identification. After the uniform signs were designed, a brochure with guidelines on the creation on uniform road signs

was created for the use of all parties. The brochure can be obtained through the Mn/DOT Tribes and Transportation Web site.

4.3.3 North Dakota

In North Dakota, the establishment of both tribal consultation and an intergovernmental network were enacted through the Programmatic Agreement that was signed on November 28, 2006 by the North Dakota Department of Transportation (NDDOT), the FHWA and the consulting tribes of North Dakota – including tribes in South Dakota, Minnesota and Montana that retain historical and cultural ties to the state (US Department of Transportation). Following the establishment of formal working relationships with the tribes, the NDDOT identified the need for a formal process for tribal consultation. The NDDOT first pursued signing formal agreements individually with each of the tribes. After conversations with each of the tribes, it was identified that a programmatic agreement with multiple tribes would be a better approach for formalizing the consultation process. NDDOT and the tribes began work on a Programmatic Agreement.

The tribes identified that the Agreement should: (a) acknowledge each of the tribes' separate cultural identities, (b) commit to explaining transportation project decisions, (c) identify the need to fund tribal participation in the creation of the Agreement, and (d) commit to maintaining confidentiality of issues and information shared in discussions (US Department of Transportation). The Agreement recognizes tribal sovereignty and emphasizes the need for mutual respect between signing parties. In

addition, it develops a tribal consultation protocol and provides a framework for joint work and identifies common goals among signing parties.

Intergovernmental Network: Tribal Consultation Committee

The 2006 Programmatic Agreement established the Tribal Consultation Committee (TCC) (US Department of Transportation). The TCC is both an information and action network as the Agreement encourages dialogue and the sharing of information among members, and establishes decision-making authority for the network. The TCC serves as a tribal consortium that allows the NDDOT to consult with the tribes with interest in the state as a group rather than on an individual basis. By consulting as a group, tribes can see a reduction in the time spent on the consultation process. While the TCC is comprised of representatives from the NDDOT, the FHWA and the signing tribes, the Programmatic Agreement provides the framework for participation in the consultation process by individuals outside of the network that are recommended by the TCC. This flexibility allows for the TCC to seek knowledge and experience from individuals outside of its membership.

The TCC meets a minimum of twice a year in order to address issues on transportation projects and policy. The NDDOT has the responsibility of providing members of the TCC with any material that may be need for each meeting. While the TCC facilitates consultation with tribes as a group, the NDDOT commits to meet individually with each of the tribes on an annual basis.

Network Initiative

One of the initiatives and direct results of the TCC was the creation of a *Cultural Heritage Manual* (US Department of Transportation). The signing parties of the Programmatic Agreement identified the need for a manual that could work as an educational tool for addressing cultural differences between signing parties of the agreement. The NDDOT developed the manual and obtained information to be included from the tribes. The manual is a tool for providing information and knowledge to users without a bias, and is considered a working document as it can be updated at any time. This information tool is also helpful in the facilitation of consultation with an understanding of cultural competency. Utilization of the manual by signatories of the Programmatic Agreement, allows for consultation with the consideration of cultural identities and practices.

4.3.4 Washington

On August 4, 1989, the State of Washington and the twenty-six federally recognized tribes of the state executed the Centennial Accord recognizing the unique, government-to-government relationship between the state and the tribes (*Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington*). This document recognizes the sovereignty of each of the parties and identifies that the state and the signing tribes have authority over their respective governments. It also defines the consultation protocols that must exist between the state and the tribes. While the Accord is executed through the Office of the Governor, it encourages high-level representatives from all state agencies to participate in the

established government-to-government relationship. An implementation process and signatory responsibilities are outlined to guide the agencies of each government to participate in the Accord. Finally, the Accord builds on government sovereignty and does not waive any rights of the signing parties.

In 1999, the Tribal and State Leader's Summit was held in Leavenworth, Washington where tribal and state leaders reaffirmed the relationship between the state and the federally recognized tribes in the state in the New Millennium Agreement (State of Washington Governors Office of Indian Affairs, 1999). Parties of the Agreement set forth their desire to reinforce the relationships established in the Centennial Accord through a list of commitments. These commitments included the continued cooperation of parties by creating channels of communication between parties and formalizing consultation practices into institutional protocols. Leaders also committed to the education of citizens about state tribes and their history as well as state and tribal organizations and intergovernmental relations. The overall charges of the Agreement were for continued collaboration and coordination through the commitment of each party to the maintenance of intergovernmental relationships and the participation of state agencies in the Agreement. In 2003, the Washington State Department of Transportation (WSDOT), as a state agency, committed the agency to intergovernmental work as outlined in the New Millennium Agreement. Douglas MacDonald, secretary of transportation, issued Executive Order E 1025.00, committing the WSDOT employees to consultation with tribes on transportation projects (Gregoire, 2005). The Executive Order addresses the sovereignty of tribal governments and the unique relationship between the

state and the tribes. It also provides employees and WSDOT offices with responsibilities for continued consultation and respect of government-to-government relationships.

The commitments made and relationships established in both the Centennial Accord and the New Millennium agreement were reaffirmed and recommitted to on April 28, 2005 in a proclamation by the Washington State Governor, who renewed the desire and commitment to move forward in intergovernmental work (Gregoire, 2005). The Governor also reaffirmed the government-to-government relationships between the state and federally recognized tribes residing in the state and those located outside of the state with specific treaty rights in Washington. The proclamation recommits the state and signing parties of the New Millennium Agreement to its principles. Finally the proclamation identifies that moving forward in intergovernmental work should be done “in a positive and construction relationships that will help...fairly and effectively resolve any differences to achieve...mutual goals,” (Gregoire, 2005).

Intergovernmental Network: Tribal Transportation Planning Organization

The Tribal State Planning Organization (TTPO) was formally established in 1993 at the 2003 Tribal/State Transportation meeting in Washington (Washington State Department of Transportation). The TTPO is as both an information and developmental network as it serves for the sharing of information and knowledge across parties, as well as increasing the planning capacity of member tribes. The TTPO is comprised of partners from Washington tribes, the WSDOT and the BIA. The network serves as a forum for discussing transportation needs and issues. It also facilitates tribal participation in the statewide transportation planning process. It also fosters a spirit for

intergovernmental cooperation and coordination on transportation projects. The bylaws of the TTPO commit the organization to education and effective planning.

The TTPO is governed by its members, but also elects officers for organizational and representative functions (Washington State Department of Transportation). The members of the TTPO elect its chairperson and vice chairperson. The chairperson conducts the meetings of the TTPO, ensures that all parties have input into the meeting agenda, represents the TTPO at regional transportation meetings and any other tasks as charged by the governing membership. The vice chairperson acts on behalf of the chairperson in the case that the chairperson is not able to fulfill his/her duties. Officers of the TTPO hold their offices for two years and upon the end of term, the vice chairperson then takes the role of chairperson after approval by the members of the TTPO.

Meetings of the TTPO occur quarterly during the year and are intended to be held at tribal facilities (Washington State Department of Transportation). Sometimes meetings have been held at non-tribal facilities when travel and time constraints did not allow for meeting at tribal facilities or locations were changed in order to maximize interaction between members and congressional staff. WSDOT staff generates and maintains records of quarterly meetings. TTPO funding is also managed through the WSDOT, with all monetary decisions and transactions controlled by the entire governing body of the TTPO. Finally, each member of the TTPO has one vote for the decision-making process and all decisions are based on a consensus.

Network Initiative

The TTPO contributed to the compilation of the *Tribal Transportation Planning Guide for Washington State* (Winchell & Rolland, 2009). The *Guide* was first identified as a needed project at the first State/Tribal conference in December 1993. The tribes requested the *Guide* so that they could understand the state planning processes and programs so that the tribes could increase their involvement in transportation planning. The initial version of the *Guide* was produced in 1995 and then later updated in 2004 to provide information on the chronology of events leading to the creation of the *Guide*, initiatives, programs that affect the transportation planning process. The main purpose of the *Guide* is to encourage and facilitate consultation, cooperation and participation of the tribes with the state on transportation planning and development (Winchell & Rolland, 2009). The *Guide* sets forth the following goals:

1. To serve as a guide and resource for program and planning process and information;
2. “To serve as a guide for WSDOT and other state and local governments to better understand tribal governments and how to work effectively with tribes;
3. To develop and promote models for collaboration to meet critical transportation needs of the state and the tribes;
4. To support state requirements to coordinate activities with tribal governments and for consultation and involvement of tribes in transportation planning, program development and operation,” (Winchell & Rolland, 2009).

These goals reflect the information and developmental framework of this network to provide knowledge, educate and develop member organization capabilities.

4.3.5 Oregon

On May 22, 1996, the governor of the state of Oregon issues Executive Order No. EO – 96 – 30 recognizing the “unique legal status” of the nine tribes of Oregon (Kitzhaber, 1996). The Executive Order recognizes that the federally recognized tribes of Oregon were residents of the state prior to the formation of the US as a nation. The Executive Order also stresses the importance of the government-to-government relationship between the state of Oregon and the tribes, and serves to formalize the relationship. State departments are also called to “recognize the opportunity to use a number of tools to achieve mutual cooperation,” (Kitzhaber, 1996)). The Order further requires that managers be trained to better understand tribal sovereignty. It aims to improve communication and cooperation between state agencies and tribal governments in Oregon.

In 2001, the Oregon State Legislature adopted Senate Bill 770 that directs State of Oregon agencies to support the government-to-government relationship that exists between the state and the federally recognized tribes of Oregon (Rees, 2006). The Bill also encourages state agencies to adopt programs and policies that take into consideration interests of the federally recognized tribes. Both the Executive Order and the adoption of Senate Bill 770 echo Oregon’s commitment to fostering the legal relationship that exists between the state and tribes.

Intergovernmental Network: Clusters

The intergovernmental network in Oregon is different from those found in the previously discussed states, as stakeholders are members of various networks rather than

one, single cohesive network. In Oregon, there exists a policy level structure that is built around clusters (Anonymous, 2009f). These clusters serve as the intergovernmental networks in Oregon. There are six clusters in Oregon. Two of the six clusters involve the Oregon DOT, the nine federally recognized tribes of Oregon and other policy level senior management from Oregon. The economic development cluster and the cultural resources clusters are the two networks pertaining to transportation planning in the state. Cluster meetings occur at least three times each year and are culminated into an annual summit with all of the tribal chairs and the state of Oregon governor.

Network Initiative

In the state of Oregon, several tribes issue their members a tribal ID as legal identification. With the US Patriot Act, federal statute changed the requirements for identification cards to be considered a legal form of ID. A large number of tribes have gaming facilities and hire employees who require security clearances. For some of the more rural tribes, members of the tribes utilize their tribal IDs for legal identification. There had been instances where the tribes were not able to get their business needs met because other agencies do not always recognize tribal IDs as being a legal form of identification. At one point, some Department of Motor Vehicle (DMV) offices were not recognizing tribal IDs as legal IDs because of the statute requirements of the US Patriot Act (Anonymous, 2009f).

The state holds cluster meetings with tribes in which representative from different state agencies, both transportation and non-transportation, discuss issues of mutual concern with the tribes. Areas of mutual concern can include anything from transportation to cultural and historical resources. The issue of tribal identification not

being recognized was identified at one of the cluster meetings. Representatives in attendance, including staff from the DOT and the DOT tribal liaison took the lead in getting the issue resolved by meeting with the DOT and state representatives. State representatives worked the issue through the state legislature after having heard from the tribes. This led to the passage of state statute rule changes in the law so that tribal IDs would be accepted as legal identification in the state.

4.3.6 Arizona

Arizona Governor Janet Napolitano hosted quarterly summits with tribal leaders in the state between the years of 2003 and 2007 (Arizona Department of Transportation). These summits resulted in tribal leaders in Arizona expressing the need for a guide to be used by all state agencies when consulting with tribal governments in order to facilitate the government-to-government relationships between the state and the tribes. Napolitano issued Executive Order 2006-16 entitled, “Consultation and Cooperation with Arizona Tribes,” which provides guidelines to all state agencies when consulting with tribes (ADOT & Federal Highway Administration, 2007). The Order provides direction to all state agencies to (a) implement policies for tribal consultation with federally recognized tribes, (b) appoint a staff member who would act as a representative and oversee the implementation process, (c) review policy regarding consultation on a yearly basis, and (d) draft and submit an annual report to the Governor, Tribal Leaders, and State Legislature describing steps taken for achieving implementation (ADOT & FHWA, 2007).

The Arizona Department of Transportation (ADOT) adopted a department-wide policy for consulting with tribal governments on September 1, 2006 (ADOT & FHWA, 2007). The policy commits the ADOT to consult with tribes on transportation projects affecting tribal communities and assist in the capacity building of each tribe. It also commits the ADOT to creating formal agreements with tribes when ADOT deems necessary and an agreement is desired by a tribe. Finally, the policy defines that ADOT should share information regarding projects, technical information and training opportunities with tribes in the state. A new Executive Order, 2008-02, enacted by the Governor directs the ADOT to maintain a database to provide information on transportation needs, a list of representative projects and plans for the Regional Transportation Framework (ADOT & FHWA, 2007).

Intergovernmental Network: Arizona Tribal Strategic Partnering Team

The Arizona Tribal Strategic Partnering Team (ATSPT) was established in June 1999 to advance intergovernmental relationships among the state of Arizona, tribes in the state and federal and local agencies (ADOT). The ATSPT is a developmental network as the focus of the network's goals are on policy development, education and capacity building of member agencies. The goals of the ASPT include the education of partners, the advancement of relationships and the development of strategic processes and partnering (ADOT). Participants of the ATSPT include tribes within the state of Arizona, federal agencies including the Federal Highway Administration (FHWA), the state of Arizona, local governments, and various other non-governmental institutions.

The ATSPT meets on a quarterly basis. In addition to meetings, the ATSPT organized three State-Tribal Regional Transportation Forums between 2002 and 2003. The purpose of the Forums was to provide education to members on transportation funding and the process of transportation coordination in Arizona. In addition to the general education, partners sought to improve intergovernmental relationships, improve intergovernmental coordination, and increase tribal participation in the processes of transportation planning and programming (ADOT). These organized forums led to the creation of more formal processes for prioritizing projects and issues through required follow up work to be conducted on an on-going basis. The continued meetings of the ATSPT provide a collaborative environment among project stakeholders in the state of Arizona.

Network Initiative

The State-Tribal Regional Transportation Forums were results-oriented events organized by the ATSPT. The forums were held to improve understanding of and participation in statewide transportation planning and programming efforts among partners. The forums resulted in a partnership between the Navajo Nation, ADOT, the BIA and the FHWA and a Memorandum of Understanding was revived between the Navajo Nation and the ADOT (ADOT). The established partnership has further resulted in the creation of a Web site that provides information on all state-tribal transportation activities, programs and initiatives. The partnerships of the ATSPT and the Navajo Nation/ADOT/BIA/FHWA have been considered a “National Best Practice” by the

FHWA and was also nominated for a 2006 FHWA/FTA Transportation Planning Excellence Award (ADOT & FHWA, 2007).

4.4 ANALYSIS RESULTS

As was previously discussed in the literature review, intergovernmental networks create the infrastructure for collaboration between project stakeholders. This is also true when intergovernmental networks are established among stakeholders on transportation projects concerning tribal communities. It is the aim of this study to explain how the network establishes collaboration among stakeholders. Case studies for the states of Arizona, Minnesota, North Dakota, Oregon and Washington were analyzed. These were representative of states in which intergovernmental networks have been established, with the exception of Arizona, which will be utilized as a comparison for a partially established network. Following this analysis, three factors were found as creating the foundation for collaborative work. These factors are both a result of intergovernmental networks and enablers of intergovernmental networks. These three factors or emergent themes are the determinants of intergovernmental networks and collaborative environments. The determinants are:

- Collaborative Frequency,
- Relationships, and
- Leadership and Management action.

Figure 2 is an illustration of the three factors serving as the foundation of the intergovernmental network and the creation of a collaborative environment. Definitions

and discussion of each of the determinants, as found in the analysis, will be provided in the following sections.

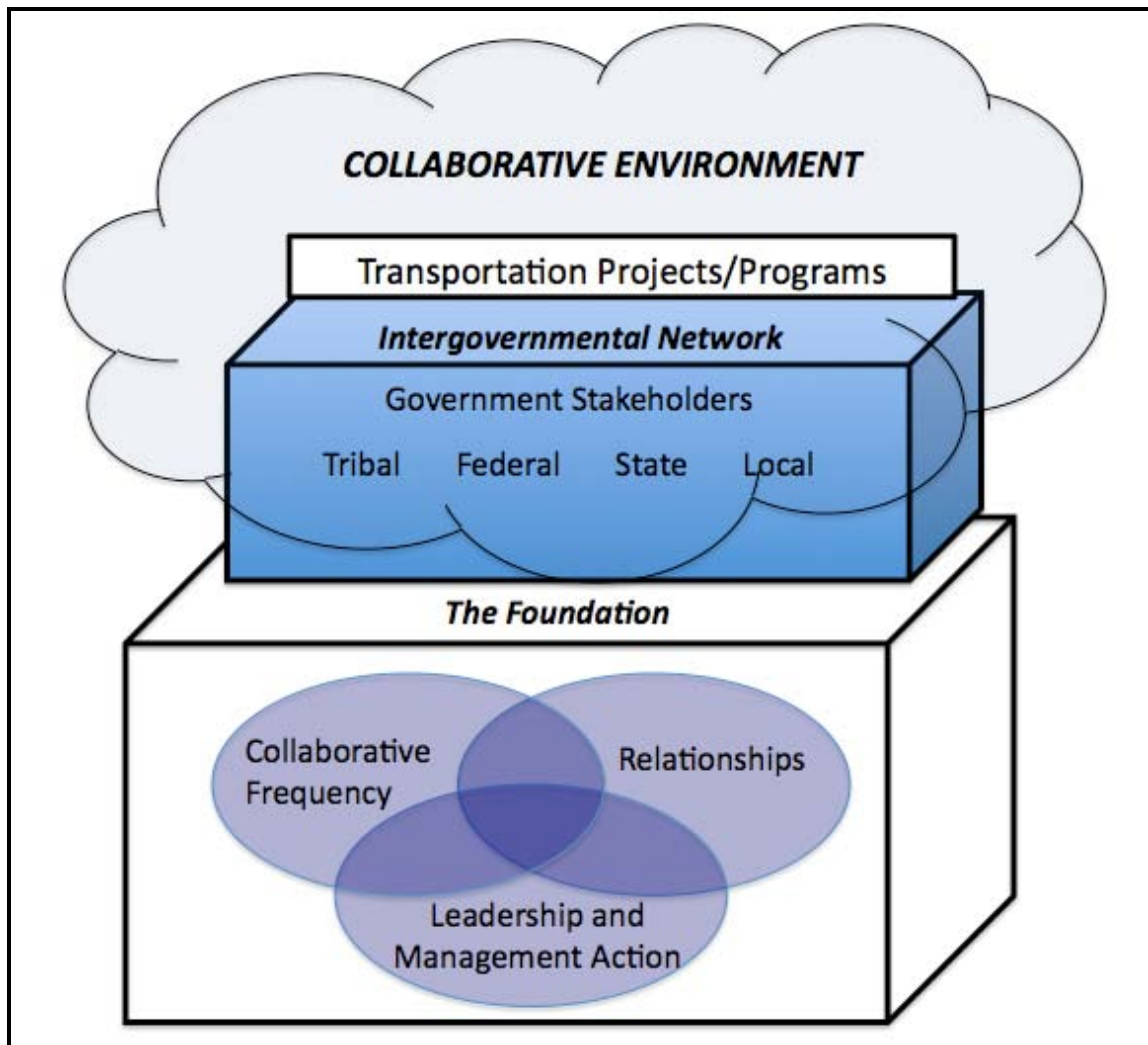


Figure 2: Relationships, Collaborative Frequency, and Leadership and Management Action as the Foundation

4.3.1 Leadership and Management Action

Management Action is one of the three determinants that form the foundation for intergovernmental work and a collaborative environment. The analysis indicated leadership and management action as one of the recurring themes in states where

intergovernmental networks have been established for collaboration on transportation projects. Leadership and management action is defined by the actions that management of government entities take to facilitate consultation and promote collaboration among project stakeholders. Leadership and management action in tribal consultation occurred in the Clinton administration with the issuing of a succession of executive orders requiring that tribes be consulted with on any projects, programs or initiatives that may affect them. This set the benchmark for federal agencies consulting with tribes and codified the government-to-government relationships between the US government and federally recognized tribes.

In the states analyzed, leadership and management action was defined by action taken by leadership of either the state or consulting tribes in the state. In most cases this would indicate action taken by the governor of the state in question or tribal governors/chairpersons. This type of action can be considered leadership action as the head of state and/or the head of tribal government(s) takes action in establishing consultation in a collaborative manner. Management action can refer to any action by the head of a state agency or the head of a chapter or division within a tribal government. Leadership and management action could be taken in one of three ways; (1) through normative establishment collaborative process, (2) through coercive action, or (3) through formal agreements signed by stakeholders.

The first type of leadership and management action, normative establishment of the collaborative process, is defined by leadership and management at the state or tribal level instilling an attitude of collaboration between stakeholders and within the state organization. As defined by DiMaggio and Powell (1983), normative action is one of the

sources of institutional isomorphic change. Normative action sets forth actions that employees should perform. As was described by an interviewee, *“it’s got to come from the top down. It’s got to come from the governor and on down,”* (Anonymous, 2009d). Establishing this norm is more than just verbal communication of the importance of working collaboratively between the state and tribes. It is an attitude that flows down from the governor that stakeholders can achieve more as a group than individually (Anonymous, 2009d). When discussing improvements in tribal consultation, one interviewee stated, *“the governor’s office was really instrumental in putting pressure on the department heads or the agency head, you know, ‘we’re here to serve all the people and that includes Indian people,’”* (Anonymous, 2009e).

The second type of leadership and management action that can be taken is at the state level, and results in legal requirements to work with tribes. Coercive actions, like executive orders, have codified the government-to-government relationships between the state government and tribal governments with an interest in state transportation projects. Coercive action is another source of institutional change as it places formal pressure on employees by requiring a certain action (DiMaggio & Powell, 1983). Even in the case that government-to-government relationships have been recognized and are in practice, it is important that such relationships be institutionalized through state law. When discussing state transportation programs regarding tribes, one of the interviewees made the following description, *“it’s based upon kind of a true government-to-government relationship and it started before we ended up with an actual state law that established the government-to-government relations with our federally recognized tribes. But it was recently codified in 2002 into state law as well,”* (Anonymous, 2009f). By codifying the

working relationships between the state and tribes, the relationships created by management can be transferred to new administrations. If management only performs the first type of action, change in administration could result in the loss of the “collaborative attitude,” but if that attitude were codified into state law, it would be transferred to new administrations.

The third type of management action, as emergent from the analysis, is the signing of formal agreements by all stakeholders. Formal agreements are a collaborative management action as top representatives from each party participates. This often includes the governor or the commissioner of transportation for the state, governors/chairpersons of consulting tribes, and top management of federal agencies, like the FHWA and the BIA. The state of Washington, along with the consulting tribes in the state have signed and reaffirmed the Centennial Accord, which is “*a commitment to working on a government-to-government basis and mutual respect of each other’s sovereignty – the state and the tribes,*” (Anonymous, 2009g). Each of the other states analyzed had the emergent theme of management action through formal agreements present in their intergovernmental structure. It should be recognized that these formal agreements are unique to those found in other states, as all consulting tribes, along with state and federal agencies, sign the agreements. In contrast, the state of Arizona has pursued partnering agreements individually with tribes in the state. These actions maintain separate and individual relationships between the state and each of the consulting tribes. While this promotes collaboration among signing parties, the exclusivity of each agreement does not promote collaboration across all governments.

4.3.2 Relationships

The second determinant – relationships – that forms the foundation for intergovernmental work and the establishment of a collaborative environment among stakeholders is echoed in the other determinants. A relationship is defined as a link or alliance between two stakeholders who could potentially be competitors (Ahuja, 2000). Stakeholders must be able to form relationships with each other to enable collaboration. Relationships can be built on two levels, both on the professional and personal levels. Interviewees indicated the creation of both levels as contributing to successful intergovernmental work.

The first type of relationship, the professional relationship, and its need is common to the construction industry in general, including the sector of transportation, and more specifically tribal transportation. If parties are to collaborate on business decisions, like transportation planning and alternative analysis, it is important that a formal, business relationship exist among parties. As described by one interviewee, *“What we really strive hard to do is to make sure we’ve got an ongoing, adult relationship. Strong tribal consultation doesn’t mean that we do it the tribes’ way all the time, but it sure means we put the time and the energy into working on the issues and coming up with responsible solutions,”* (Anonymous, 2009f). This makes the point that collaboration doesn’t always lead to each party “getting their way”, but all can agree on what decision is the best decision. Professional relationships aren’t always easy to create and foster when tribal governments are involved, as some tribes don’t always have the planning capacity to commit constant resources to transportation planning and implementation. Professional relationships among state, local, federal and tribal

governments often require work during “off-business” hours. When discussing relationship establishment, one interviewee explained, “*sometimes we might have a meeting at 10:00 on Tuesday and you didn’t actually meet with the person until 2:00 on Wednesday. If you were tenacious enough to stay, that made a tremendous difference invoking that relationship,*” (Anonymous, 2009h). Transportation planning and project implementation is complex when tribes are stakeholders, as unique issues are present in the context of each project and tribes don’t always have the capacity to meet when the state or federal government wishes. The business relationships cannot be fostered through email communication or simple business meetings. Stakeholders have to be willing to invest the time to create and foster business relationships.

The second type of relationship that emerged from the analysis was the personal relationship. In the context of most construction and transportation projects, the business relationship enables successful work and personal relationships between stakeholders are usually separate and a “bonus” to the project. In the case of transportation projects affecting tribal communities, the same stakeholders must collaborate year after year to ensure success. Constant consultation, paired with the creation of both business and personal relationships, help establish collaboration among parties. This is especially true to tribes as business and personal relationships are often considered one and the same. This can be seen in tribes’ efforts to solidify interagency links by taking initiative in involving state employees in personal, not-work-related activities. One state employee indicated this in saying, “*I’ve gotten invited to the sweat logs more than once, you know, and if somebody invites me to a sweat, I’ll go. You know what I mean? And again, I think that’s building those personal relationships,*” (Anonymous, 2009f). The interviewees

echoed the necessity to work with tribes on both a professional and personal level. When discussing relationships between consulting parties, one interviewee stated, *“I know my guys go to powwows. And if somebody makes the effort to invite us, we make the effort to go,”* (Anonymous, 2009f). By making this effort to create personal relationships with each other, stakeholders begin to consider each other’s points of view, both within the project context and outside of it. One interviewee identified personal relationships as something that should be institutionalized outside of transportation and across the US. *“It’s something that we really are kind of lacking in our business model in the US, our traditional business model, and it’s something that I’ve really learned to enjoy and look forward to,”* (Anonymous, 2009i). The interviewee added, *“these people are my friends now, and that does wonderful things when you have to do business with people.”* As a result, the professional and personal relationship have become one, enabling parties to collaborative on a new level.

Relationship building was the most common theme that emerged from the analysis. All interviewees stressed its importance and the importance of combining professional and personal relationships to enable successful collaboration on projects. *“I would say that’s the best investment of time, is to get to know the tribes and the tribal people, kind of on a get-to-know-you kind of basis,”* (Anonymous, 2009a). Another interviewee stressed the importance of collaboration on projects. *“We’ve got to work together. I mean, what’s the purpose of working against each other, you know,”* (Anonymous, 2009d). Without successful relationships, problems, in addition to issues already existing on tribal transportation projects, can arise. *“If you don’t have those relationships, you know, that is where I see the real problems occurring,”* (Anonymous, 2009g).

4.3.3 Collaborative Frequency

Collaborative frequency is the final of the three determinants that form the foundation for intergovernmental work and collaboration. Collaborative frequency is defined as the frequency of collaborative efforts over time, like relationship building and leadership and management action. In the case of a personal and close relationship, development of the relationship into what it currently is, most likely took time and has evolved during that time. The same can be said with creating a successful work environment between project stakeholders. This is especially true of the working relationships between state, federal, local and tribal governments, as transportation projects in which all stakeholders are involved can be complex, and also “sensitive” to tribal governments. Projects in which historical and cultural properties – as identified by tribes – are affected can become personal for tribes involved. Historically, interactions between tribes and federal and state governments have been difficult because of conflicts between parties. It has taken decades for “hard feelings,” dating back to European occupation of the US, to dissolve. It also takes time for negative relationships to be built into positive relationships.

In the states analyzed, each of the interviewees echoed the requirement of time investment to create the collaborative process. As one interviewee stated, *“we’ve been doing this for a number of years, and each year the tone gets more cooperative. And so, we get better at respectfully discussing our issues or concerns or problems and being solution oriented. This first couple of conferences, you know, weren’t as easy because there weren’t the relationships built and there wasn’t a lot of trust, but the more that we*

do it and continue to do it, the better it gets,” (Anonymous, 2009g). When discussing the improvement of statewide programs on tribal transportation, another interviewee said, *“it’s been a long process. It’s been going back, I don’t know, it’s been going back to the early or mid ‘70s,”* (Anonymous, 2009e). The interviewees recognized that a collaborative environment cannot be established overnight but requires a time investment from all parties to create.

In addition to a general investment of time, the analysis identified that collaborative frequency is also defined by continuity. The collaborative process cannot take place if stakeholders are only willing to work together on occasion. When asked about what factors lead to success in tribal consultation, one interviewee responded, *“it needs to be ongoing. We have to try to keep it fresh,”* (Anonymous, 2009f). Efforts for involvement of all stakeholders must be constant and progressive. In involving tribes in state programs, one interviewee said, *“...not just history but continuity. If you go and meet someone, but then you don’t see them for three years, they might not remember you. So, meeting on somewhat of a regular basis,”* (Anonymous, 2009g). Collaboration through the intergovernmental network is an ongoing and iterative process. Time must be invested, and efforts be done constantly to create the foundation for its creation.

4.4 ITERATIVE CYCLE FOR ESTABLISHING A COLLABORATIVE ENVIRONMENT

In identifying the factors that create the foundation for collaboration through an intergovernmental network, initial review of the findings might seem to indicate a chronological process with respect to management action, history and relationships.

However, the collaborative process and establishment of the foundation that enables it within the intergovernmental framework is an iterative cycle. Management action, history, and relationships are dependent of each other. They do not occur simultaneously or in chronological sequence, but rather, in an iterative process toward creating collaboration among stakeholders. Figure 3 illustrates the iterative cycle.

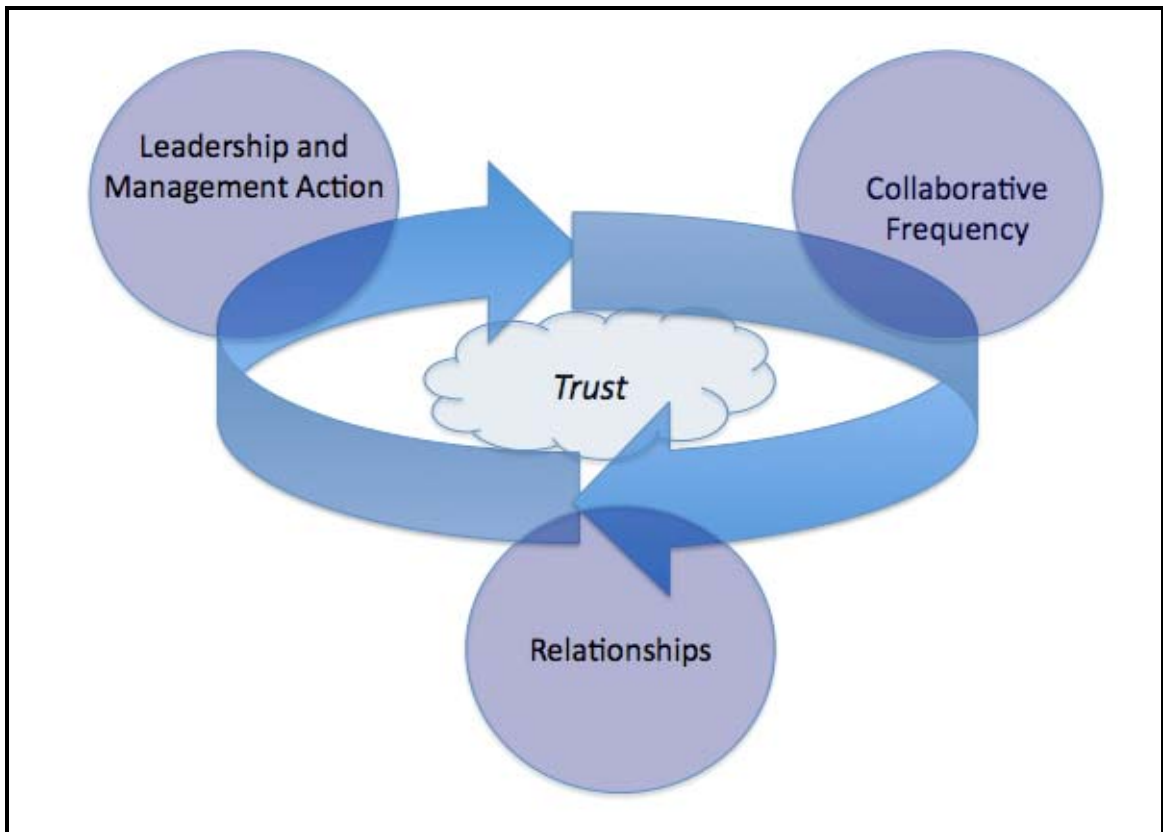


Figure 3: The Iterative Cycle of Relationships, Collaborative Frequency, and Leadership and Management Action

The interdependence of the three themes was found in the parallel coding of data in the analysis. Many interview comments were coded with all three themes, illustrating their reliance on each other. For example, an interviewee was describing state programs regarding tribal transportation and their evolution. The interviewee stated, “it’s based

upon a kind of true government-to-government relationship, and it started before we ended up with an actual state law that established the government-to-government relations with our federally recognized tribes. But it was recently codified... into state law as well,” (Anonymous, 2009f). The state had been performing consultation with tribes for years, establishing relationships. After this had begun, government-to-government relationships were codified into state law. In this case, history and relationship building came before management action, but that is not always the case. In another state, management action began the iterative process. The collaborative process is a result of the constant interaction between parties and the establishment of the foundation for intergovernmental work.

The intergovernmental network establishes a collaborative environment between transportation agencies and tribal communities because it is both a result and a catalyst for leadership and management action, collaborative frequency and relationship building. With the intergovernmental network serving as the basis for the consultation process, all parties are brought to the same table to discuss commonalities and find solutions to transportation issues as a group. This work, which encompasses the iterative cycle, results not only in a collaborative environment but also in an environment of trust. In a collaborative environment, parties work together to find the best solutions to issues. This occurs on the professional level. An environment of trust is one in which parties rely on the character, integrity and ability of others. Trust also implies future reliance on trusted parties. The environment of trust occurs on the personal level. An interviewee, when discussing perceptions of success in state programs, echoed this concept. *“We have, over the process of 11 years, established relationships of trust and respect and that has been*

one of our main goals,” (Anonymous, 2009h). Another interviewee added, *“the first couple of conferences, you know, weren’t as easy because there weren’t the relationships built and there wasn’t a lot of trust, but the more that we do it and continue to do it, the better it gets,”* (Anonymous, 2009g). As states work with the iterative cycle, collaboration and trust are established. Trust among stakeholders can open the door to new ideas, heightened collaboration and improved success. Figure 3 illustrates how trust is formed within and during the iterative cycle.

4.5 POST VALIDATION

In order to validate the results presented in Sections 4.3 and 4.4, a validation study was conducted, as described in Chapter 3. Each of the ten interviewees was contacted following the research study to provide their agreement and/or disagreement with the results presented. Of the ten interviewees, five responded. Two of the five had changed contact information and were not reachable. The remaining three that did not respond expressed lack of time to respond to the study. Each of the interviewees rated their agreement, ranging from “strongly disagree” to “strongly agree” (Refer to Appendix D) with the following statements:

1. “Collaborative frequency is a determinant of successful collaboration between transportation agencies and tribal communities.”
2. “Leadership and management action is a determinant of successful collaboration between transportation agencies and tribal communities.”
3. “Relationship building is a determinant of successful collaboration between transportation agencies and tribal communities.”

4. “Each of the three determinants must occur in a continuous, iterative cycle to enable collaboration.”

Of the five interviewees that responded, the study resulted in agreement among all respondents on the research findings. All five respondents “strongly agreed” that collaborative frequency is a determinant of successful collaboration between transportation agencies and tribal communities. One respondent commented, *“I absolutely agree with all of your results. You have to meet frequently enough to continue the work you have started.”* Two respondents “agreed” and three “strongly agreed” agreed that Leadership and Management Action is a determinant of successful collaboration between transportation agencies and tribal communities. One respondent indicated in their rating that *“You must have leadership/management buy-in to be successful.”* All five respondents “strongly agreed” that Relationship Building is a determinant of successful collaboration between transportation agencies and tribal communities, with one respondent adding that, *“Establishing relationships of trust and respect are paramount to effective consultation and partnership.”* Finally, four respondents “strongly agreed” that each of the three determinants must occur in a continuous, iterative cycle to enable collaboration, while one respondent answered “I don’t know.” When rating the iterative cycle, one respondent commented that, *“You need all 3 to have a functional effective consultation partnership.”* The unanimous agreement on the research findings verifies the validity of the findings both in the internal research study and the external context of tribal transportation projects.

CHAPTER 5 CONCLUSION AND FUTURE RESEARCH

This chapter provides a brief summary of the research project, contributions made by its results, and areas for future research to expand the body of knowledge.

5.1 CONCLUSIONS

Transportation projects can be characterized by a high level of complexity as the transportation project environment usually involves multiple stakeholders. This complexity is heightened when transportation projects affect or are of concern to tribal communities. Tribal involvement in transportation project results in an intergovernmental environment as tribes are recognized as sovereign nations, and as such have their own institutional protocols. The Clinton administration codified the government-to-government relationship between the federal government and federally recognized tribal governments in the late '90s and required the federal government to consult with tribes on programs and initiatives that concern them.

Federal legislation began to flow down to states and many states and their respective DOTs began or already were utilizing consultation practices on both the programmatic and project level. Initiatives like summits, formal agreements, and the creation of the tribal liaison position with the DOT, began to be utilized to facilitate the consultation process. In a select group of states, consultation efforts reached a higher step of implementation with the creation of intergovernmental networks with stakeholders as members. These networks helped to create the infrastructure for collaboration between stakeholders over time so that other initiatives might be successful.

The aim of this research study was to investigate intergovernmental networks and collaborative environments in the transportation sector when tribes are stakeholders. To perform this investigation, the following research questions were posed:

- What constitutes an intergovernmental network when tribes are members?
- How do intergovernmental networks establish a collaborative environment between transportation agencies and tribal communities?

Results of the study categorized levels of intergovernmental implementation and corresponding levels of collaboration among stakeholders, and identified three determinants of intergovernmental networks and the creation of the collaborative environment.

Initial data collection provided interview case studies pertaining to 11 states in which tribes take an active role as stakeholders in transportation projects and initiatives. This initial data was analyzed and categorized according to the level of intergovernmental integration within each state and the level of collaboration among parties in each of the states. The analysis shows a trend of increased collaboration with a higher level of intergovernmental network integration. This trend illustrates the benefit of intergovernmental work as a high level of collaboration comes with it. Some states are able to operate within the framework of an intergovernmental network, while this process could be troublesome in other states. For example, one eastern state was categorized as having no intergovernmental network but still achieving a medium level of collaboration. This can be attributed to the fact that the state has no resident tribes. An intergovernmental framework would be difficult to execute when stakeholders reside across the nation. However, this state is able to collaborate with tribes through

innovative strategies that utilize technology, like web conferencing. This type of collaboration might be unique to eastern states. Western states may not be successful in implementing such strategies rather than the network because of the manner in which western states and tribes conduct business.

In the case of the four states that have fully integrated intergovernmental networks and achieve a high level of collaboration, three determinants of intergovernmental networks and collaboration were found. Those determinants were:

- Leadership and Management Action
- Collaborative Frequency, and
- Relationships

These factors, when engaged in an iterative process allow successful intergovernmental work and collaboration.

Leadership and management action was defined as a product of any combination of three types of action, which include (1) the normative establishment of collaborative process, (2) coercive action, and (3) formal agreements signed by stakeholders. .

Leadership and management action establishes a government-to-government relationship between the state and consulting tribes, recognizing tribal sovereignty. It also calls to action state agencies and departments, requiring consultation and collaboration through state law. Stakeholder relationships are contractually defined with the signing of formal agreements among parties.

Relationships were defined as the second determinant of intergovernmental work and collaboration. When parties are able to build both professional and personal relationships, intergovernmental work on transportation projects becomes a much more

successful process. Results indicate that in the case of tribal involvement on transportation projects, professional and personal relationships are considered one and the same. Professional relationships establish stakeholders as partners and enable the ability of stakeholders to make business decisions. Personal relationships are created when stakeholders make an effort to know more about each other, both in the project context and the personal context. Personal relationships allow stakeholders to better understand each other's viewpoint and encourage stakeholders to seek solutions to transportation issues that are of the most benefit to all parties involved. The integration of personal relationships into current business models was also identified as an important factor in collaboration on projects.

Success and collaboration can only be achieved over time and with continuous effort, as is indicated by collaborative frequency. States that have established intergovernmental networks and a collaborative environment began the consultation process and obtained leadership and management support at least a decade ago. Continuous work with tribes engages the iterative process and allows for the building of relationships, trust and collaboration between parties.

The results of this study are meant to advance the body of knowledge regarding practices in tribal consultation on transportation projects and initiatives, and more specifically, how intergovernmental networks establish the infrastructure for collaboration. Only a select number of states have taken the intergovernmental network approach to consultation practices, and further knowledge of the practice's benefits allows other states the opportunity to consider the network approach to collaboration. The results of this study, in the form of the foundation for intergovernmental work and

collaboration, provide a benchmark to states where consultation has not yet reached a level of success with which parties are satisfied. This study indicates that the iterative process of creating the foundation for collaboration must coincide with the creation of the intergovernmental network.

5.3 FUTURE RESEARCH

The scope of this project was limited into investigating intergovernmental networks as the infrastructure for collaboration. The concept and initiative of establishing intergovernmental networks is new and little literature exists as to how a network can be established. Also, while current practices can be found in the literature, little guidance exists on beginning the consultation and collaboration process. With these points in mind, the following areas have been identified for future research:

- The further investigation of themes identified in this study. This includes investigating stakeholder behavior in “testing” other parties to determine their level of commitment. Also, the combination of the professional and personal relationship into one to create a new, integrated business relationship as it applies to tribes and transportation agencies should be investigated.
- The identification of issues in establishing an intergovernmental network among stakeholders with a special focus on “what has gone wrong” in the past, so that lessons learned might be established.
- The development of a set of guidelines for starting the consultation and iterative processes for states that have just begun consulting with tribes.

These areas of future research are identified for their ability to add to the body of knowledge and have applicable impact on the day-to-day implementation of transportation projects and initiatives that affect tribal governments.

APPENDIX A: ANNOTATED BIBLIOGRAPHY

1. American Association of State Highway and Transportation Officials (AASHTO). Center for Environmental Excellence by AASHTO: Tribal Consultation, Best Practices Retrieved January 31, 2008, from http://environment.transportation.org/environmental_issues/tribal_consult/best_practices.aspx.

Abstract: The Center for Environmental Excellence by the American Association of State Highway and Transportation Officials Web Site provides information and links to best practices in tribal consultation. This includes resources from a number of state departments of transportation including Georgia, Iowa, Kansas, Louisiana, Minnesota, Nevada, Ohio, Pennsylvania, Rhode Island, and Texas.

2. American Association of State Highway and Transportation Officials. Center for Environmental Excellence by AASHTO: Tribal Consultation, State Departments of Transportation Tribal Consultation Programs. Retrieved January 31, 2008, from http://environment.transportation.org/environmental_issues/tribal_consult/state_dot.aspx

Abstract: This Center for Environmental Excellence by the American Association of State Highway and Transportation Officials Web site provides summary and link information for 12 state departments of transportation and each state's tribal transportation consultation programs. Information is provided for the states of Alabama, Arizona, Colorado, Iowa, Kansas, Michigan, Nevada, North Dakota, Oklahoma, Pennsylvania, Utah and Vermont. Each state's

consultation program is quickly summarized and contact information is provided for each state.

3. Achieving Cultural Competence: A Guidebook for Providers of Services to Older Americans and Their Families. (2001, January).

Abstract: The guidebook is designed for providers of racially and ethnically diverse populations of older Americans. The guidebook sets forth a point of view for understanding the idea of cultural competence. This includes definitions of culture and the impact of culture, a definition of cultural competence and an overview of research accomplished in the area of study.

4. Advisory Council on Historic Preservation. ACHP Policy Statement Regarding ACHP's Relationship with Indian Tribes. *Advisory Council on Historic Preservation*. Retrieved June 3, 2008, from <http://www.achp.gov/policystatement-tribes.html>.

Abstract: “This policy establishes the framework by which the ACHP integrates the concepts of tribal sovereignty, government-to-government relations, trust responsibilities, tribal consultation, and respect for tribal religious and cultural values into its administration of the Section 106 process and its other activities.”

5. Agnew, J., Baltar, J., Duran, J., Hale, B. F., Gonzales, E. L., Holm, J., et al. (2002, August 1). Tribal/Multi-Jurisdictional Coordination - A Framework for Successful Relationships, A Report by the "Star" Group on Meetings at the Four Corners Institute for Tribal/State Relations.

Abstract: “At the 2002 Four Corners Institute (FCI) for Tribal/State Relations, the “Star” Group of tribal and non-tribal officials spent two days identifying constraints to good relations, ways to institutionalize the process of consultation,

resources that can be provided as a bridge to understanding people, issues, and politics.” The efforts of the group are presented in this paper. The paper includes an overview of the special status of American Indian tribes, which includes a documentation of the history of tribal sovereignty. It also contains a section on tribes and transportation, in which legislation regarding the transportation process with regard to tribes is described. It is identified that although many of the laws described in the paper have a means of enforcement, the “Star” group agreed that such laws are not usually enforced, and when not followed can result in the delay of construction and law suits. A transportation issue identified by the “Star” group is the issue of gasoline tax. “Any tribe in New Mexico imposing a Gasoline Fuel Tax is exempt by the New Mexico State Legislature from imposing a state tax on that gasoline fuel. Gasoline or fuel sold on the tribal land does not contribute fuel taxes which go to the state road fund.” There is much debate over the issue of gasoline tax exemption, but no consensus has been reached on the issue. After having analyzed legislation and the history of tribal transportation and the issues surrounding it, the “Star” group makes policy suggestions in the paper, which include steps like providing government officials with information on tribal sovereignty, creating the position of tribal liaison in every agency and department, and establishing protocols for consultation with tribal governments at all levels of government. Finally, the “Star” group sets forth suggestions for further research on the topic.

6. Allen, B. G., & Wilson, W. (2002). Walden Point Road Project, Metlakatla, Alaska. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments. Number E-C039, 74-76.

Abstract: “The Walden Point Road Project includes approximately 15 miles of new road construction on Annette Island Reserve in southeast Alaska. The project is unique in the complex coordination of multiple agencies in building 15 miles of road in a rugged environment. A multi-agency memorandum of agreement was signed for the project to build a road that would eventually allow the Metlakatla Indian Community (MIC) to use a short-distance ferry to reach the town of Ketchikan.” This document includes accounts of the project from both the MIC perspective and the Federal Highway Administration (FHWA) perspective. The MIC proposed the project and the military thought it a viable project that would provide excellent training, and assistance was then requested from agencies like the Bureau of Indian Affairs (BIA), the Alaska National Guard, FHWA, the Alaska Command and the Alaska Department of Transportation. A memorandum of agreement ensued. Each agency’s role in the project was defined in the memorandum, with FHWA designing the project, and the BIA being in charge of National Environmental Policy Act (NEPA) requirements. Funding for the project has been provided by the FHWA’s Public Lands Discretionary Funds, MIC, BIA, and the FHWA’s Indian Reservation Roads Program. The military is working on the construction portion of the project. The FHWA identified the relationships created during the project as successful and considers the project, as a whole, a success.

7. *APA275 The Faces of NEPA in Indian Country, 2002 National Planning Conference - Chicago.*

Abstract: The audio cassette contains information on the 2002 National Planning Conference in Chicago.

8. Arizona Department of Transportation. (2007, September 5). Arizona Tribal Transportation, Arizona Tribal Strategic Partnering Team. Retrieved January 30, 2008, from <http://www.aztribaltransportation.com/atspt/index.asp>.

Abstract: The purpose of the Arizona Strategic Partnering Team (ASPT) is to bring together local, state, federal and tribal officials to discuss state-tribal transportation issues and needs and to provide a forum for treating those issues and needs. The ASPT meets on a quarterly basis and minutes are provided to all participating officials. The ASPT's vision is "partnering for the standard of excellence in developing tribal community relationships related to transportation systems and services." Its mission is "a trusted coalition of tribal and non-tribal, multi-jurisdictional advisors who facilitate strategies to resolve tribal transportation issues by maintaining relationships, and educating and upholding all partners' laws and policies through free-flowing communication." The ASPT has the goals of promoting relationships, understanding and educating all partners, and developing strategic partnering and processes.

9. Intrinsic Consulting, LLC. Kayenta Street Lights Improvements.

Abstract: The project involved the installation of 62 street lights needed to improve visibility along a two-mile section of US 163 in Kayenta, Arizona, a

town of approximately 5,200 people in the Navajo Nation of northern Arizona. The client wanted to promote and publicize the benefits of the project, keep the local community apprised of the progression of the project and involve the community in the project.

10. Intrinsic Consulting, LLC. (2005). Roadway Improvements Design – US 191/I-40, Sanders Traffic Interchange.

Abstract: Arizona Department of Transportation (ADOT) had been stalled midway through a design project for roadway improvements to the US 191/I-40 traffic interchange in northern Arizona, which is located in Sanders, Arizona. The project traverses county lands and parcels that belong to the Navajo Nation, which is under the jurisdiction of the Nahata' Dziil Chapter. ADOT recommended three modern roundabouts for the new traffic interchange. ADOT wanted community buy-in for the roundabout alternative, as well as coordination with the tribe and the community for the cleanup and maintenance of new sidewalks and the payment of electrical utilities for the new street lights.

11. Intrinsic Consulting, LLC. (2006). Rural Transit Needs Survey.

Abstract: The Arizona Department of Transportation Public Transportation Division began a study in 2006 to assess rural transit needs in all areas of the state, including areas within the jurisdiction of an existing metropolitan planning organization (MPO). Using the respective MPOs and Councils of Government (COGs) in Arizona, nine rural transit study regional areas were identified. As part of the statewide public involvement effort, a consultant company was retained to

help coordinate efforts in two of the study areas and to facilitate statewide tribal involvement.

12. Intrinsic Consulting, LLC. US 191/SR 264 Roadway Improvements Predesign Study – Burnside Junction.

Abstract: ADOT hired an engineering firm to conduct a pre-design study for roadway improvements on US 191 in northern Arizona. The project’s primary focus was on intersection improvements at an intersection in the rural community of Burnside Junction, which is located within the Navajo Nation political boundary of the Ganado Chapter. Initially, a number of public meetings occurred in Ganado without guidance from a public participation practitioner, but, later, a consultant was hired to facilitate communication between the tribe and the state DOT.

13. Intrinsic Consulting, LLC. (2004). US 160 Feasibility Study.

Abstract: US 160 serves growing communities in Coconino, Navajo and Apache counties in northern Arizona, and the population and traffic is expected to increase in the area. Arizona Department of Transportation (ADOT) wanted to meet future traffic needs and provide operational improvements via a comprehensive, long-range plan. The project involved outreach and coordination with multiple tribes.

14. Armijo, L., Blewett, C., Chavez, E., Chavez, R., Cornelius, R., Cushman, V., et al.

(2004 January). A Case Study Approach to Creating Improved Tribal/State Relations: The 2003 Four Corners Institute. TRB Committee A5020, Committee on Native American Transportation Issues.

Abstract: The Four Corners Institute (FCI) was founded to explore obstacles and opportunities present in the relationships between the 22 tribal governments of New Mexico and state and federal agencies. FCI holds annual meetings, with its second held in Santa Fe, New Mexico, in October 2003, the proceedings of which are discussed in this paper. The desired result of the meeting was a white paper with recommendations for changes to the manner in which the New Mexico Department of Transportation and tribes conduct business. Institute fellows discussed on three subjects, which were government-to-government partnerships, tribal priorities, and consultative processes. Three case studies were used as discussion on the topics. The case studies were the New Mexico Highway 4 and Jemez Pueblo project, the New Mexico Highway 30 and the Pueblos of San Ildefonso and Santa Clara project, and the U.S. Highway 491 and the Navajo Nation in New Mexico project. Recommendations at the conclusion of the 2003 FCI included written work on a tribal/state policy statement, a tribal/state advisory council, a review of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), research of the costs of planning activities, and an annual tribal transportation needs assessment.

15. Arviso, A., Benally, A., Bigwater, L., Bunch, S., Cornelius, R., Olcott, R., et al. (2002, August 1). Tribal/State Budgetary Processes: Identifying Differing Revenue and Allocation Processes: A Report of the Dollar Group from its Meeting at the Four Corners Institute for Tribal/State Relations.

Abstract: At the 2002 Four Corners Institute (FCI) for Tribal/State Relations, the “Dollar” Group, comprising of tribal and non-tribal officials, discussed ways to

better understand barriers to improving tribal/state relations as they relate to the budgetary process. The paper includes an overview of tribal and state transportation infrastructure in New Mexico. This overview stresses the lack of funding for tribal transportation projects and the economic impact that this lack of funding has on surrounding areas. In the paper, the “Dollar” Group sets forth ways to make funds “stretch.” The first of the suggestions is for state and tribal officials to work together more closely to speed up the project process, which cuts some need for funding. The “Dollar” Group also states that “ways to combine IRR, state, and tribal funds should be sought to achieve the following results: increase the amount of revenue that is earmarked or dedicated to transportation, generate revenue and cooperative improvements through public/private partnerships, encourage the private sector to lobby for increased funding to tribal and state road funds, spur the development of innovative financing for contracting, and create multi-party collaboration with shared funding to extend the transportation dollars.” Other suggestions for stretching dollars focused on improved communication and information sharing in order to make the project process smooth and efficient, and also sharing information on where funding goes, as the group identified that it does not always go to transportation. Finally, the “Dollar” Group made suggestions on policy including how to treat funding, how to acquire additional funding, and how to share information on funding and projects.

16. Harty, M. (2007, January 2). Assessment Report on Prospects for Mediated Negotiation of a Lake Management Plan for Lake Coeur d'Alene (ID). Retrieved from <http://www.ecr.gov/pdf/lakeCA.pdf>.

Abstract: The U.S. Institute for Environmental Conflict Resolution is working with the Coeur d'Alene Tribe, Idaho Department of Environmental Quality, U.S. EPA Region 10 and U.S. EPA Conflict Prevention and Resolution Center (CPRC), to assess past negotiation efforts and how future negotiations might be structured to produce an updated Lake Management Plan (LMP) for Coeur d'Alene Lake. The report and its recommendations are based on confidential interviews and discussions with individuals and institutions with an interest in the LMP, review of documents and publications and online research.

17. ATR Institute. Tribal Government-to-Government Relations. Retrieved January 31, 2008, from <http://www.unm.edu/~atr/nm-tribal.html>.

Abstract: This document provides information on government-to-government relationships between tribal and non-tribal entities. This includes detailed summaries of five case studies regarding such relationships. The “Tribal Experience of the ATR Institute” provides a case study of a project in New Mexico that runs through the Petroglyph National Monument and the Native American viewpoint on the project. The “Four Corners Institute 2002” summary provides information on the purpose of the institute as well as topics addressed by the institute. The “New Mexico Tribal/State Transportation Summit” provides information on the summit as well as resources to proceedings and summit papers. The “On-Going Native American Transportation Research” provides information

on regular Executive Planning Committee meetings. Finally, the “TRB Native American Transportation Issues Conference” provides information on the conference and topics covered.

18. ATR Institute. (2004, November 23). Tribal Experience of ATR Institute, University of New Mexico. Albuquerque, New Mexico.

Abstract: This document provides a listing of the work experience that the ATR Institute, University of New Mexico, has with pueblos and tribes. Some experience includes participation in meetings on tribal transportation, case study papers on tribal transportation, and work with the New Mexico Tribal/State Transportation Summit.

19. Bailey, L., Khan, S., & Prince, R. (2006). Negotiating “Tax Peace”: Best Practices in Tribal Fuel Taxation Agreements. In *Transportation Research Board 85th Annual Meeting*. Washington, D.C.

Abstract: “Tribal fuel sales to tribal members are exempt from state fuel taxes under current interpretation of federal law, which can make it difficult for states to track tribal fuel sales, since they typically track fuel upon taxation.” There is much debate that this leads to incomplete reporting and can introduce a bias for federal apportionment. The study focused on gas taxation between states and tribes in 13 states and found that most identified that resolution could take place through three types of agreements. “Under the most common type of agreement, tribes purchase fuel within the state’s taxation system and receive refunds of the estimated revenue from tribal member purchases. Under the second most common, tribes assess a fuel tax directly on distributors and report sales to the

state. In general, tribes and states were positive about the agreements, saying they had contributed to increased cooperation between states and tribes, supported economic development on tribal lands by providing a revenue source for tribes, and created an equal taxation environment for the state.”

20. Baxter, J. R. (2007). *Statement of John R. Baxter Associate Administrator for the Federal Lands, Federal Highway Administration, U.S. Department of Transportation, Hearing on Transportation Issues in Indian Country, Before the Committee on Indian Affairs, U.S. Senate*. Retrieved August 27, 2007, from <http://testimony.ost.dot.gov/test/baxter1.htm>.

Abstract: John Baxter’s testimony to the Committee on Indian Affairs is regarding tribal transportation, including the Indian Reservation Roads (IRR) Program and the implementation of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) provisions by the Federal Highway Administration (FHWA). More than two billion vehicles miles are traveled on the IRR system annually and the annual fatality rate on these Indian reservation roads are more than four times the national average. SAFETEA-LU includes provisions to improve the IRR system and includes the strengthening of relationships between the FHWA and tribes. Baxter addresses funding for and by programs in his statement, including funding for the IRR Program, the National Scenic Byways Program, and the Public Lands Discretionary Program. Tribes are able to obtain IRR funding by entering into a Referenced Funding Agreement with the FHWA in order to work on each tribes respective IRR programs and projects in accordance with the Indian Self-

Determination and Education Assistance Act. As of the time of the statement, five tribes had entered into such agreements with the FHWA: the Standing Rock Sioux Tribe from North and South Dakota, the Ramah Navajo Chapter from New Mexico, the Chickaloon Native Village from Alaska, the Assiniboine and Sioux Tribes of the Fort Peck Reservation from Montana, and the Oglala Sioux Tribe from South Dakota. Also addressed in the statement are outreach programs including the annual National Tribal Transportation Conference, the Transportation Technical Assistance Program and other research and outreach efforts.

21. Beckman, I. (2003, October 10). Tribal Consultation in Pennsylvania - A View from PENNDOT.

Abstract: The views set forth by Beckman describe the state of consultation with tribes prior to legislation requiring consultation and following such legislation. Prior to legislation, no consultation was done between the Pennsylvania Department of Transportation (PENNDOT) and tribes, and even when consultation was first required by law, it was not until tribes asserted their rights that PENNDOT began the consultation process. In 2002, a large Department project on US 15 required excavation of a major Late Woodland village, and although consultation took place across state governments, no tribal consultation was conducted prior to excavation. It was not until the Seneca Nation questioned why it had not been consulted on the project that excavation stopped. The Seneca Nation was included in consultation at this point, and PENNDOT was able to recognize the importance, need and responsibility of tribal consultation prior to

the beginning of a project. Both the Federal Highway Administration (FHWA) and the PENNDOT have initiated a government-to-government relationship with tribes having an interest in Pennsylvania and have recognized that the relationships created between the FHWA, PENNDOT and tribes need to be based on trust and respect.

22. Brouillard, E. (2000, January 6). New Mexico Tribal/State Transportation Summit: Mutual Transportation Needs, Venues, Policies and Processes. ATR Institute, University of New Mexico, Albuquerque, New Mexico.

Abstract: New Mexico Tribal/State Transportation Summit: The New Mexico Tribal/State Transportation Summit summary document reviews the achievements of the New Mexico Tribal/State Transportation Pre-Summit (August 10-11, 1999) and Summit (October 14-15, 1999). These two meetings between state, tribal, and federal officials and research institutions were the first of their kind and “identified areas of concern, worked out methods of agreements, and established protocols for a new cordial transportation relationship.” Among the results of the October Summit were five Memoranda of Agreement (MOA) that were reviewed and signed by the New Mexico Attorney General and the “Joint Agreement for Continuing Study and Action” MOA, which was signed by the New Mexico Governor, the Cabinet Secretary for the New Mexico State Highway and Transportation Department, and the All Indian Pueblo Council excepting two members. “The Summit,” the document relates, “marks the beginning of a process and the initial policies coming forth from this meeting are just the beginning.”

23. Brouillard, E., & Shean, F. L. J. (1999, October 14). New Mexico Tribal/State Transportation Summit, Summary of Proceedings. J. M. Espinosa (Ed.), ATR Institute, University of New Mexico, Albuquerque, New Mexico.

Abstract: The New Mexico Tribal/State Transportation Summit served to improve relationships between the State of New Mexico and the Indian pueblos and tribes. The summit outlined four goals that are as follows:

1. Improve government-to-government cooperation and build working relationships between the tribes of New Mexico and the State Highway and Transportation Department.
2. Agree to communication protocols and processes and work toward a better understanding of sovereignty, values, history and authorities.
3. Review other successful government-to-government relationships.
4. Establish agreements that clarify and define issues and their resolution.

Five general topics were addressed at the summit, which were sovereignty and jurisdiction, communication/consultation/participation, environment/cultural value/quality of life, funding, and safety. Nineteen tribal leaders, three state officials and three federal officials were present at the meeting. During the course of the summit, tribal leaders expressed a need for a better working relationship with the state, including open lines of communication and a clarification of the consultation process. In conclusion of the summit, it was identified that sovereignty issues are predominant, tribal leaders want no reduction in their land base, market value of land is interpreted differently among separate jurisdictions, land trades need to be discussed in more detail and a best framework for

grievances needs to be addressed. Efforts for cooperation have continued following the conclusion of the summit.

24. Boyles, B., Brinton, E., Dunning, A., & Mathias, A. (2005). Native American Transit: Current Practices, Needs, and Barriers. In Transportation Research Board 85th Annual Meeting.

Abstract: This paper focuses on the disadvantage that Native Americans have in transportation as they have poor access to services and employment through the transportation system. The paper focuses on the current state of transit on tribal lands, discusses funding issues, analyzes case studies and presents ways in which Native Americans can obtain funding for transportation. In the case of transit for tribes, the paper states that only 18 of the 562 federally recognized tribes have transit systems that receive funding from the Federal Transit Administration's Section 18 program. The paper states that the lack of funding is a result of historical context, little representation and neglect in the planning process. The paper recognizes that although consultation between governments has been established, it is often difficult to coordinate and execute. Finally, the paper expresses a need for creative solutions to funding and communication problems between tribal and non-tribal governments.

25. Clinton, W. J. (1994, April 29). Government-to-Government Relations with Native American Tribal Governments, Memorandum for the Heads of Executive Departments and Agencies. *Government-to-Government Relations*. Retrieved December 1, 1998, from http://www.codetalk.fed.us/g_to_g.html.

Abstract: The memorandum serves to recognize the unique relationship present between the U.S. government and Native American tribal governments. It also serves to outline the "principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments." The purpose of outlining such responsibilities is to build "more effective day-to-day working relationships reflecting respect for the rights of self-government due the sovereign tribal governments."

26. Clinton, W. J. (1998, May 14). Executive Order 13084, Consultation and Coordination with Indian Tribal Governments. Retrieved November 23, 1998, from <http://www.pub.whitehouse.gov/uri-res/I2R?urn:pdi://oma.eop.gov.us/1998/5/15/10.text.2>.

Abstract: Executive Order 13084, issued on May 14, 1998 by President William J. Clinton, affirms the "unique legal relationship" between the United States government and Indian tribal governments and outlines procedures in such government-to-government interactions. Section 3 of the document outlines consultation procedures, including a provision permitting tribal elected officials to give input on federal regulatory policies "that significantly or uniquely affect their communities." Section 3 also includes a requirement that any such regulatory policy affecting tribal communities cannot be enforced without federal funding for "direct costs incurred by the Indian tribal government in complying with the regulation" or includes in the policy a written description of prior consultation

with the tribal government and submits written intergovernmental communication to the Director of the Office of Management and Budget.

27. Coconino and Kaibab National Forests. (2006). Forest Plan Revision.

Abstract: In 2006, the Kaibab and Coconino National Forests began revision of their 1987 Land and Resource Management Plans under the new federal 2005 Planning Rule. The new rule required plans to be reviewed and updated at least every five years and to emphasize greater public collaboration, among other requirements. The three-year forest plan revision (FPR) process was divided into three phases. The Coconino and Kaibab National Forests contracted with a third-party facilitation team to assist in planning, to build capacity for, and to help facilitate collaborative work in the first half of Phase One. Tribal involvement and improving relationships were major focuses of the process and, in addition to tribal-specific meetings, a tribal summit was held to discuss issues of concern for tribes and the federal agency.

28. Corbett, E. (2002). Tribal Capacity and the Transportation Working Group.

Transportation Research Circular, Experiences Among Tribal, Local, State, and Federal Governments. Number E-C039, 44-47.

Abstract: This document describes the Inter-Tribal Council of Arizona (ITCA). It was established in the 1950s and is an association of 19 of the 22 tribes in Arizona and is comprised of the highest elected officials from each tribe. The council includes professionals that assist the ITCA in areas such as health care and transportation. Corbett explains in this document how smaller tribes do not have the funding and the ability to perform at the level of larger tribes such as the

Navajo Nation. Corbett also identifies a need for improved communication between the ITCA and state and federal agencies. As a means for better communication, the ITCA established the Transportation Working Group in 1998, so that a forum could be established for tribes to address transportation needs. The Working Group then grew to include tribes outside of the state of Arizona and partners with the Arizona Department of Transportation (ADOT), Bureau of Indian Affairs, Federal Highway Administration, and the Tribal Technical Assistance Program to coordinate the sharing of information between agencies. In the document Corbett also defines the need for further communication and collaboration, but recognizes that both of these goals require time and work to accomplish.

29. CTC & Associates LLC, Wisconsin Department of Transportation RD&T Program. (2004, January) State DOTs and Native American Nations, Transportation Synthesis Report.

Abstract: This Transportation Synthesis Report (TSR) provides brief summaries on topics of interest to the Wisconsin Department of Transportation (WisDOT), which in this report are summaries on state departments of transportation (DOT) activities regarding tribal transportation. The purpose of the document is to assist WisDOT in identifying ways in which other state DOTs communicate and work with tribal governments on transportation issues. The report provides information on WisDOT practices as well as summaries for DOT activities in California, Arizona, Washington, Minnesota, Iowa, New Mexico, Alaska, Montana, Pennsylvania, Idaho and Kansas. The report goes on to further categorize state

strategies into four areas, those being the use of tribal liaisons, tribal summits, transportation research guides, and advisory committees. Finally the report provides resource information on cross-state initiatives and federal resources.

30. Clinton, W. J. (1994). Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes.

Abstract: The United States Department of Justice (DOJ) maintains a policy of the governmental branch's recognition of the sovereignty of federally-recognized Indian Tribes. Further, the DOJ policy affirms the practice by the governmental branch of certain principles in government-to-government relations. These principles stem from a 1994 memorandum authored by President William J. Clinton; the document directs that all executive branch agencies must conduct activities affecting tribes in a "knowledgeable and sensitive manner respectful of tribal sovereignty" and outlines the guiding principles as such: "[I]n all activities relating to or affecting the government or treaty rights of Indian tribes, the executive branch shall:

1. operate within a government-to-government relationship with federally recognized Indian tribes;
2. consult, to the greatest extent practicable and permitted by law, with Indian tribal government before taking actions that affect federally recognized Indian tribes;
3. assess the impact of agency activities on tribal trust resources and assure that tribal interests are considered before the activities are undertaken;

4. remove procedural impediments to working directly with tribal government on activities that affect trust property or governmental rights of the tribes; and
5. work cooperatively with other agencies to accomplish these goals established by the President.”

31. DOT HS 809 921. (2005, February). Retrieved February 4, 2008, from <http://www.nhtsa.dot.gov/people/injury/research/SBUseIndianNation/pages/1Introduction.htm>.

Abstract: This document is an introduction to a study on safety belt use in Native American populations. This study was conducted as a result of high fatality rate in car crashes for Native Americans.

32. Espinosa M., J., Valencia, D., Jensen , M., & White, M. E. A Case Study in Regional Transportation Consensus Building Between Local and Tribal Governments in New Mexico. The Regional Development Corporation. ATR Institute, University of New Mexico, Albuquerque, New Mexico.

Abstract: The North Central Regional Transportation District (NCRTD) contains the largest and smallest pueblos in New Mexico as well as the poorest and the richest counties. Once law was passed for creation of Regional Transportation Districts (RTDs), an NCRTD Organizing Committee was formed that represented public and private interests across the region. The Organizing Committee was charged with duties like coordinating input from all of all the region’s jurisdictions, preparing certification documents, etc. Creation of the NCRTD required public hearings in each jurisdiction. When created, it composed of ten initial members and was certified by the New Mexico Transportation Commission

in Autumn 2004. In order to create successful working relationships between different government entities, the tribes within the NCRTD region were included in all decision-making processes. Pojoaque Pueblo hosted several Organizing Committee meetings and other pueblos and tribes like Santa Clara Pueblo, sent representatives to the Committee meetings regularly. In order to establish equality between the separate tribe and city entities, a voting strength was established in which each entity was granted a voting strength based on population thresholds. This allowed for even the smallest tribes to have a significant voting strength. Each jurisdiction expressed satisfaction with the voting system.

33. Executive Order 12866. (1998, December 1). *Executive Order 12866*. Retrieved December 1, 1998, from <http://ombwatch.org/www/ombw/regs/eo12866.html>.

Abstract: Executive Order 12866, issued on September 30, 1993 by President William J. Clinton, clarifies the process of drafting regulatory policies by all executive branch agencies. In order to enact regulatory proposals, the agencies must assess economic variables through a Regulatory Impact Analysis, submit “major” proposed and final rules for review by the Office of Management and Budget (OMB) as well as submit annual prioritization plans to the OMB, and periodically review existing rules. The Executive Order also enforces new public disclosure procedures for the OMB.

34. US Environmental Protection Agency. (2005). *Underground Storage Tank Strategy – Tribal Facilitation*.

Abstract: In August 2005, President Bush asked the U.S. Environmental Protection Agency to develop and implement a strategy, in coordination with Indian tribes, to give priority to Underground Storage Tanks that present the greatest threat to human health or the environment and take necessary corrective action. The EPA Office of Underground Storage Tanks developed a workgroup consisting of both EPA staff and Native American representatives. A nationwide strategy was completed and presented to the U.S. Congress in August 2006.

35. Federal Highway Administration A/FTA Transportation Planning Capacity Building. (2005, June 7). TPCB Peer Roundtable: State DOT Tribal Liaison Roundtable and Panel Discussion, Spokane, WA. Retrieved January 31, 2008, from <http://www.planning.dot.gov/peer/washington/spokane.htm>.

Abstract: The purpose of the Peer Exchange was to bring together tribal liaisons from each state as part of the Transportation Planning Capacity (TPCB) Program. Tribal liaisons from each state shared policies, programs, and lessons learned to allow for other participants to understand the manner in which the position of tribal liaison is treated in each individual state. A panel discussion was held and five concluding points were expressed as common in each state. The first key point identified the need for recognizing the intergovernmental relationships between the state and tribes as well as recognition that each tribe is unique. The second key point identified was a need to maximize the effectiveness of the tribal liaison position. The third key point identified a need to monitor common issues. The fourth key point focused on challenges in tribal transportation, and finally,

the last key point summarized opportunities for tribal liaisons to take part in to improve relationships in the future.

36. Flett, B. (2002). Tribal Consultation Case Studies on the Spokane Reservation. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments. Number E-C039, 52-55.

Abstract: The document is an account of how the Spokane Tribe communicates and interacts with county, state and federal employees on transportation projects. Bryan Flett is the tribal heritage coordinator for the Spokane Tribe and is the author. There are only two staff people for the Spokane Tribe, so communication can be slow as the staff can only handle a small amount of correspondence. When the Spokane Tribe receives a request for a road project and the project is not a concern, a response will be sent – on the tribe’s behalf, identifying that there is no concern with the project. If there is a concern, the staff members will consult with the Cultural Affairs Committee, the Business Council, and tribal lawyers, all of whom are extremely busy and may only meet monthly. This consultation can take a very long time, so a response on a road project of concern can take a long time, but the tribe is committed to responding to projects. The document provides a case study to illustrate this process. Finally, Flett expresses a request for confidentiality from state Departments of Transportation and in return the tribe will provide respectful communication.

37. Fond Du Lac Band of Lake Superior Chippewa, Federal Highway Administration, & Minnesota Department of Transportation. (2004, February 24). Programmatic Agreement Among Fond Du Lac Band of Lake Superior Chippewa Indians and

Minnesota Division of the Federal Highway Administration with Concurrence by Minnesota Department of Transportation Regarding Implementing Consultation in Accordance with 36 CFR 800 on Federal Transportation Projects in Minnesota.

Abstract: The purpose of this document is to identify stipulations by which the Federal Highway Administration (FHWA), the Fond du Lac Band and the Minnesota Department of Transportation (Mn/DOT) should follow in order to satisfy Section 106 of the National Historic Preservation Act. It applies to all FHWA projects in the counties of Carlton, Cook, Lake and St. Louis in Minnesota. When a project is undertaken, Mn/DOT's Cultural Resources Unit will begin consultation as FHWA's agent. Mn/DOT will provide information concerning projects to the Fond Du Lac Tribal Chairperson, and will request information from the tribe about historic, cultural and archaeological resources and concerns, and a response will be required within 45 days. If it is found that the project will have an adverse effect to property of religious or cultural significance to the Fond Du Lac Band, FHWA will be involved in creating a Memorandum of Agreement to minimize the effect to such historic properties. The agreement also defines that if a site is not identified to be of historic significance, and is later identified as being so as a result of construction findings, work on the project will stop until it is agreed that the requirements of 36 CFR 800.13 have been satisfied. It goes on to address processes to review emergency situations, professional qualifications, dispute resolution, possible amendments to the agreement, rights to terminate the agreement, duration of the agreement, and tribal sovereignty.

38. Four Corners Institute for Tribal/State Relations, 2003

Abstract: The 2003 Four Corners Institute (FCI) for Tribal/State Relations was held October 21-23, 2003 in Santa Fe, New Mexico. The 2003 FCI focused on the discussion of case studies to develop a process of government-to-government partnering. The results of the FCI were to be presented in the form of a white paper.

39. Four Corners Institute for Tribal/State Relations. (2003a, October 21). Background Materials List.

Abstract: This list of background materials was sent to all participants of the 2003 Four Corners Institute (FCI) prior to the meeting, so that all participants would be prepared for meaningful discussion of topics. The materials list includes five white papers regarding government-to-government relationships and work between tribal and non-tribal governments.

40. Four Corners Institute for Tribal/State Relations. (2003b, October 21). NM Case Studies.

Abstract: The case studies list provided participants of the 2003 Four Corners Institute (FCI) background information on the three case studies to be discussed at the FCI in Santa Fe, New Mexico. The case studies included the NM 4-Jemez Pueblo Realignment project, the NM 30-Espanola-Los Alamos Access project, and the US 491 (Old US 666)-Improvement Beyond Window Rock project.

41. Gene, E. (2002). The Indian Outreach Program. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 25-26.

Abstract: “The Indian Outreach Program at the Arizona Department of Transportation (ADOT) is operated out of the Civil Right Office under the Disadvantaged Business Enterprise (DBE) Program.” Through this program, the ADOT has worked to find Native American-owned businesses and to assist such businesses in becoming certified through the DBE program. The goal of finding and certifying the businesses is to increase contracting opportunities for Native American businesses on federal-aided transportation projects.

42. Gonzales, E. L. (1998, May). Final Report: Tribal Coordination/Organization Assistance for Middle Rio Grande Corridor Long Range Major Transportation Investment Study.

Abstract: Final Report: Tribal Coordination/Organization Assistance for Middle Rio Grande Corridor Long Range Major Transportation Investment Study details a contract between New Mexico State Highway Transportation Department (NMSHTD) and Pojoaque Construction Services Corporation (PPCSC), the result of a request for PPCSC to aid in the state agency’s Tribal Coordination/Organizational Assistance provision. The majority of the cooperative work between the agencies was conducted on behalf of NMSHTD’s Long Range Major Transportation Investment Study (LRMTIS) and was organized in three categories: inventory of existing transportation data, outreach to affected tribes, and recommendation and documentation, wherein interviews

were conducted with tribal leaders. The Final Report relates key points made by NMSHTD and PPCSC about LRMTIS to tribal representatives and lists comments from tribal representatives and interviewees.

43. Gonzales, E. L. (2002). Tribal Coordination/Organization Assistance in the New Mexico Middle Rio Grande Long Range Major Transportation Investment Study. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 1-6.

Abstract: Same as previous entry

44. Government-to-Government Policy Agreement. (1996, July 8). Retrieved July 31, 1998,

Abstract: The Government-to-Government Policy Agreement for the State of New Mexico, issued on July 8, 1996 and signed by Governor Gary E. Johnson, Attorney General Tom Udall, and New Mexico Tribal leaders, outlines procedures for relations between the state and tribes in a manner reflecting tribal persons' dual status as New Mexico citizens and members of a sovereign government by tribe. The intergovernmental procedures outlined include designation of liaisons by Indian Nations, communication between governments and attorneys general, and enforces negotiations by appropriate representing bodies.

45. Granell, J., & Grachen, D. (2005). Strategies for Streamlined Participation by Native American Governments in Federal Transportation Projects. In (pp. 63-67). Retrieved January 31, 2008, from <http://pubsindex.trb.org/document/view/default.asp?lbid=803555>.

Abstract: The document provides an overview on legislative requirements for Native American involvement in federal transportation. Case studies from Georgia, Wisconsin, and New York are analyzed to determine how the states streamline the transportation planning process to include Native American nations. Common issues in each state are analyzed to determine the manner in which such issues were addressed to improve consultation with Native American nations. “Challenges discussed include how overloading tribes with information results in less feedback, the difficulties in ratifying memorandums of understanding to streamline the process, overcoming the lack of trust, dealing with different ways of doing business, dealing with out-of-state tribes, and the difficulties in working agreements on the ownership of artifacts.” Information provided can assist other states in improving their consultation process.

46. Hartley, J. (2005, September 13). Programmatic Agreements and Tribal Section 106 Consultation, Some Oklahoma Observations.

Abstract: In the 1990s, the Oklahoma Department of Transportation (ODOT) initiated a tribal consultation procedure without the direction from the FHWA. The establishment of the ODOT Section 106 Tribal Liaison position took place and initial, informal contacts were made between tribal officials and the tribal liaison. Although no concern existed with the ODOT process, the Caddo Nation expressed a concern with federal government-to-government relationships. This began consultation with the FHWA, ODOT, and tribal officials to sign programmatic agreements, with a programmatic agreement being completed with the Caddo Nation.

47. Holm, J. (2002). Department of Energy Tribal Consultation Protocols for Transportation Hazardous Materials. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments. Number E-C039, 70-73.

Abstract: The Department of Energy's (DOE) mission in transportation is the transport of materials and the cleaning of sites. DOE is unique to other agencies involved in transportation, as their purpose does not include the development of funding for transportation. DOE ships radioactive materials through all modes of transportation, with the biggest concern being coordination, consultation, and cooperation when making a shipment. Some DOE facilities are located within close proximity to tribal lands, like Los Alamos National Laboratory in New Mexico, and transportation of hazardous material must pass through tribal land. In order to better establish relationships in this transportation process, National Transportation Protocols guide programs and contractors on how to better coordinate with outside officials, such as state and tribal officials. In addition to working with communities affected by shipments, DOE is working on a grant to assist communities in planning for such shipments. Also, the DOE has a Emergency Preparedness Program in which regional coordinators can visit tribal communities and assist with preparing a specific emergency-preparedness plan, and test the plan with drills. In order to continue improving relationships and shipment procedures, the DOE keeps open lines of communication by sponsoring two Web sites that provide information on the transportation of hazardous materials, which includes routes used through tribal lands to make these shipments.

48. Hutt, S., & Lavalley, J. (2005, May). Tribal Consultation: Best Practices in Historic Preservation. National Association of Tribal Historic Preservation Officers.

Retrieved July 3, 2008, from http://www.nathpo.org/PDF/Tribal_Consultation.pdf.

Abstract: The “Tribal Consultation: Best Practices in Historic Preservation” project was conceived by the National Association of Tribal Historic Preservation Officers (NATHPO), Advisory Council on Historic Preservation (ACHP) and National Park Service (NPS), because consultation between agencies and tribes is intrinsic to the Section 106 process of the National Historic Preservation Act and an understanding of the necessary components is critical. In order to provide the reader with some indications and effective methods of meaningful consultation, this project bypassed anecdotal experiences in favor of surveying a large body of agencies and tribes for their empirical experiences in consultations they deemed to be successful. Their voluntary responses -- compiled and analyzed in this study -- reveal that agencies and tribes, for the most part, have similar feelings about what constitutes consultation, how it should be conducted, and what constitutes successful consultation.

49. Innovative Finance for Tribal Governments.

Abstract: This document describes grant anticipation revenue vehicle (GARVEE) bonds, loans and credit assistance from state infrastructure banks (SIBS) and partnerships with state departments of transportation (DOT) for non-federal share. “Under Section 122 of U.S. Code Title 23, Federal-aid funds, including tribal allocations from the Indian Reservation Roads (IRR) program, may now be used to pay interest and issuance costs of bonds issued to advance

eligible IRR projects.” The SIB program gives tribal governments the opportunity to apply for financial assistance in order to advance eligible IRR programs. Tribal governments could also partner with state DOTs to help with funding projects that provide access to or through tribal lands.

50. Iowa Department of Transportation, Highway Division. (2002a July). State of Iowa, Procedures for Implementations of Section 106 Requirements Among the Iowa Department of Transportation, Iowa Division, Federal Highway Administration, and the Iowa State Historic Preservation Officer.

Abstract: This document provides procedures regarding the Section 106 requirements and the protection of historic properties. It includes an overview of the Section 106 process including participants and initiation of the process. It also contains information on the identification, evaluation, and treatment of historic properties and the Iowa Department of Transportation process. The process includes steps taken prior to a project, and those taken when a historic site is discovered on a project.

51. Iowa Department of Transportation, Highway Division. (2002b July). State of Iowa Programmatic Agreement Among the Iowa Department of Transportation, Iowa Division, Federal Highway Administration, and the Iowa State Historic Preservation Officer.

Abstract: The programmatic agreement has the following two objectives:

1. “This PA sets forth the process by which Federal Highway Administration (FHWA), with the assistance of the DOT, will meet its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and the Act’s

revised implementing regulations as set forth in 36 CFR, Part 800, effective January 11, 2001. This PA shall apply to all FHWA undertakings administered under its federal-aid highway program in Iowa, except those otherwise exempted by existing agreements for historic bridges and minor scale/Transportation Enhancement type projects;

2. The review of FHWA undertakings in the State of Iowa will be administered according to the following stipulations and the procedures of Exhibit “A,” hereto; the SHPO agrees that use of these procedures will satisfy the FHWA’s Section 106 responsibilities for all applicable DOT-administered federal-aid projects.

52. Iowa State University. (2002, February). Iowa Tribal Consultation Process, Initiatives and Recommendations.

Abstract: In order to comply with Section 106 of the National Historic Preservation Act, the Federal Highway Administration Iowa Division and the Iowa Department of Transportation enacted two initiatives to establish a consultation process with tribes having interest in Iowa property. The first of the two initiatives was the State of Iowa Tribal Summit on Historic Preservation and Transportation, and the second was the State of Iowa Tribal Consultation Workshop. The Summit was an effort to indicate any tribal interest in Iowa properties as well as to identify any tribal, transportation, and communication issues. The Summit served to create relationships between agency representatives, allowed for a review of the Section 106 process, assisted tribes in understanding project planning in Iowa, and agreement for a draft Memorandum

of Understanding to be created. The Consultation Workshop served as an informative session for attendees as the first day was dedicated to presentations outlining project development process in Iowa and how cultural resources are addressed in such development. The second day of the workshop was dedicated to describing current Iowa DOT projects and consultations. Evaluations were filled out by each of the attendees, with most requesting further meetings of the type. Conclusions from the two initiatives were then presented at the annual Transportation Research Board meeting in 2002.

53. Johnston, J. R. (1999a, August 5). Uniform Procedures for State Highway Safety Programs.

Abstract: The Indian Reservation Road Bridge Program (IRRBP), as outlined in the 1999 Transportation Equity Act for the 21st Century (TEA-21), “establishes a nation-wide program for improving deficient Indian reservation road (IRR) bridges,” with \$13 million allocated per year for replacement or rehabilitation of deficient bridges. The program is administered by the Federal Highway Administration, Federal Lands Highway agency (FLH) and the Bureau of Indian Affairs, Division of Transportation (BIADOT). In preparation for implementing IRRBP, the two agencies consulted with Indian tribal governments and received public comments with the ultimate goal to “develop interim project selection/fund allocation procedures for uniform application of the legislation.”

54. Johnston, J. R. (1999b, August 5). Indian Reservation Road Bridge Program.

Abstract: On July 26, 1999, a final rule concerning implementation of state highway safety programs was published by the National Highway Traffic Safety

Administration and the Federal Highway Administration. The rule entitled Uniform Procedures for State Highway Safety Programs, updated a then two-year-old pilot program that enforces requirements for State highway safety plans in order to gain approval and funding by the federal agencies. The final rule included amendments that incorporated comments by interested parties.

55. Knowles, J. (2000). Native American Consultation Procedures Categories:

Performance. Retrieved from

<http://environment.fhwa.dot.gov/strmlng/searchresults.asp?id=2&keyword=&StateSelect=Kansas&CategorySelect=all&startrow=1&ResultsSelect=10&ShowDescription=true&InnovativePract=#R2>

Abstract: In the spring of 2000, the Kansas Department of Transportation (KDOT) developed new statewide Native American consultation procedures in collaboration with the four Native American tribes that have reservations in Kansas. Negotiations were held at each of the reservation sites. The KDOT chief of environmental services and the Federal Highway Administration Kansas Division administrator, right-of-way officer, and planner met with tribal leaders and designated representatives. The meetings were very productive and led to an open discussion on how regular project contacts would occur.

56. Kozak, J. D. (2002). Improving Tribal/State Relationships for Transportation Infrastructure Planning and Development. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 7-9.

Abstract: This document outlines the steps taken by the New Mexico Highway and Transportation Department (NMSHTD) in order to develop a framework for creating policies and processes to allow for meaningful involvement with tribes. The NMSHTD contracted a tribal leader to advise on procedure protocols and assist in documenting tribal transportation needs. Presentations were then made to the 19 Pueblos and visits were made to each Pueblo in order to ask for their involvement in the planning process. A report was made following these actions and a tribal summit was then organized. The Tribal/State Transportation Summit was held October 14 and 15, 1999. Direct benefits of the summit are stated to be the development of a foundation for government-to-government transportation planning and development.

57. Kozak, J., & White, M. E. (2003, March 23). Building on a Common Desire for Better Tribal/State Governmental Relationships: The 2002 Four Corners Institute for Tribal/State Relations.

Abstract: This paper is a result of the 2002 Four Corners Institute (FCI) for Tribal/State Relations and covers its concepts, methodology, results, limitations, and participants. The short-term goal of the 2002 FCI was to create discussions between tribal and non-tribal officials in order to produce white papers, and the long-term goal was to improve intergovernmental relations. Participants of the FCI include tribal, state and federal officials. The methodology for conducting the FCI included introductions of a participant-directed format, a consensus style of facilitation, breaking into tribal and non-tribal groups, the formation of the tribal/multi-jurisdictional coordination and the tribal/state revenue groups, cross

pollination in a joint session, and discussing issues in groups. Participants suggested that pre-institute research be conducted in order to provide advance information to participants in order to better facilitate meaningful discussion. Finally, it was suggested that more organizations be included in future institutions.

58. Maes, S. New Mexico Northern Pueblos RPO: Balancing, Voting Members, Affiliate Members and Public.

Abstract: The document states that there exists continual collaboration between tribal and non-tribal entities through the Northern Pueblos Regional Planning Organization. Through the use of regional coordination and collaboration, the success of a transportation project was created (NM112-Bridge). An additional project success was the re-designed US84/285 corridor, which included negotiations with tribal officials beginning with the planning phase.

59. Marchand, M. E. (2002). The Need for Tribal Participation in Transportation Policy. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 27-33.

Abstract: In this document, Marchand describes cultural issues faced by Indians in the political sector, and how that affects relationships. Marchand provides an overview of historical contacts between Indians and non-Indians including U.S. Indian policy. Marchand also identifies a need for tribes to commit to land-use planning in order to determine the wants and needs of tribes and how that relates to transportation planning. Marchand expresses a lack of funding for transportation and that immobile tribes receive much less or no funding so there is

a need to mobilize those tribes. Another need identified for change by Marchand is more data. This means each of the tribes deciding and documenting their needs and wants in order to move forward in transportation. Finally, Marchand concludes with the statement that in order to begin to move forward, tribes need a part-time planner to begin work on the issues.

60. Mayer, J. R. Innovative Finance for Tribal Governments.

Abstract: This presentation addresses innovative finance techniques available to tribal governments including leveraging, credit assistance, and partnerships and matching with state departments of transportation (DOT). For leveraging, tribal governments can use Grant Anticipation Revenue Vehicle (GARVEE) bonds, which can be repaid directly with federal-aid funds. The presentation goes on to describe different benefits, uses and limitations of GARVEEs. Another finance technique available to tribal governments is credit assistance from the State Infrastructure Bank (SIB), a Section 129 Loan, and Transportation Infrastructure Finance and Innovation Act (TIFIA). Each of these is described in the presentation. Finally, the possibility of partnering with state DOTs for fund matching is discussed as an innovative finance option for tribal governments.

61. Minnesota Department of Transportation. Tribes and Transportation e-Handbook:

Agreements, Permits, Policies and Procedures. Retrieved January 31, 2008, from <http://www.dot.state.mn.us/mntribes/handbook/agreements.html>.

Abstract: The Minnesota Department of Transportation (Mn/DOT), Tribes and Transportation e-Handbook, provides resources concerning government-to-government relationships, programmatic agreements concerning Section 106 of

the National Historic Preservation Act, construction agreements between the Mn/DOT and local and tribal government, policies and procedures for construction projects with local government agencies, partnership agreements between government agencies, permits concerning tribal lands, and professional and technical agreements. Each of the sections defined provides a link to related case studies, statutes, permits, etc.

62. Minnesota Department of Transportation. Tribes and Transportation. Developing Government-to-Government Partnerships. Retrieved January 31, 2008, from <http://www.dot.state.mn.us/mntribes/>

Abstract: The “Developing Government-to-Government Partnerships” Web site focuses on the Indian Reservation Roads Program, with links to the final rule of the program, inventory of the roads, and a full definition of the Indian Reservation Roads Program. It also provides information on the 2007 Tribes and Transportation Conference.

63. Minnesota Department of Transportation. Tribes and Transportation. Retrieved January 31, 2008, from <http://www.dot.state.mn.us/mntribes/employment.html>

Abstract: The Minnesota Department of Transportation (Mn/DOT) and several Minnesota tribes, individually, have signed Memorandums of Understanding (MOUs) in order to work together to increase American Indian employment on transportation projects taking place on or near reservation land. The Mn/DOT Web site provides links to MOUs signed with seven Minnesota tribes. The MOUs define that Mn/DOT and tribal representatives take part in annual meetings to discuss long-range plans and the three-year program to increase

American Indian employment on projects, the Mn/DOT will include provisions to support and increase such employment, and tribes will identify tribal members qualified for employment on transportation projects.

64. Minnesota Department of Transportation, and Shakopee Mdewakanton Sioux Community. Indian Employment Memorandum of Understanding.

Abstract: The Memorandum of Understanding (MOU) is an agreement between the Minnesota Department of Transportation (Mn/DOT) and the Shakopee Mdewakanton Sioux Community to work cooperatively together in order to increase American Indian employment on transportation projects. Three main actions are outlined in order to achieve this goal, which are, annual meetings to review long-range plans and the three-year program, special provisions by the Mn/DOT to ensure increased American Indian employment, and identification of qualified workers by the Shakopee Mdewakanton Sioux Community. The MOU outlines key steps for achieving the goal, with responsibilities for both the state and the tribe defined within each step. Those steps are: annual review of plans and projects, project specific employment issues, contract special provisions, Tribal Employment Rights Ordinance fees, pre-bid meeting, pre-construction conference, and evaluation of successes.

65. Native Americans in Transportation Bibliography, U.S. Department of Transportation Library. Retrieved January 31, 2008, from <http://dotlibrary.dot.gov/bibliographies/Nativebib.htm>.

Abstract: The Native Americans in Transportation Bibliography is an annotated bibliography provided by the U.S. Department of Transportation Library with literature information regarding Native Americans and transportation.

66. New Mexico Department of Transportation. New Mexico Department of Transportation - Government to Government Unit. Retrieved January 30, 2008, from <http://nmshtd.state.nm.us/main.asp?secid=11473>.

Abstract: The purpose of the Government-to-Government unit is to collect and analyze data regarding transportation needs and road system characteristics as well as to solicit input from local communities and Native American tribes in to develop special studies according to federal guidelines.

67. New Mexico Department of Transportation. (2007, September 5). New Mexico Department of Transportation Statewide Planning Public Involvement Process. *New Mexico Department of Transportation*. Retrieved January 29, 2008, from <http://www.nmml.org/NMDOT%20Public%20Planning%20Process%20Document.htm>

Abstract: The purpose of this publication is to document processes in practice for involving the public in transportation planning in the state of New Mexico and to document and overlap the public involvement process. The literature will include information and comments from the public, with the final product being the “Public Involvement Plan” for statewide planning for the New Mexico Department of Transportation (NMDOT). It also covers the establishment of Metropolitan Planning Organizations (MPOs) and Regional Planning Organizations (RPOs). “The principle reason for the establishment of the MPOs

was to implement continuing, cooperative, and comprehensive transportation planning processes in the nation's urbanized areas." RPOs are the rural version of the MPOs, and each has a Technical Committee and a Policy Committee. MPOs and RPOs provide the basis for NMDOT's long-range planning process. MPOs produce their own long-range plans and those are attached to NMDOT's long-range planning process. RPOs also provide long-range plans and develop transportation needs for their regions, prioritize projects and prepare a Regional Transportation Plan Recommendation (RTIPR). These allow for input from citizens, and New Mexico was one of the first states to provide such an opportunity for its rural citizens. NMDOT also sponsors citizen conferences to solicit input from the public. The Statewide Transportation Improvement Plan process begins in the fall, with RPO input being incorporated into the plan, including the citizen input. For the tribal process, presentations are made to tribal entities following the tribal change of government each year. The most important aspect to tribal involvement is tribal-to-tribal presentations: working within the tribal process to present within it. NMDOT also utilizes the position of the tribal liaison for consultation.

68. New Mexico Highway and Transportation Department. (2002, January). Tribal/Local Government Agency Handbook. New Mexico State Highway and Transportation Department.

Abstract: "This handbook provides guidance to tribal and local government agencies working to develop and construct highway, street, road, and other transportation-related projects, including enhancement projects, funded by the

Department with federal and/or state funds.” This handbook outlines the legal procedures that tribal and local governments must follow when executing a transportation project.

69. New Mexico State Highway and Transportation Department. (2000, January).

Tribal/Local Government Agency Handbook. New Mexico State Highway and Transportation Department.

Abstract: Tribal/Local Government Agency Handbook, published by New Mexico State Highway and Transportation Department (NMSHTD), is a guide for tribal and local governments upon entering a Project Agreement with NMSHTD, wherein federal and/or state funds are used in a local transportation project. The procedures outlined in the handbook only relate to preliminary project activities; planning, construction, and maintenance are not discussed.

70. North Central New Mexico Economic Development District. (Fiscal Year 2006/2007). Northern Pueblos Regional Planning Organization (NPRPO), Annual Work Program.

Abstract: The Northern Pueblos Regional Planning Organization (RPO) Annual Work Program supports the goal of “Effective administration of the RPO program.” The detailed work program consists of eight functions. The first function provides guidelines on reporting and submitting reports to the New Mexico Department of Transportation (NMDOT) Government-to-Government Unit that are “consistent with NMDOT timelines” and that also conform to the standard NMDOT format. The second function provides guidelines on developing and managing the RPO program budget. The third function provides

guidelines on managing the RPO and communication with government entities. Function four provides guidelines on developing the Regional Transportation Improvement Program Recommendations to be consistent with state Transportation Improvement Protocols. The fifth function provides guidelines on prioritizing scenic byways and the transit and rail applications. Function six states the steps to be taken in participating in state and regional long-range planning. Function seven develops guidelines for tracking and communicating project progress. The final function, eight, focuses on goals for participating in meetings and forums, and communicating information to government officials.

71. Pacheco, W. (2002). Transportation Case Studies on the Muckleshoot Indian Reservation, Washington. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 56-59.

Abstract: Walter Pacheco is a member of the Muckleshoot Indian Tribe, located in the state of Washington. Pacheco addresses his concern with the tribe's ability to keep up with advancements in surrounding areas, and as a result of the concern, became involved in cultural resources. The Cultural Resources Program (CRP) serves to protect land of cultural importance to the tribe and challenges major project developments that threaten traditional and cultural values. Many of the trails and highways through the tribe's land are of cultural importance to the tribe. Pacheco identifies a need for all culturally important land be documented in an inventory, and ensure that transportation projects that affect these lands be planned properly with tribal involvement from the beginning stages until the completion of the project.

72. Partnership Agreement Between Wisconsin's Eleven Federally Recognized Tribes: Wisconsin Department of Transportation and Wisconsin Division-Federal Highway Administration. (2005, October 24).

Abstract: The purpose of the partnership agreement is to outline the manner in which the Federal Highway Administration (FHWA) and the Wisconsin Department of Transportation (WisDOT) will work in collaboration with Wisconsin's 11 federally recognized tribes. The agreement is meant to acknowledge and support the government-to-government relationships between tribal, state, and federal agencies. In addition to tribal consultation required by law, the partnership agreement defines that a goal of inter-agency relationships is "aimed at moving beyond the Agency mindset of simply consulting with Indian Nations as a legal requirement, but instead, working with Indian Nations as equal partners focused on people, economics, natural and human environments to improve the quality of life for all people." The agreement also defines guidelines for communication, economic development and capacity building, and sustainability. In addition, a dispute resolution process is defined for the occurrence of a dispute or disagreement between parties involved.

73. Pawlenty, G. T. (2003, April). Executive Order 03-05 Affirming the Government-To-Government Relationship Between the State of Minnesota and Indian Tribal Governments Located Within the State of Minnesota. State of Minnesota Executive Department.

Abstract: The executive order has four parts in which the government-to-government relationship between the state of Minnesota and the tribal

governments within the state is asserted. The first part of the order states that all State of Minnesota agencies and employees of the state will recognize the relationship between the state and tribal governments. The second part of the order states that when implementing a program or policy that affect tribes, state agencies must recognize the government-to-government relationship and consult with tribal governments when the program or policy is expected to affect the tribal governments. In the third step the order defines that when the state assumes control over federal programs that affect tribes, the state agencies should consider tribal needs and ensure that those needs are taken into account in the program. Finally, the order states that all state agencies and employees of the agencies should work cooperatively in order to accomplish the goals set forth by the order.

74. Rahn, P. K. (1999, April 20). Memorandum of Understanding, New Mexico State Highway and Transportation Department and New Mexico Land Office.

Abstract: A Memorandum of Understanding (MOU) between New Mexico State Highway and Transportation Department (NMSHTD) and the New Mexico State Land Office (TRUST) was issued on March 30, 1999. The MOU is “intended to serve as the basis and guide...regarding the resolution of issues involving NMSHTD access to, use of, or other presence on TRUST lands” and is an update of a similar 1991 MOU. The document affirms the necessity of agreement between the two agencies yet reserves the rights by mandate of both agencies. The MOU outlines procedures for cooperation between NMSHTD and TRUST, including the appointment of liaisons by both agencies, disclosure by NMSHTD

of its Long-Range Comprehensive Transportation Plan, and transfer of right-of-way and easement permits to NMSHTD by TRUST.

75. Rosenberg, B. H. (2002). Tribal Consultation from the Historic Preservation Perspective. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 48-51.

Abstract: The Arizona Department of Transportation's (ADOT) Environmental Planning Group is in the Historic Preservation Section of the ADOT. The Environmental Planning Group now works with the Transportation Planning Division and has a good relationship with both the Arizona State Historic Preservation Office (SHPO) and the Arizona Division of the Federal Highway Administration. The Group has contact with all 21 of the federal tribes in Arizona and when projects affect tribes, tribes are contacted by letter and allowed 30 days for a reply with input on the project. Many tribes respond very quickly and allow for further and stronger consultation. Rosenberg attributes success in Arizona partially with working with transportation planners that are familiar with most recent practices.

76. Savage, M. (2006). *States and Tribes: Building New Traditions, Transportation Planning on Tribal Lands*. Retrieved January 31, 2008, from <http://www.ncsl.org/bookstore/productdetail.htm?prodid=0194030010>.

Abstract: This book contains information on tribal consultation processes, federal law affecting transportation funding and issues, and best practices and case studies.

77. Schneider, P. (2002). Updates on Federal Lands Highway Policy/Projects for Transportation System Improvements Affecting Indian and Alaska Natives. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 65-69.

Abstract: The Federal Lands Highway (FLH) provides administrative activity for the FLH program and also performs transportation planning, environmental compliance, engineering design, and construction contracting and supervision on federal roads. The FLH also serves an advocate for tribal governments and the federal land-management agencies. The FLH has four partners, which are the Bureau of Indian Affairs (BIA), the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service. In its partnership with the BIA, the FLH administers the Indian Reservation Roads (IRR) Program. The goal of the FLH is to strengthen economic development in tribal lands, and recognizes the need for strong relationships to continue with success. The requirement of consultation with tribal governments during the planning process is identified as one of the most significant steps in creating successful working relationships and projects.

78. Hunt, D. & King, M. (2006, July) Situation Assessment of Government-to-Government Consultation between Interior Alaska Tribes and US Department of Defense. Retrieved from http://www.ecr.gov/pdf/USIECR-TCC_FinalRpt20060804.pdf.

Abstract: “In 2003, Tanana Chiefs Conference (TCC) approached the U.S. Institute [for Environmental Conflict Resolution (ECR)] to conduct a situation

assessment and develop recommendations to enhance the government-to-government consultation process between the Department of Defense (DoD) and three Interior Alaska Tribes.” As part of the U.S. Institute's ECR Participation Program, the assessment served to clarify the extent to which Interior Tribes and DoD agencies were satisfied with government-to-government consultations on military impacts; what factors they believed promoted or prevented successful outcomes; and how the different perspectives, experience, resources, and objectives of the participants influenced their evaluation of government-to-government. The report recommendations focus on strengthening the government-to-government relationship through developing a programmatic approach to consultation, including a shared funding structure. Among other things, accessing the resources necessary to enhance government-to-government relations may involve utilizing federal programs in new, imaginative ways and working together in the political arena to obtain additional, sustainable funding to support government-to-government relations in Alaska.

79. Smith, L., Arnold, R., & Ruppert, D. (2000, October 19). Hoover Dam Bypass Project, Perspectives on Government to Government Consultation.

Abstract: This document provides information on the Hoover Dam Bypass Project and how it relates to tribal consultation. Key points defined for establishing and maintaining government-to-government consultation are respect for tribal sovereignty and making a reasonable and good-faith effort to identify affiliated tribes. The mechanisms for consultation used by FHWA on the project are to establish a consultation group, establish a core group, conduct on-site

interviews, consult on the Eligibility of Properties (Section 106), prepare a Programmatic Agreement and plan for continued involvement. Based on these initial key points and mechanisms, the authors go on to identify deliverables and outcomes of the project. Finally, the authors introduce ethnography as a perspective on consulting with tribes, what it is as a methodology for studying cultural behavior and specific examples in the Hoover Dam Bypass project.

80. Smith, L. C., Arnold, R., & Ruppert, D. (2002). Hoover Dam Bypass Project, Perspectives on Government-to-Government Consultation: Presentation Notes. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 10-18.

Abstract: This document provides information on the Hoover Dam Bypass Project and how it relates to tribal consultation. Key points defined for establishing and maintaining government-to-government consultation are respect for tribal sovereignty and making a reasonable and good-faith effort to identify affiliated tribes. The mechanisms for consultation used by FHWA on the project are to establish a consultation group, establish a core group, conduct on-site interviews, consult on the Eligibility of Properties (Section 106), prepare a Programmatic Agreement and plan for continued involvement. Based on these initial key points and mechanisms, the authors go on to identify deliverables and outcomes of the project. Finally, the authors introduce ethnography as a perspective on consulting with tribes, what it is as a methodology for studying cultural behavior and specific examples in the Hoover Dam Bypass project.

81. Sneed, Sr., D. R. (2002). Tribal Strategic Partnering Team in Arizona's Planning and Programming Processes. *Transportation Research Circular, Experiences Among Tribal, Local, State, and Federal Governments*, Number E-C039, 38-43.

Abstract: This document provides information on the Arizona's Department of Transportation (ADOT) transportation planning process which includes identification of projects, the allocation of resources, the prioritization of projects, and details of the project-planning process in which different levels of tribal input are required. Arizona is divided into six planning and development districts in order to allow for planning on a regional basis, with one member of each district serving on the State Transportation Board. The districts include four rural Council of Governments (COGs) and four metropolitan planning organizations (MPOs). Arizona is further divided into nine engineering districts, with representation of a district engineer. The Arizona State Transportation Plan was completed in 1994 and serves as the center of transportation planning including all modes of transportation. The ADOT also has a Tribal Strategic Partnering Team (ATSPT) that serves to improve tribal coordination. The document also includes suggestions on how to improve tribal participation in ADOT's transportation planning process.

82. SRI Foundation. SRI Foundation, Proceedings of the Transportation Research Board 2005 Joint Summer Meeting. Retrieved January 30, 2008, from <http://www.srifoundation.org/ess.html>.

Abstract: The Transportation Research Board 2005 Joint Summer Meeting brought together over 200 professionals from the transportation and environment

sectors to “review and critique past national efforts involving environmental streamlining and stewardship.” The problems and benefits identified in the meeting were analyzed from the viewpoints of the public, tribes, and transportation and environmental professionals. Day two of the conference featured a session about “Tribal consultation in the context of the National Environmental Policy Act and Section 106 of the National Historic Preservation Act.” On the third day of the conference, each committee presented its findings and recommendations.

83. Stebbins, R. A. (2006 10). Well Spring: Diversity in Practice: Becoming Culturally Competent, Working with People from Different Cultures. Alberta Center for Active Learning.

Abstract: This document provides information on how to become culturally competent as a practitioner. The importance of understanding culture as a trait affecting aspects of behavior and health is recognized in the paper. It is stated that cultural competence “emphasizes the ability to function effectively with members of different groups through cultural awareness and sensitivity.” The paper also identifies a need to change practitioner attitudes, knowledge and skills in order to make them culturally competent.

84. Stevenson, J. (2002). Kawerak, Inc., A Tribal Experience in the State of Alaska. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 60-64.

Abstract: This document describes Kawerak and its role in Alaska transportation. Kawerak Inc. is a nonprofit corporation and is a regional consortium of tribal

governments. Transportation is unique in the state of Alaska, as the majority of transportation takes place by air. Kewark began contracting for the Bureau of Indian Affairs (BIA) in 1976 and began to operate a transportation-construction program in 2000 in order to create a transportation program for the Bering Straits Region to meet the area's transportation needs. Kewark works jointly with the BIA when interacting with other government bodies, such as the Alaska Department of Transportation and Public Facilities (DOT&PF). Kewark also works to represent tribes in Alaska by assisting tribes in submitting funding proposals, and consistently shares information with all parties involved in transportation projects like the DOT&PF. Although funding for Kewark projects currently comes in the form of IRR funding, additional funding from state, federal and private agencies is being pursued. Finally, Kewark identifies that communication is one of the most vital components necessary for a good working relationship and would like to create full partnerships with tribes, the state, federal, and all other agencies involved in transportation projects.

85. Swan, J. (2002). Native American Transportation Issues in Arizona, Coordination of State and Transportation Issues. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments, Number E-C039, 19-24.

Abstract: This document outlines the issues surrounding tribal transportation in Arizona. Issues identified include tribal sovereignty, government-to-government relationships, cost-sharing and project operations, right of way, project clearances, construction contract administration, maintenance and operations, and Arizona Department of Transportation (ADOT)/tribal success. Sovereignty issues are

centered on determining jurisdiction and how both the government and tribal jurisdictions operate. In the case when determination of jurisdiction has proved to be an issue, the ADOT and tribes have worked to avoid conflict. Government-to-government relationships are identified as a need in binding intergovernmental agreements. Joint funding and maintenance for projects is also identified as a need for successful projects. Finally, the author provides examples of case studies in which the ADOT and tribes have had success in working together on transportation projects.

86. The Consultation of the Five Nations.

Abstract: The Constitution of the Five Nations outlines the traditional governmental structure and practices of the Iroquois Tribe of the northeastern United States. Article 96 of the document outlines the procedure of government-to-government relations between the clans of the Five Nations, with meetings organized around fires: “All the Clan council fires of a nation or of the Five Nations may unite into one general council fire, or delegates from all the council fires may be appointed to unite in a general council for discussing the interests of the people. The people shall have the right to make appointments and to delegate their power to others of their number. When their council shall have come to a conclusion on any matter, their decision shall be reported to the Council of the Nation or to the Confederate Council (as the case may require) by the War Chief or the War Chiefs.”

87. The State of New Mexico, The New Mexico State Highway and Transportation Department, and Tribal Governments of New Mexico, Joint Agreement on Continuing Study and Action. (1999, December 16).

Abstract: New Mexico State Highway and Transportation Department (NMSHTD) and Tribal Governments of New Mexico entered into an agreement, executed December 16, 1999, that acknowledges a lack of cooperative planning between the state agency and tribal governments. The agreement mandates the creation of an Action Group or Groups, composed of NMSHTD and tribal officials, in order to “work toward resolution of issues and problems not satisfactorily addressed by the 1999 Tribal/State Transportation Summit.”

88. Tischer, M. L. (2002). Improving Tribal Participation in the Statewide Transportation-Planning Process. *Transportation Research Circular*, Experiences Among Tribal, Local, State, and Federal Governments., Number E-C039, 34-37.

Abstract: This document lists the 10 strategies that the Arizona Department of Transportation developed and employs to improve planning coordination and communication between tribal and state officials. The ten strategies are:

1. “Conduct on ongoing effort to communicate and/or meet with tribal officials, councils of government (COGS), and/or metropolitan planning organizations’ (MPOs) representatives, the ADOT district engineers, as well as various local, state, and federal agencies to identify tribal transportation concerns, issues, and needs.”

2. “Disseminate information on identified tribal transportation concerns, issues, and needs to key officials and ADOT representatives and recommend coordination strategies.”
3. “Attend and participate in various tribal-specific and public forums to promote and implement state/tribal coordination efforts.
4. “Disseminate state and federal transportation program and project information to tribal officials and representatives.”
5. “Conduct reviews and make recommendations on updates to the current ADOT-TPD planning processes, procedures, and policies to incorporate tribal coordination.”
6. “Conduct a review of the ADOT’s plans, studies, and reports to address tribal concerns, issues, and needs.”
7. “Maintain communication and sharing of planning data with Arizona tribes and tribal-related agencies.”
8. “Maintain a current electronic database of tribal and tribal-related agency contacts.”
9. “Designate an ADOT-TPD Tribal Coordinator to act as a planning contact for the tribes and to provide assistance to the tribes and tribal-related agencies.”
10. “Provide for the establishment and support of the ADOT Tribal Strategic Partnering Team (ATSTP) to undertake a supportive role in the development of strategies to improve the ADOT/tribal transportation coordination.”

89. Transportation Research Board of the National Academies. (2006 January). Meeting Minutes. Washington DC.

Abstract: The minutes cover the January 2006 Transportation Research Board (TRB) meeting. Topics discussed regarding tribal transportation included a presentation by Mary McCahon on the National Historic Preservation Act and how well it was followed, a presentation by Reid Nelson on the Native American Issues Committee and the National Tribal Transportation Conference that takes place every November, and a presentation by Howard Newlin on “Interstates and Native American Paths and Trails.”

90. Transportation Research Board of the National Academies. National Cooperative Highway Research Program Synthesis 366, Tribal Transportation Programs.

Abstract: The purpose of the synthesis report is to analyze programs currently utilized for addressing tribal transportation issues and create a baseline for further research by the analysis. The report is divided into four chapters with chapter one providing an introduction to the synthesis, chapter two providing information on the political and institutional structure of tribes, chapter three providing common themes and models, and finally chapter four presenting conclusions and suggestions for further research. In chapter two of the report, tribal organization, authority, sovereignty, interaction with federal, state and local governments, and transportation programs are addressed. Chapter three of the report provides recurring themes and models found in the case studies examined for the report. These included administration and staffing of transportation programs, long-range transportation planning and program elements, citizen participation, need for technical assistance, safety, maintenance, and coordination with outside agencies. The final chapter of the report identifies public transportation, staffing, creative

financing and relationships as areas of further research on the topic of tribal transportation issues.

91. Transportation Research Board of the National Academies. ABE 80, Native American Transportation Issues, Committee Roster - Online Directory. *Transportation Research Board*. Retrieved February 4, 2008, from http://www.trb.org/directory/comm_detail.asp?c=ABE80.

Abstract: This Web site provides contact information for the members of the Native American Transportation Issues Committee. The Committee is concerned with issues surrounding tribal transportation affecting tribal historical or cultural properties.

92. Transportation Research Board of the National Academies. (2008, January 13). Call for Papers: TRB 87th Annual Meeting. Transportation Research Board of the National Academies.

Abstract: The Transportation Research Board held a call for papers for its 87th annual meeting held January 13-17, 2008. The title of the call was “Partnerships for Progress in Transportation,” with the sponsoring committee being the Native American Transportation Issues Committee. The subject areas of the papers were social, economic and cultural issues, and systems planning, policy and process.

93. Transportation Research Board of the National Academies. (2002). *Transportation Research Circular: Conference on Transportation Improvements, Experience Among Tribal, Local, State and Federal Governments*, Number E-C039, 1-82. Transportation Research Board of the National Academies.

Abstract: This contains the proceedings from the Conference on Transportation Improvements held October 18-21, 2001 in Albuquerque, New Mexico that focused on issues and the complexity of such issues surrounding transportation issues regarding Native American Nations.

94. Tribal and Local Government Outreach, Strategic Priority Two. (2003, December).

Abstract: “The Indian Reservation Roads (IRR) program provides funding through the Bureau of Indian Affairs (BIA) for planning, design, construction or reconstruction of designated public roads, bridges, and other transportation facilities and activities serving Native American Indian communities, lands and reservations. The amount of annual funding for each tribe is tied to the total road mileage submitted in their road inventory.” Once a tribe adds a road to its IRR, it is eligible for funding.

95. Tribal/State Transportation Pre-Summit Meeting, Albuquerque, New Mexico. (1999, August 10).

Abstract: The Tribal/State Transportation Pre-Summit Meeting was held in Albuquerque, NM on August 10-11, 1999 and was sponsored by All Indian Pueblo Council, Eight Northern Pueblo Council, United States Bureau of Indian Affairs, New Mexico State Highway and Transportation Department (NMSHTD) Research Bureau, NMSHTD Planning Bureau, Alliance for Transportation Research Institute, and Federal Highway Administration, New Mexico Section. The meeting was organized “to establish a framework and lay the foundation for the full summit” to be conducted in October of that year and included goals in identifying general issues, policy issues, policy recommendations, and legislative

recommendations as related to transportation issues affecting both state and Tribal governments.

96. U.S. Department of Transportation Federal Highway Administration. State Activities - Tribal Transportation - FHWA. *Tribal Transportation*. Retrieved January 31, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/state.htm>.

Abstract: This U.S. Department of Transportation Web site provides summary and link information on a number of tribal transportation activities. The list of resources is divided into four categories, those being, State Activities, Tribal Liaison Offices, Case Studies, and Conference Information.

97. U.S. Department of Transportation Federal Highway Administration. Thurston County, Washington: Partnership between Tribes and an MPO - Tribal Transportation - FHWA. *U.S Department of Transportation, Federal Highway Administration, Tribal Transportation*. Retrieved February 13, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/washington.htm>.

Abstract: “In Washington State, the coordination between the Thurston Regional Planning Council (TRPC), the Nisqually Indian Tribe, and the Confederated Tribes of the Chehalis Reservation provides an example of strong partnership and collaboration between tribes and a metropolitan planning organization (MPO).” The TRPC is a board consisting of representatives from local government jurisdictions and the Confederated Tribes of the Chehalis Reservation and the Nisqually Indian Tribe. The TRPC serves as both the MPO and the regional transportation planning organization (RTPO) and work between the TRPC and tribes has increased awareness of tribal needs, improved transportation

coordination, and more information on transportation projects. Lessons learned from the partnership include a need to provide information to tribes more effectively, parties involved in tribal coordination should take an active approach to maintaining relationships, tribes should create community plans, and tribal involvement in the MPO can yield results and benefits to tribes.

98. U.S. Department of Transportation Federal Highway Administration. South Dakota: State/Tribal Planning Coordination Meetings Achieve Results - Tribal Transportation - FHWA. *U.S Department of Transportation, Federal Highway Administration, Tribal Transportation*. Retrieved February 13, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/southdakota.htm>.

Abstract: “In South Dakota, annual meetings with tribes form the backbone of the relationship between tribes and the South Dakota Department of Transportation (SDDOT). At these meetings, representatives from the tribes, the state, the Federal Highway Administration (FHWA), and the Bureau of Indian Affairs (BIA) exchange information about their needs and upcoming planned projects. The participation of the senior staff from the SDDOT emphasizes the commitment of high-level decision-makers to address tribal transportation needs within the planning process. In addition to annual meetings, staff from the FHWA South Dakota Division Office and the SDDOT hold follow-up meetings with tribes on an ad-hoc basis to discuss specific needs and prospective projects. These meetings often take place on tribal lands.”

99. U.S. Department of Transportation Federal Highway Administration. Bangor Area, Maine: Technical Assistance and Coordination between a Tribe and MPO - Tribal Transportation - FHWA. *U.S Department of Transportation, Federal Highway Administration, Tribal Transportation*. Retrieved February 13, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/maine.htm>.

Abstract: “In Maine, monthly meetings and regular communication have formed the basis for growing partnership between the Penobscot Indian Nation, Bangor Area Comprehensive Transportation System (BACTS), and the Federal Highway Administration (FHWA). FHWA and BACTS provide services, training, and information to the Penobscot Indian Nation. In addition, tribal participation on the BACTS policy and planning committees has contributed to improved regional planning and coordination in the Bangor area.”

100. U.S. Department of Transportation Federal Highway Administration. Arizona: Building Technical Capacity for Improved Tribal Consultation and Communication - Tribal Transportation - FHWA. *U.S Department of Transportation, Federal Highway Administration, Tribal Transportation*. Retrieved February 13, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/arizona.htm>.

Abstract: “Consultation between the Arizona Department of Transportation (ADOT) and tribal governments in transportation planning has been advancing due to coordination and information sharing efforts being initiated both by the ADOT and the Inter Tribal Council of Arizona (ITCA), an association of 19 member tribes. These organizations have been instrumental at building the transportation planning process. Both the ADOT and ITCA have established staff

positions to focus on improving state-tribal coordination and have developed internal mechanisms to facilitate communication.”

101. U.S. Department of Transportation Federal Highway Administration. Jicarilla Apache Nation - Tribal Transportation - FHWA. *US DOT, FHWA, Tribal Transportation*. Retrieved January 30, 2008, from <http://www.fhwa.dot.gov/HEP/tribaltrans/jicarilla.htm>.

Abstract: The Jicarilla Apache Nation contracts their roads program through the Bureau of Indian Affairs (BIA) and have an office staff of nine in addition to a maintenance staff. The transportation system in the Jicarilla Apache Nation consists of BIA and tribal roads and state highways. The Nation currently has plans for the reconstruction of two intersections in which the New Mexico Department of Transportation (NMDOT) will be responsible for the design and the funding for the projects will come from the Indian Reservation Roads (IRR) funds. The Nation also has plans to extend a bike and pedestrian path which was coordinated through the Northern Pueblo RPO. The Jicarilla Apache Nation has identified best practices in their work with the NMDOT. Cooperative projects have been made possible through work with the RPO. The Nation has also identified that that the roads program with the FHWA needs to be formalized into a tribal agreement in order to make the process more simple to partake in as well a need for partnering with the BIA on projects.

102. U.S. Department of Transportation Federal Highway Administration. North Central New Mexico: Development of a Regional Transit District - Tribal

Transportation - FHWA. *US DOT, FHWA, Tribal Transportation*. Retrieved January 30, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/newmexico.htm>.

Abstract: In 1996 the New Mexico Department of Transportation (NMDOT) assessed an improvement project to the US 84/285 corridor to relieve traffic congestion. Initial plans were to widen the roadway, but tribal leaders found the plan to be unacceptable as additional right-of-way would have to be acquired from each of the tribes affected by the expansion. Tribal leaders lobbied the NMDOT to study alternative options for alleviating the congestion. The FHWA conducted a major study for the corridor and it was concluded that widening the roadway could be avoided by using other measures for alleviating congestion. “Tribal involvement in a proposed state highway project saved the State DOT over \$1 million and provided the tribes with more mobility options and access to additional economic development opportunities in the region.”

Following this project, the RTC Act was signed in 2003 and allowed for a Regional Transit District in North Central New Mexico. The Pueblos of Pojoaque, San Ildefonso, San Juan, Santa Clara, and Tesuque became members of the North Central Regional Transit District (NCRTD). In order for the decision-making process to be fair within the NCRTD, voting strengths for each of the Pueblos and government entities involved based on populations thresholds were created. Each of the jurisdictions was satisfied with the voting method. The NCRTD elected a tribal representative as the first Chairman of the Board and the position of Vice Chair belonged to a non-tribal representative. This allowed for equal representation between jurisdictions.

103. U.S. Department of Transportation Federal Highway Administration. Respectful Communication Accelerates the Section 106 Process: Iowa's New Tribal Consultation Process. *Environment - Streamlining/Stewardship*. Retrieved January 31, 2008, from <http://www.environment.fhwa.dot.gov/strmlng/newsletters/jul02nl.asp>.

Abstract: The monthly newsletter in “Success in Stewardship,” the July 2002 issue, features Iowa’s Tribal Consultation Process as a success. The newsletter includes a process for identifying tribes for consultation and tips for consulting with tribes once they have been identified. Iowa has developed such a consultation process in the form of a Tribal Summit, with a follow-up workshop and site visit. The summit is defined as a tool in bridging gaps between state agencies and tribal governments. From the Tribal Summit, tools were developed for preventing project delays by ensuring that tribal issues are resolved early in the project process. Those tools include tailored Memorandums of Understanding with affected tribes, a standardized tribal notification form, and a set of standard tribal consultation points in the project planning process. Finally, the newsletter sets forth lessons learned through the Iowa process like a need for sensitivity in tribal communication, early coordination, standard tribal processes, and a recognition that all tribes and projects are unique.

104. U.S. Department of Transportation Federal Highway Administration. Case Studies of State, MPO, and Tribal Coordination in Transportation Planning - Tribal Transportation - FHWA. *Tribal Transportation*. Retrieved January 31, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/index.htm>.

Abstract: This Web site is a resource for case studies in tribal coordination and transportation planning. Case studies from six states are quickly summarized and additional link information is provided. Each case study includes a description of current practices, outcomes of certain approaches, and lessons learned from each case. The states with case studies provided are Arizona, Maine, New Mexico, California, South Dakota, and Washington.

105. U.S. Department of Transportation Federal Highway Administration. (2007). San Diego Area, California: A Tribal Consortium Enhances Tribal/State Coordination Efforts - Tribal Transportation - FHWA. *U.S Department of Transportation, Federal Highway Administration, Tribal Transportation*. Retrieved January 31, 2008, from <http://www.fhwa.dot.gov/hep/tribaltrans/ttpcs/california.htm>.

Abstract: In Southern California, the California Department of Transportation (Caltrans), the San Diego Association of Governments (SANDAG) and Native American tribes are working to create relationships and coordination in transportation planning. Tribal governments established the Reservation Transportation Authority (RTA), which is a consortium of 24 tribes. This allows the RTA to bring together resources for funding and also to establish a greater voice in government affairs. The RTA functions as a regional transportation planning organization, and as such has served to increase communication and coordination between Caltrans and tribes. Communication between RTA, Caltrans and SANDAG occurs in the form of regular meetings between the separate entities. Through this joint work it has been identified that interest in working with tribes has to occur at the leadership level, increased and earlier

involvement of tribes in the transportation planning process would help allow tribes to play a more significant role, and a means of tribes to report issues to the Caltrans Director ensures that tribes are heard by key decision makers.

106. US Institute for Environmental Conflict Resolution; Southwest Strategy; Bureau of Land Management. (2005). Tribal Relations Symposium for Executive Leaders.

Abstract: Southwest Strategy sponsored a Tribal Relations Symposium for Executive Leaders. The Bureau of Land Management, as a member of Southwest Strategy, sponsored facilitation services for the Symposium. Symposium topics included historical background, trust responsibilities, Indian laws and policies, cultural sensitivity and effective communications. The last day of the symposium included a facilitated tribal listening session. The listening session provided tribal leaders the “opportunity to be heard” by federal managers and administrators on issues that affected them and to “influence national and regional natural policies on tribal lands.”

107. University of Missouri-Rolla. Missouri Local Technical Assistance Program.

Missouri-LTAP. Retrieved January 31, 2008, from <http://mltrc01.cc.UMR.edu/about/index.html>.

Abstract: The Missouri Technical Assistance Program was established by the Federal Highway Administration (FHWA) in 1982 in response to a need for funding and assistance to the communities in Missouri that maintain roads and bridges. There are seven regional Tribal Technical Assistance Program (TTAP) centers that serve tribal councils of government. The Local Technical Assistance Program (LTAP) help communities improve their roads and bridges by providing

training, technology updates and other forms of personalized assistance. The LTAP is driven on the basis of good relationships between communities.

108. Watkins, J. Ten Suggestions for Tribes Consulting with Agency Land Managers.

Abstract: Dr. Watkins provides ten suggestions for tribal representatives consulting and interacting with agency officials. This guidance includes understanding government-to-government relationships, keeping a written record of the consultation process, requesting copies of notes or meeting minutes from agency officials, and how to achieve a more effective and beneficial working relationship among all parties.

109. Watkins, J. Twenty Suggestions for Consulting with Tribes.

Abstract: From SRI Foundation's workshop Principles of Tribal Consultation, Dr. Watkins provides 20 helpful suggestions for agency officials and land managers consulting with tribal representatives. Guidance includes how to greet tribal people, establishing seating arrangements at meetings, allowing tribal members to open meetings with a prayer, and understanding tribal leadership roles.

110. Washington State Department of Transportation. (2006 May). Washington State and Tribal Transportation Planning Organization. Washington State Department of Transportation.

Abstract: Since 1993, the Washington State Department of Transportation (WSDOT) has participated in annual meetings with tribes to discuss mutually identified transportation issue, one which included the formation of a Tribal Transportation Planning Organization (TTPO). In 2003 a TTPO was established

at the Tribal/State Transportation meeting. The TTPO serves to enhance coordination between tribal, state and federal and local governments as well as support the development of tribal transportation planning capacity. Funding for the startup of the program was provided by the WSDOT Transportation Planning Office, and continued funding has come from state, Regional Transportation Planning Organization (RTPO) and federal funds in addition to contributions from state, tribal and federal sources. The TTPO meets four times a year, with the first year of meetings having accomplished the tasks of developing a set of bylaws as well as conducting a transportation needs survey to identify transportation issues.

111. Weaver, H. N. *Culturally Competent Practice, A Framework for Understanding Diverse Groups and Justice Issues* (D. Lum, Ed.) (2nd ed., pp. 197-216). Pacific Grove, California: Wadsworth Publishing Co.

Abstract: Chapter eight in this book, written by Hilary Weaver, discusses information to assist social workers in providing culturally competent services to First Nations Peoples. The chapter identifies the importance of recognizing diversity within First Nations Peoples, and also identifies historical culture issues like the difficulty in conducting cultural studies with small, First Nations Peoples populations. The chapter also addresses identifying cultural awareness and needs of First Nations Peoples, as well as the need for a basic understanding of sovereignty issues. A survey is referenced in the chapter in which “four general categories of values or attitudes were identifies as important to cultural competence with Native people; (1) helper wellness and self-awareness; (2)

humility and willingness to learn; (3) respect, open-mindedness, and a nonjudgmental attitude; and (4) social justice.”

112. Wisconsin Department of Transportation. Tribal Affairs - Wisconsin Department of Transportation. Retrieved January 31, 2008, from <http://www.dot.wisconsin.gov/localgov/aid/tribal-affairs.htm>.

Abstract: Governor Jim Doyle issued an Executive Order requiring all state agencies to work with Native American tribes to strengthen regional and statewide economies. In May of 2005, the Wisconsin Department of Transportation (WisDOT) entered into an agreement with the 11 tribal governments in Wisconsin. The agreement supports the development of communication and cooperation between tribal and state officials on transportation issues. With this agreement came the creation of the WisDOT Tribal Task Force, which serves as a forum in which WisDOT and tribal officials can discuss transportation issues and policies that impact the tribes.

113. Abrams, C.W., Bradbury, J. A., Fortney S., & McDonald, K.A. (2002, October). Financial Assistance to States and Tribes to Support Emergency Management and the Safe Transportation of Hazardous Shipments: Fiscal Year 2002. Pacific Northwest National Laboratory. Richland, Washington.

Abstract: This report provides information on funding assistance for states and Indian tribes when preparing for and reacting to transportation emergencies, and also provides information on how ensure safe transportation of hazardous materials through respective jurisdictions.

114. ELG Engineering. (2002, December). Tribal Coordination/Organizational Assistance for the New Mexico State Highway & Transportation Department.
- Abstract:** This document provides the New Mexico State Highway and Transportation Department (NMSHTD) information on coordinating with tribes in the state of New Mexico. It includes profiles with demographic and economic information on New Mexico tribes, tribal transportation systems, rights-of-way and easements, cultural preservation, economic development, highway maintenance, sovereignty, jurisdictions, protocols, mechanisms for cooperation, accident data, hazardous materials transport, working with New Mexico tribes, New Mexico tribes interviews and transportation maps.
115. Garcia, J., Healy C.J. (2008, February 27). National Congress of American Indians and Intertribal Transportation Association.
- Abstract:** This letter was written by Joe Garcia, president of the National Congress of American Indians, and C. John Healy Sr., president of the Intertribal Transportation Association. The letter is addressed to tribal leaders and requests support for transportation improvements in Indian Country. A white paper is addressed in the letter as having made proposals on tribes working in conjunction with each other on transportation improvements and asks that tribal leaders consider the white paper and address suggestions and modifications, so that a consensus can be reached on proposals.
116. Intertribal Transportation Association. Retrieved July 3, 2008, from <http://www.colostate.edu/orgs/CTP/oldita/>.

Abstract: This Web site is the homepage of the Intertribal Transportation Association and provides information on the organization, meetings, and contact information for the organization.

117. Intrinsic Consulting, LLC. (2005-2007). McElmo Creek Bridge Replacement Environmental Study – State Route 262. Montezuma Creek to Aneth, Utah.

Abstract: The Utah Department of Transportation (UDOT) was preparing an environmental study (Categorical Exclusion) to replace the bridge over McElmo Creek on SR-262, west of Aneth, in San Juan County, Utah. The bridge replacement project was needed because the bridge no longer meets current safety standards, and after 22 years of service it has developed some critical deficiencies as a result of scour, or channeling, from McElmo Creek. The project was located in the political boundaries of the Aneth Chapter of the Navajo Nation and a Navajo burial site was located in the project area. The project team coordinated with Navajo Nation agencies to ensure cultural appropriateness regarding treatment of the burial site as well as interactions with the family of the deceased. The family of the deceased buried in the project area did not want to disturb the burial if at all possible. The project team enlisted the support of the Aneth Chapter Coordinator, who primarily conducted the meetings with relatives of the deceased. Several meetings were held regarding the burial in the project area. UDOT was able to revise the design to leave the burial intact and undisturbed. Through close coordination with the Aneth Chapter, a resolution supporting the project was developed by the project team and presented at a chapter meeting, which are monthly gatherings of the community at which official business of the

local government is discussed. After a final public presentation of the project, chapter members voted 48 to 0 to pass the supporting resolution. Through the course of the project, Intrinsic served as outreach specialists, conveners, facilitators and mediators.

118. Intrinsic Consulting, LLC. (2007). Van's Trading Post Widening (US 160) and Moencopi Overlay and Rockfall Containment (SR 264).

Abstract: The Arizona Department of Transportation was conducting a roadway improvement project on US 160 and SR 264 in northern Arizona. The project location straddled both the Navajo Nation and the Hopi Reservation, near the communities of Tuba City and Upper and Lower Villages of Moenkopi. The project included widening three miles of US 160, and, on SR 264, roadway overlay work and rock fall containment. ADOT wanted to work closely with the two tribes to ensure compliance with tribal regulations and to avoid any unnecessary interruptions to cultural events. The project is currently in its final stages. Regular communication with tribal representatives kept agencies informed of project activities and avoided interruptions to cultural events and ceremonies. The private contractor who was hired by ADOT coordinated with the separate tribal governments regarding hiring practices and abiding by local Indian Employment Preference Laws, satisfying tax obligations and obtaining permits for water resources and the like. Through the course of the project, Intrinsic served as outreach specialists, conveners, facilitators and mediators.

APPENDIX B: INTERVIEW PROTOCOL

B.1 Introduction

The interview stage of this study was conducted during the initial phase of the NCHRP project research. The goal of the interview stage was to identify current practices and initiatives regarding transportation and tribal involvement across the US. The interviews were designed in a manner that would allow data collection on transportation project environments in states where transportation and tribal officials were interviewed. This allowed for a snapshot to be taken of initiatives across the nation while comparing different levels of involvement. In addition, by exploring the state of the practice through the interviews, conclusions could be drawn as to what enables collaboration. In the case of NCHRP project 08-65, the conclusion that intergovernmental networks create the infrastructure for collaboration was drawn, leading to the current research study. The current study aims to explain how and why intergovernmental networks establish a collaborative environment between transportation agencies and tribal communities.

An overview of the data selection and analysis were provided in Chapter 3. It is the goal of this Appendix to describe the data collection for the study and the protocol used during collection.

B.2 Propositions

Consultation and collaboration can be difficult and complex on transportation projects when tribes are stakeholders. This can lead to a vast array of topics for study and an overwhelming amount of data collected when topics, like collaboration on such

projects. In order to better guide the research and provide a framework for reaching conclusions following data analysis, the study interview stage followed some propositions.

First, the study assumes that consultation between transportation agencies and tribes is occurring as required by federal legislation. It is not in the scope of the project to propose ways for state transportation agencies to adhere to federal laws of consultation. In addition to the assumption that consultation is a practice that is occurring between parties, it is recognized that this consultation might not be successful. It is possible for stakeholders to have a conversation and not truly take each other's issues and concerns into account during final project execution. Federal law can be met without true success or collaboration on projects.

Also, the study clarifies that consultation and collaboration are not the same. Consultation is a federal requirement, while collaboration is not. The same example as provided in the previous paragraph can be used. Having a conversation with stakeholders on a project has no stipulation that all parties be in agreement on transportation decisions. Collaboration assumes that all parties, regardless of federal or legal relationship to one another, work cooperatively to meet the needs of all participating in the project. These propositions allowed for the interview scope to be narrowed in order to investigate current and best practices in tribal transportation and consultation efforts.

B.3 Interview Methods and Format

B.3.1 Qualitative Research Interview Method

The qualitative research interview method, as suggested by King (1994), was utilized for the data collection phase of the study. The goal of the qualitative research study is to “see the research topic from the perspective of the interviewee, and to understand how and why he or she comes to have this particular perspective,” **Error! Reference source not found.** These interviews follow a loose structure as chosen by the interviewer, provide the opportunity for open-ended questions, and focus on specific occurrences that the interviewee has knowledge of (King, 1994). This method was selected in order to capture the interactions between transportation agencies and tribal communities in states across the nation.

B.3.2 Interview Guide

In order to guide and provide a low degree of structure to the research interviews, an interview guide was used. The interview guide provides a list of topics that should be discussed in the interview (King, 1994). The topics are generated from the review of the literature, personal knowledge, and any other preliminary work done for the study (King, 1994). For this research study, the interview guide was formulated from the first literature review performed, the research team’s personal knowledge, and informal discussions held between research team members and professionals in the field. The interview guide consisted of a list of topics regarding current practices in tribal consultation. This included a list of strategies as having been implemented to enable communication, coordination and cooperation among project stakeholders, and a list of issues commonly encountered on transportation projects affecting tribal communities. The purpose of this interview guide was to solicit experiences on state, federal and tribal

initiatives for making success on projects possible. The topics as listed in the interview guide are presented in Table A.1 and Table A.2.

Table B.1: Current Practices in Tribal Consultation Strategies

CURRENT PRACTICES: STRATEGIES FOR SUCCESSFUL COMMUNICATION, COORDINATION, AND COOPERATION	
Communication	Presentations
	Data Collection and Analysis
	DOT Standards and Handbooks
	Newsletters and Bulletins
	Mailings with Tear-Off Response Forms
	Tribal Moderator
	Training
Coordination	Meetings, Seminars, Summits, and Workshops
	Public Involvement
	Tribal Consortiums
	Loans for Funding
	Tribal Liaisons/Coordinators
	Formal Agreements
	Regional or State-Level Conferences
Cooperation	Planning Organizations
	Regional Transit Districts/Coalitions
	Resource Sharing
	Investigation of Alternatives
	Disaster Planning

Table B.2 Issues Commonly Encountered on Projects Affecting Tribal Communities

ISSUES ON TRANSPORTATION PROJECTS OF CONCERN TO TRIBAL COMMUNITIES	
Protection and preservation of the environment, as well as the confidentiality of tribal-sensitive issues	
1.	Natural and biological ¹ resources (e.g., mountains, rivers, creeks, wildlife, etc.)
2.	Cultural Resources (e.g., cultural sites)
3.	Historical Resources (e.g., historically recognized sites)
4.	Traditional Practices (e.g., grazing rights)
5.	Traditional Symbols
Monetary Issues	
1.	Project Funding
2.	Project Taxation and Other Fees
Sovereignty Issues	
1.	Jurisdiction
2.	Government-to-Government Relationships
3.	Institutional Relationships and Protocols
Land Ownership Issues	
1.	Full Ownership (including trust lands)
2.	Surface Ownership
3.	Mineral Exploration Rights

¹ Under NEPA, transportation projects must undergo an environmental assessment. One of the key aspects of this assessment is the biological evaluation for flora and fauna in the project area. Tribal concurrence on these reports is required and special consideration must be given to “tribally sensitive species” that may be different from federally threatened and endangered species.

Cultural Competency Issues	
1.	Cultural Context on Projects
2.	Cultural Knowledge
3.	Skill Development

B.3.4 Interview Format

Each interview followed the same general format and began with the interviewer explaining the interview process, the purpose of the research, and assuring confidentiality to each of the interviewees. The interview process began with the interviewee being offered the opportunity to share current practices in his/her own state regarding tribes and transportation. This opening “question” could be answered easily by each of the interviewees, providing a relaxed environment. King (1994) suggests this type of opening question in order to allow the interviewer and interviewee to feel relaxed and to become familiar with one another. This opening question usually led into discussion of the topics on the interview guide. In the case that this natural transition did not occur, interviewees were guided through the list of topics and asked to:

- Describe any experience they had with each of the topics,
- Identify if any of the topics were “incorrect,” and
- Identify if the topics of implementation strategies and issues were incomplete.

Once the topics were exhausted, interviewees were asked to describe any efforts of factors that they considered as crucial to success within their state. This ending question allowed interviewees to provide information on positive experiences within the topic area, which is a method suggested by King (1994). In addition, this provided insight into perceptions that different interviewees had of successful practices, and what factors lead

to these successes. Finally, interviewees were offered the opportunity to contact the interviewer in the case that they felt additional information needed to be added to their interview file.

With regard to the appropriateness of the interview protocol utilized with respect to the current research study, it has been determined that data collected is appropriate for analysis in answering the research questions. Although the data was collected prior to the formation of the current study question, the manner in which it was collected allows it to be utilized for the study analysis. This is because current practices and issues in tribal transportation were investigated without any bias being established toward answering the research question, this increases reliability of the study. Because it is an assumption of this study that intergovernmental networks create the infrastructure for collaboration between transportation agencies and tribal communities, this collaborative infrastructure is identifiable in the interviewee's description of state practices, review of the interview topics, and addition of information on perceptions of factors leading to success.

The interviews in which the subject had been involved or worked in the intergovernmental environment were selected for analysis. This further ensured that the appropriate data was analyzed.

B.4 Recruiting Interviewees

The goal of the qualitative research interviews was to gain insight into current practices in tribal transportation practices, perceptions of success, how and why collaborative environments are established among project stakeholders. The goal of the recruitment phase was to gain a representative sample of the transportation sector with

tribal involvement. It was also the goal of recruitment to sample data in a manner in which the highest quality of data could be collected. In the case of the qualitative research interview, commonly referred to as the exploratory case study, exact “representativeness” is not a requirement, as statistical generalization is not appropriate (Yin, 2009).

With both goals of the interview process in mind, the first round of recruitment was of tribal liaisons within state DOTs across the nation, and volunteers who expressed interest in the study because of their expertise in tribal transportation. These volunteers and tribal liaisons were considered the experts in transportation projects affecting or of concern to tribal communities. First-round recruits included “tribal-transportation experts” with backgrounds in engineering and historic and environmental preservation. These interviewees were working in transportation planning and had constant interaction with tribes. The second round of recruits came from suggestions made from initial interviewees. At the end of each interview, interviewees were given the opportunity to identify individuals that would be appropriate for the study. These individuals included representatives from tribes, the Federal Highway Administration, district offices of DOTs and local transportation agencies.

A total of 30 interviews were conducted with transportation professionals in the Northwest, Southwest, North Central, South Central and Northeast US and Alaska. Of the thirty professionals interviewed, four were from federal agencies, 11 from state agencies, nine from local agencies, and two from non- governmental agencies. Four additional interviews were conducted with members of tribes from the Northwest and Southwest regions of the US.

Of these interviews, ten were selected for analysis based on their ability to capture the transportation project environment in states where intergovernmental networks were established. Data selection techniques are described in Chapter 3.

APPENDIX C: THEME MATCHING RAW DATA

C.1 THEME: RELATIONSHIPS

Topic	Transcript Time*	Transcript	Theme
Confidentiality	26:20:00	has to do with the trust relationship we have been able to build among our tribal partners and federal highway and the DOT staff where	Relationships
Confidentiality	43:13:00	Our approach is, 'if you feel it is important, if you feel it is worth trying to avoid and minimize impact to, we'll do everything in our power to do that.' And it's really helped with the relationship building by doing that because they feel that people are listening and it's not just lip service	Relationships
Success Factors	53:25:00	what we do see is when a new person comes on board and come to the first tribal consultation committee meeting, they kind of see the tone that is set by the remaining members and they're pretty quick to adopt it because it is a pretty powerful and positive experience. So I think that these relationships are something that just can be overstated.	Relationships
Success Factors	53:37:00	It's something that we really are kind of lacking in our business model in the US, our traditional business model and it's something that I've really learned to enjoy and look forward to at these meetings.	Relationships
Success Factors	52:22:00	Well, I can't say enough about the relationships that we've built both between agencies and tribes, but also on the personal level. I call a lot of these people my friends now and that does wonderful things when you have to do business with people, to have that personal level of understanding and relationships build over the years.	Relationships/ Collaborative Frequency
Planning	7:45	I know another effort is that ... tries to arrange yearly meetings with the commissioner, ...DOT commissioner and the tribal councils. These are individual tribal meetings with each of the tribes to talk about issues and	Collaborative Frequency/ Relationships
Tribal Liaisons	4:07	And then from that we have worked really closely with ... to really help establish and then strengthen our relationships with the tribe.	Relationships
Project Case Studies	19:45	So I think one thing happened during that whole EIS process was that the tribe and the district office really enhanced their relationship and they have been able to move on ahead with some lesser scope type projects to address some of the safety problems along that corridor.	Relationships

Trust Properties	47:00:00	You know we have addressed through our tribes and transportation conferences we really tried to address a lot of these issues to make people understand them better, particularly like the government to government relationships	Relationships
Success Factors	49:17:00	Interviewer: Is there anything that you think has been crucial for success on these types of projects? Interviewee: Yes, and that is just establishing the relationships. Establishing the relationships before there is a project or an issue.	Relationships
Success Factors	52:00:00	. And I would say that's the best investment of time is to get to know the tribes and the tribal people, kind of on a get to know you kind of basis before there are issues and that will go along way to helping out when there are controversies and issues.	Relationships
Partnering Team	12:25	And so this group, ...is sort of an umbrella group. Now, under the umbrella, we have tribal specific partnering efforts that we have initiated. The first one we initiated with [tribe name] and the second one was with the [tribe name]. [tribe name] got started, it's probably been five years ago, it's been five years now, at the request of the tribe and these tribal specific partnering efforts are another means where we can work directly with tribal staff, tribal leader and other tribal agency representatives that have interest or concern with transportation needs within their communities.	Relationships
Success Factors	58:13:00	Well, I would say the, I think the way to success are really whether you can form relationships with all stakeholders.	Relationships
Success Factors	58:57:00	And then with those improvements in relationships comes the actual implementation of projects or participation and programs that are available, so I think it has really made some significant changes with how we do business by conducting these partnering efforts.	Relationships
		You have got to work together to get to trust each other and I've think we've done that, I really do. I think that we have a very good relationships with all the tribes.	Trust / Relationships
FHWA Involvement	7:55	A gain, we have a very good, ...DOT has a very good relationship with the FHWA in ... and I'd say rather than having them step in, they probably can offer us advice and we work more in partnership, let's put it that way.	Relationships

Capacity	13:46	We work in partnership very well I think in [state name] between the tribes and ...DOT, I personally think so anyway.	Relationships
Confidentiality	18:00	. It's just talking to each other.	Relationships
Cultural Competency	31:15:00	we don't treat the tribes any different than any other customer or any other stakeholder. We try to treat them all with respect and make sure they have input and that's just what we do.	Relationships
Unsuccessful Relationships	32:40:00	Our two tribes, speaking from personal experience, they are just great to work with. They know that can provide the service, and I personally feel that we have a really good relationship with them. I really can't talk about the other tribes because I don't know that much.	Relationships
Tribal Liaisons	36:00:00	Again, I think all of our district engineers have good relationships with the tribes, I really do. We hear about, I hear about what other districts are doing and, I mean, they are always working together with the tribe I think.	Relationships
Success Factors	38:00:00	I just think we have this attitude that we have to work together and get things done and that comes throughout our departments.	Relationships
Success Factors	40:20:00	And again, I think it is a pervasive attitude throughout Minnesota that we've got to work together. I mean, what's the purpose of working against each other you know?	Relationships
Success Factors	38:10:00	Our department of transportation we've got...it's just an attitude that comes from our commissioner, our governor...we work together to get things done. We work in partnership. Partnership is a big word in [state name].	Relationships/ Leadership and Management Action
State Programs	2:00	. And it's based upon kind of a true government-to-government relationship and it started before we ended up with an actual state law that established government-to-government relations with our federally recognized tribes. But it was recently codified in 2002 into state law as well	Collaborative Frequency/ Relationships/ Leadership and Management Action
State Programs	7:45	And so we want, we work really hard to establish those personal relationships with the folks that are directly responsible for an action or an activity across our business lines.	Relationships
State Programs	8:00	always include the responsible party or the responsible business line or the folks that will be tasked with ultimately resolving the issue and hopefully build some connections and relationships between those folks in the process.	Relationships

Tribal Liaison	19:10	business line decision we need to make with the tribe. So, it's really trying to spread out the work, spread out the responsibility, and increase the number of relationships.	Relationships
Capacity	22:40	It's who and what they can throw at a problem and I would say that the strong relationships and the strong trust development is a lot more critical with the smaller tribes just because they don't have the time or the energy to get involved in everything that we're doing.	Relationships
Capacity	23:15	you know, what we really strive hard to do is to make sure we've got an ongoing adult relationship. Strong tribal consultation doesn't mean that we do the tribes' way all the time, but it sure means we put the time and the energy into working on the issues and coming up with responsible solutions.	Relationships
Cluster format	31:00:00	We are stronger together than we are individually	Relationships
Clusters	32:20:00	. I know my guys go to powwows. And if somebody makes the effort to invite us, we make the effort to go. Not everybody does that, but I've gotten invited to the sweat logs more than once, you know, and if somebody invites me to a sweat, I'll go. You know what I mean? And again, I think that's building those personal relationships.	Relationships
State Programs	33:40:00	Certainly we all fight and fuss. But at least like I said, it's an adult relationship.	Relationships
State Programs	7:30	I'm more of an information resource that's based around just the years that I've been able to build, and build relationships with tribal members and the work that I have done with them.	Relationships/ Collaborative Frequency
Cluster format	31:40:00	You can't work with somebody until you get to know them well enough that you can trust them.	Relationships / Trust
Communication Strategies	3:00	meet with people who might be in a position, official position, at the tribe on cultural resources to meet people in the tribal government to talk with the tribal chairman about who to consult with in regard to cultural resources. And then to establish a relationship and sometimes that took time, it took perseverance, and it, you know, sometimes we might have a meeting at 10:00 on Tuesday and you didn't actually meet with the person until 2:00 on Wednesday. If you were tenacious enough to stay, that made a tremendous difference invoking that relationship. A	Relationships

Consultation Committee	19:35	We're all equal partners in this and we get together and we discuss. And there are times when there have been differing opinions from some of the tribal representatives and I say, well you know I can consult with you separately and take your concerns as a separate issue. They always say no, we want a consensus...we are a group and we are going to function as a group.	Relationships
Network Beginnings	24:00:00	But we have tremendous support because it is a system they designed and it works for them.	Relationships
Network Beginnings	24:45:00	We work together to accomplish a goal and we have personal relationships. We've established personal bonds.	Relationships
Communication Strategies	1:22	Communication strategies. We have...when we...my communication with the tribe is in regard to the national historic preservation act or at least was first, an issue related to the 1992 amendments to the national historic preservation act and the resulting regulatory changes which came about in 1998. And from our perspective, we approached management at our DOT and at federal highway about being proactive in that communication and about pursuing the heart and intent of the changes in the law rather than minor ways to minimally, perhaps, to try to satisfy the intent of the law.	Relationships / Collaborative Frequency/ Leadership and Management Action
Confidentiality	34:34:00	We have, over a process of 11 years, established relationships of trust and respect and that has been one of our main goals.	Relationships/ Collaborative Frequency Trust
Success Perception	21:13	: From my side, in terms of the transportation area, the state of [state name], and I've seen it a lot of times, is bending over backwards trying to work with Indian tribes of [state name] to meet their legal obligations with each of the individual Indian tribes.	Relationships
Program Improvement	23:25	I think the working relationship between the tribes and the state is fairly good.	Relationships
Success Factors	44:00:00	.So long as you have a good working relationship, a lot of things can happen, positive things can happen.	Relationships
Success Factors	44:24:00	: That and then also the state legislature also is working to become more knowledgeable...like	Relationships
Summits	4:30	Our first summit was co-hosted, or co-planned I guess it was, with [tribe name], ... DOT, Federal highway and it was hosted by[tribe name]. Our strategy was that one tribe would help plan it, another tribe would help host it.	Relationships

Project Case Study	35:05:00	Before I got to ...DOT, there was limited involvement with the tribes and definitely not a relationship. I guess there was a couple of, well there was one district that had a very good relationship. But when I first had a meeting with that particular district it was almost hostile. Since then, they have just been the biggest proponent of working with the tribe and coming up with ideas of how they can work together. They, it was actually the district engineer that came up with this idea and we met and he just kind of took the ball and worked with them and worked with the county and. So, as far as that idea, it was totally the district engineer and he has really been doing, really been trying to come up with, really kind of out-of-the-box ideas on how they can partner together on issues.	Relationships
Success Factors	41:27:00	. I think by, when we have, when we plan our conferences, we have a lot of meetings while we are planning and generally, the district engineer plans with us and also with the tribal people. And so, we develop those relationships. And I think it is developing that relationship that has really come a long way.	Relationships
Success Factors	41:57:00	He said I didn't know them I have to admit I was biased, he said but the meetings that we have had and working directly with the tribes, he said I just really have an appreciation and have really enjoyed and it and prior to that, he said because I didn't know, I didn't do it.	Relationships
Additional Info	57:04:00	one of the things that we do and I did upon meeting with the commissioner the first time and meeting with the upper management was stress the government-to-government relationship and that we weren't dealing with minority racial groups	Relationships
Planning Organization	7:00	and it became obvious to me that one of the things we could do to foster the government-to-government relationship would be just to sit down and have all the stakeholders in a room to talk about commonalities and ...what issues there are and maybe look for ways to resolve them without, you know, working together as opposed to working individually.	Relationships

Summits	6:20	The other thing is that we've been doing this for a number of years and each year the tone gets more cooperative. And so we get better at respectfully discussing our issues or concerns or problems and being solution oriented. The first couple of conferences you know weren't as easy because there weren't the relationships built and there wasn't a lot of trust, but the more that we do it and continue to do it, the better it gets.	Collaborative Frequency/ Relationships/ Trust
Communication	10:25	just that the consultation always happens at the highest level, but that we work on a staff-to-staff technical level until the tribal staff elevate it back up the their leadership.	Relationships
Tribal Liaisons	22:47	. And where the relationships are really good with our [name]DOT staff, then the tribe will work directly with them and sometimes I won't have any knowledge or involvement and that's actually great...when the relationship is on their own between our different offices are so good that they don't need the tribal liaison there	Relationships
Tribal Liaisons	24:00:00	. And then one of the things that's important as well is for me to get out and continue building those relationships because where we do have good relationships in the region, sometimes it can be a long time before I even meet with the tribe because things are going so well, but that's a problem for me because like I say, if you haven't seen someone in two years, you're like, 'o yeah, remember me?' and that's not good so I have to try and keep up my relationships as well.	Relationships
Communication	26:10:00	And you know, I always try to make it a point to talk to the tribal leaders there so that we can build those relationships	Relationships
Training	33:30:00	culturally I am already familiar with the community. What we do for the rest of staff is we have, we contract with the person that does the training from the governor's office of Indian affairs and we offer training in each of our regions. Kind of a government-to-government relations training and it's a full day training...to all of our staff. A	Relationships
Success Factors	41:50:00	I think that, I think that one of things that was really, that could have gone a long way with that project is understanding, is having relationships first of all, like with the tribal leadership and with the tribal staff	Relationships

Success Factors	55:35:00	I mean, I guess I can't, you can't emphasize enough, relationship building and just being, having integrity and being open and relationship building. I think just fundamentally, you know, that's gonna take you everywhere. Even when you have good relationships, consultation might not be easy, because you might have a different perspective or different missions or different things like that. But if you don't have those relationships, you know, that is where I see the real problems occurring.	Relationships
Communication	26:53:00	And until ours get really big, like the Port Angeles Graving Dock project...we had no relationship with that tribal leadership prior to that project, you know, falling apart on us. So...and all the problems with that project. So that's something where, you know,	Relationships
Success Factors	47:13:00	So you know, we are not just meeting with the technical staff, we are meeting with leadership as well so that as a project continues and as the additional decisions have to be made that we have built relationships and we are building trust with that approach rather than, you know, trying to meet onsite with people that you don't know and don't have a relationship	Relationships/ Trust

*Used for record keeping purposes

C.2 LEADERSHIP AND MANAGEMENT ACTION

Topic	Transcript Time	Transcript	Theme
Consultation Format	8:56	... DOT and our ...a regions of federal highways, of our federal highway administration, we have hired into a programmatic agreement with many of the tribes that have expressed interest in the state of north Dakota.	Leadership and Management Action
Consultation Format	10:15	what we have established through a programmatic agreement is a way of handling our tribal consultation. And we do this primarily through a tribal consultation committee.	Leadership and Management Action
Confidentiality	42:24:00	our upper management that we have taken the stance that if it's important to the tribes, it's important to us and they don't need to prove that it's, that it qualifies as a historic property for us to try to avoid it and what that	Trust / Leadership and Management Action
Tribal Liaisons	4:25	and at the first conference we signed a accord with the 11 tribes, ... Dot and our office. Kind of an over arching agreement on how we were going to consult and coordinate with the tribes on tribal transportation issues.	Leadership and Management Action
Meetings and Format	5:30	The governor issued that Executive Order I think it's referenced in the document...the report I provided...to improve those intergovernmental relationships between the state and the tribe on a state-wide basis.	Leadership and Management Action
Meetings and Format	7:40	and it wasn't until the governor issues the executive order that they actually provided a policy model that they felt that the state agencies could use to be the basis of their internal policies. And so the policy that we ended up with was one that is internal to ...DOT personnel, mainly, where we are working to institutionalize those point of policy are listed in that document so that ...DOT personnel can comply with those and by doing that, can work to improve our intergovernmental relationships with the tribes, specific to transportation.	Leadership and Management Action
Tribal Consortium	31:21:00	: ... does acknowledge that we have the consultation policy in place so it's government-to-government and we do need to work directly one-on-one with the tribal governments themselves on certain issues so they will step back and they may communicate something to us like a liaison agency to let us know that this issue came up and you should contact this person to follow up and find out what the issue is and how it	Leadership and Management Action

Success Factors	40:40:00	. And it's got to come from the top. It's got to come from the governor and on down. I would guess when this fist started that probably the governor and the commissioner felt it was a good idea	Leadership and Management Action
Success Factors	39:50:00	but we had governor and actually, the top people within the state, recognized that there is a need, that we need to work together.	Leadership and Management Action /Collaborative Frequency
Success Factors	38:10:00	Our department of transportation we've got...it's just an attitude that comes from our commissioner, our governor...we work together to get things done. We work in partnership. Partnership is a big word in Minnesota.	Relationships/ Leadership and Management Action
State Programs	2:00	.And it's based upon kind of a true government-to-government relationship and it started before we ended up with an actual state law that established government-to-government relations with our federally recognized tribes. But it was recently codified in ... into state law as well	Collaborative Frequency/ Relationships / Leadership and Management Action
State Programs	5:12	There is also, and this is unique to..., and this is under our government-to-government law, there's a different policy level structure built around what we call clusters.	Leadership and Management Action
State Programs	3:10	So philosophically, and this started a long time ago, it started at least 1994, we had some changes in state law that required tribal review and approval of any state issues archaeological excavation permit.	Leadership and Management Action/ Collaborative Frequency
Communication Strategies	4:09	At some point, probably in 2001, I'm guessing, that's when we started thinking about, well maybe we ought to...we've been doing this for several years...maybe we ought to pursue programmatic agreements with each of the tribes that we consult with on...what they want to see, how they want to see it, how we should interact, what their biggest interests were, etc.	Leadership and Management Action
Communication Strategies	6:10	And so the, our programmatic agreement on how to conduct consultation under the national historic preservation act NEPA to a certain extent was designed by the people involved by all of the tribes.	Leadership and Management Action
Communication Strategies	6:45	. And we have been operating under the programmatic agreement, which has been signed by 9 reservations, by 9 tribal chairmen, and by our DOT director and the federal highway ... division director.	Leadership and Management Action

State Processes	52:00:00	And it is the first programmatic agreement that the advisory council on historic preservation has promoted within their own organization as an excellent example. It's being touted nationally and it continues to be a really effective process for all of us.	Leadership and Management Action
Communication Strategies	1:22	Communication strategies. We have...when we...my communication with the tribe is in regard to the national historic preservation act or at least was first, an issue related to the 1992 amendments to the national historic preservation act and the resulting regulatory changes which came about in 1998. And from our perspective, we approached management at our DOT and at federal highway about being proactive in that communication and about pursuing the heart and intent of the changes in the law rather than minor ways to minimally, perhaps, to try to satisfy the intent of the law.	Relationships / Collaborative Frequency/ Leadership and Management Action
Success Perception	21:30	I think they're doing the best that they can in complying with their mandates,	Leadership and Management Action
Coordination Strategies	2:00	and so, at that summit, we signed an accord, and it was with the intention of working together, pretty simply that. But it spelled out that we would meet once a year to talk about our issues	Leadership and Management Action
Summits	6:12	s. And what we did, is we co-drafted an accord, that we had a signing ceremony at that event. We had our commissioner there and we had tribal chairs there and all but one tribe was there o sign. Out of 11 tribes, we had 10 tribes signing.	Leadership and Management Action
Additional Info	52:02:00	One of the things that we have worked on, different things, is formal agreements and more in the MOU type area	Leadership and Management Action
Additional Info	53:30:00	We also have that accord. And then subsequent to that accord, our governor signed a government-to-government executive order so those are thins that we work on.	Leadership and Management Action
State Programs	0:05	Washington state is a little bit special because we have an agreement... that the Governor signed with a number of tribal leaders, the majority of tribal leaders, in ... called the [agreement name] and it's a commitment to working on a government-to-government basis and mutual respect of each other's sovereignty – the state and the tribes – and that helps...and every Governor since then has reaffirmed that.	Leadership and Management Action

State Programs	3:00	We follow that, we have a number of programmatic agreements with tribes, and we invite tribes to sign project-specific programmatic agreements and memorandum of agreements.	Leadership and Management Action
Project Complexity	30:20:00	one of the things that we just reissued, our secretary just reissued our Executive Order on tribal consultation	Leadership and Management Action

*Used for record keeping purposes

C.3 COLLABORATIVE FREQUENCY

Topic	Transcript Time	Transcript	Theme
Success Factors	52:22:00	Well, I can't say enough about the relationships that we've built both between agencies and tribes, but also on the personal level. I call a lot of these people my friends now and that does wonderful things when you have to do business with people, to have that personal level of understanding and relationships built over the years.	Relationships/ Collaborative Frequency
Tribal Liaisons	4:13	So it started out with, we had our first tribes and transportation conference which occurred, I think in 2002.	Collaborative Frequency
Success Factors	50:30:00	And I think that we have been working and really getting to know and understand the tribes and trying to understand their perspective and trying to explain our perspective since the early 2000s	Collaborative Frequency
Planning	7:45	I know another effort is that ... tries to arrange yearly meetings with the commissioner, ...dot commissioner and the tribal councils. These are individual tribal meetings with each of the tribes to talk about issues and	Collaborative Frequency/ Relationships
Arizona Partnering Team	2:50	I think it's been probably almost ten years since we started this group. During that whole time, they've participated off and on.	Collaborative Frequency
Arizona Partnering Team	9:43	The top priority recommendations that were made through those regional forums, and so we initiated the statewide forum on an annual basis about three years ago, so the one we're having this year in May is probably going to be the third statewide forum that we have had. And we hope to continue to do that...to conduct that forum on an annual basis because we know it is beneficial to the tribes whereas before there was really no other statewide methods in which tribes could hear what is happening in the state level on programs in different areas of transportation that impact them, aside from of course sending out information to our tribal contacts.	Collaborative Frequency
Outreach	45:37:00	one where we had the most concerns with, with regards to issues that have come up and it's mainly because of the history as far as when the interstate was put in and it cost the reservation. There were some concerns that were raised with regards to that and it just kind of, it still lingers, it	Collaborative Frequency

Employee Relationship	15:21	Well, I've been within my position now for about, well over ten years. It was started when I was her. I assume there was some relationship with my predecessor, but probably now as strong as it is now. I just think it has gotten much much better especially since... came on board and the ... council. I think it's just gotten much stronger.	Collaborative Frequency
Success Factors	39:50:00	but we had governor and actually, the top people within the state, recognized that there is a need, that we need to work together.	Legislation/ Collaborative Frequency
State Programs	4:11	So we started a regular routine outreach effort. A lot of that just started with routine meetings...here's our business, here's how we work, here's our projects, here's our time lines. That eventually evolved into quarterly standing meetings with all of our federal tribal partners. And	Collaborative Frequency
Success Factors	34:25:00	I know that the work is..it needs to be ongoing, we have to try to keep it fresh.	Collaborative Frequency
Success Factors	34:40:00	the efforts are ongoing and meaningful and taken seriously.	Collaborative Frequency
State Programs	2:00	. And it's based upon kind of a true government-to-government relationship and it started before we ended up with an actual state law that established government-to-government relations with our federally recognized tribes. But it was recently codified in ... into state law as well	Collaborative Frequency / Relationships / Legislation
State Programs	3:10	So philosophically, and this started a long time ago, it started at least 1994, we had some changes in state law that required tribal review and approval of any state issues archaeological excavation permit.	Legislation/ Collaborative Frequency
State Programs	7:30	I'm more of an information resource that's based around just the years that I've been able to build, and build relationships with tribal members and the work that I have done with them.	Relationships/ Collaborative Frequency
Communication Strategies	1:22	Communication strategies. We have...when we...my communication with the tribe is in regard to the national historic preservation act or at least was first, an issue related to the 1992 amendments to the national historic preservation act and the resulting regulatory changes which came about in 1998. And from our perspective, we approached management at our DOT and at federal highway about being proactive in that communication and about pursuing the heart and intent of the changes in the law rather than minor ways to minimally, perhaps, to try to satisfy the intent of the law.	Relationships/ Collaborative Frequency / Legislation

Confidentiality	34:34:00	We have, over a process of 11 years, established relationships of trust and respect and that has been one of our main goals.	Relationships / Collaborative Frequency / Trust
Program Improvement	22:48	It's a long process, it's been going back, I don't know, it's been going back to the early or mid 70s when the state of Oregon finally got its act together and started through the governor's office was really instrumental in putting pressure on the department heads or the agency heads, you know, we're here to serve all the people and that includes Indian people, so and Indian lands. S	Collaborative Frequency
Coordination Strategies	1:30	So each year, since ..., that was our very first summit and then each year after that we have had conferences.	Collaborative Frequency
Meetings	8:50	We have planner to planner, project manager to Indian employment, commissioner to councils, district engineer to councils.	Collaborative Frequency
Success Factors	39:31:00	What has really been successful is starting out with our conferences and having that conference.	Collaborative Frequency
Additional Info	53:16:00	Once it is institutionalized, then as far as ...DOT goes, we know what our marching orders are in order to accomplish those	Collaborative Frequency
State Programs	0:15	[year] called the [agreement name] and it's a commitment to working on a government-to-government basis and mutual respect of each other's sovereignty – the state and the tribes – and that helps...and every Governor since then has reaffirmed that. And we are getting ready in June to celebrate the twentieth anniversary of that.	Collaborative Frequency
Summits	3:12	then every other year we have a tribal/state transportation conference	Collaborative Frequency
State Programs	18:45	Absolutely, and not just history but continuity. If you go and meet someone but then you don't see them for three years, they might not remember you. So, meeting on somewhat of a regular basis, whether that's once a year, or maybe you have enough projects that that prompts enough meetings that'	Collaborative Frequency
Tribe Organization	28:43:00I think one of things we are trying to achieve is consistency by being more coordinated internally, you know, so that if someone brings one issue to your attention	Collaborative Frequency
Summits	6:20	The other thing is that we've been doing this for a number of years and each year the tone gets more cooperative. And so we get better at respectfully discussing our issues or concerns or problems and being solution oriented. The first couple of	Collaborative Frequency/ Relationships/ Trust

		conferences you know weren't as easy because there weren't the relationships built and there wasn't a lot of trust, but the more that we do it and continue to do it, the better it gets.	
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*Used for record keeping purposes

APPENDIX D: POST-VALIDATION STUDY MATERIALS

SUMMARY OF THE RESEARCH STUDY PROVIDED TO RESPONDENTS

Background: The research study on “Establishing a Collaborative Environment between Transportation Agencies and Tribal Communities,” investigated the role of intergovernmental networks as tools for collaboration between stakeholders on projects affecting tribes. Results of the study categorized levels of intergovernmental implementation and corresponding levels of collaboration among stakeholders, and identified three determinants of intergovernmental networks and the creation of the collaborative environment.

Objective: This short survey is designed to post-validate the results of the study. You were one of the interviewees who provided comments leading to the current results. We would encourage you review the following definitions, answer and return the one-page survey.

Interim Results: The analysis showed a trend of increased collaboration with a higher level of intergovernmental network integration. This trend illustrates the benefit of intergovernmental work as a high level of collaboration comes with it. In the case of four states that have fully integrated intergovernmental networks and achieved a high level of collaboration, three determinants of intergovernmental networks and collaboration were found. Those determinants were: (1) Leadership and Management Action, (2) Relationships, and (3) Collaborative Frequency. These factors, when engaged in an iterative process allow successful intergovernmental work and collaboration. The collaborative process is an iterative cycle. Management action, history, and

relationships are dependent of each other. They do not occur simultaneously or in chronological sequence, but rather, in an iterative process toward creating collaboration among stakeholders. Continuous work in this iterative process creates trust among parties and project success can be achieved. Additional information on these factors is provided below.

Leadership and management action was defined as a product of any combination of three types of action, which include (1) the normative establishment of collaborative process, (2) coercive action, and (3) formal agreements signed by stakeholders. Leadership and management action establishes a government-to-government relationship between the state and consulting tribes, recognizing tribal sovereignty. It also calls to action state agencies and departments, requiring consultation and collaboration through state law. Stakeholder relationships are contractually defined with the signing of formal agreements among parties.

Relationships were defined as the second determinant of intergovernmental work and collaboration. When parties are able to build both professional and personal relationships, intergovernmental work on transportation projects becomes a much more successful process. Results indicate that in the case of tribal involvement on transportation project, professional and personal relationships are considered one and the same. Professional relationships establish stakeholders as partners and enable the ability of stakeholders to make business decisions. Personal relationships allow stakeholders to better understand each other's viewpoint and encourage stakeholders to seek solutions to transportation issues that are of the most benefit to all parties

involved. The integration of personal relationships into current business models was also identified as an important factor in collaboration on projects.

Success and collaboration can only be achieved over time and with continuous effort, as is indicated by collaborative frequency. States that have established intergovernmental networks and a collaborative environment began the consultation process and obtained leadership and management support at least a decade ago. Continuous work with tribes allows for the building of relationships, trust and collaboration between parties.

RESPONSE FORM PROVIDED TO RESPONDENTS

Response Form

1 ————— 2 ————— 3 ————— 4 ————— 5 ————— 6 ————— 7
Strongly Disagree Disagree Moderately Disagree I don't know. Moderately Agree Agree Strongly Agree

Please use the following scale to rate the statements regarding the research results.

Statement No.	Rating	Comments/Feedback

Statements:

1. Collaborative frequency* is a determinant of successful collaboration between transportation agencies and tribal communities.
2. Leadership and management action* is a determinant of successful collaboration between transportation agencies and tribal communities.

3. Relationship building* is a determinant of successful collaboration between transportation agencies and tribal communities.
4. Each of the three determinants must occur in a continuous, iterative cycle to enable collaboration.

**APPENDIX E: INTERGOVERNMENTAL NETWORK AND
COLLABORATION CLASSIFICATION SAMPLE RAW DATA**

		Intergovernmental Network Category		
		Fully Integrated	Partially Integrated	None
Level of Collaboration	High	"I'd say by and large, and I'm not bragging, I think we do a super good job. "		
		"you know, what we really strive hard to do is to make sure we've got an ongoing adult relationship. Strong tribal consultation doesn't mean that we it the tribes' way all the time, but is sure means we put the time and the energy into working on the issues and coming up with responsible solutions. "		
		Well, this is going to sound like I'm bragging. I don't mean to, but the problem that ... solved was not an DOT problem. It was a state... problem. And ..DOT was the poster child for how to work with the tribes in a meaningful ongoing fashion and the frustration that the tribes were having with the lack of attention from the remainder of the state because no one really understood what or why they should be engaged or involved on a regular basis. I'm...we didn't do it for altruistic reasons, we did it as I mentioned earlier, as just a business decision that if we didn't engage with the tribes, we weren't gonna get our permits in place and a timely fashion to do the required work	Interviewee stated: There are no problems with relationships between tribal transportation stakeholders. "Everybody gets along." State DOT is one of the best at tribal involvement . Tribes, county and state constantly pooling resources and efforts to complete projects to all stakeholders' benefit.	

	together with the tribes for salmon recovery efforts across the state. The successes are many. I'd say the ongoing problems are few. I can't really speak for another agency in terms of specific problems they had. We were way ahead of the game.		
Medium		"I really have taken a lot of time, as have our regional coordinators, to spend time in the communities and try to get to know people. Because a lot of times, tribal folks, they just want to know you. ...And I think that has been helpful."	"... program right now is 'effective enough' as it is."
		"It's one of those situations where, if we are not able to come to a point with the tribe where the tribe feels good about the project and feels goog about some of the mitigations efforts that are underway to mitigate some of their issues, we will not do the project, period...The flip side is if the project doesn't happen, then it could be 10 to 15 years before we ever look at that road again. And at the end of the day, it is the local community that suffers. So, it definitely is a balancing act and tribes in some cases can really dig in their heels, and in some cases, they should dig in their heels and it is completely appropriate that they dig in their heels. In other cases, I think sometimes I see the tribes digging in their heels and making some issues deal breakers that I really think we can work through, but they...it's either our way or no way at all. And we have taken the stance that...if we cannot resolve the issues with the tribes, we will not do the project."	Interviewee stated that: DOT and tribes have come to understanding that the state respects the nation status of tribes and the tribes are comfortable with the DOT taking the lead. Early on in the process, the state sat down with the tribes and asked how to make the consultation process easier. While some areas are werll defined, the state has not created the level of relationship necessary to talk about traditional cultural properties or sacred places. They are not "that far in the trust relationship."

Low			"Tribes ... have been ignored for a really long time."
			"While we have ... federally recognized tribes, the state ... does not recognize those tribes as governments."
			"The state takes the 'hands off' approach or they grind things down to a halt."

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