



TRIBAL RELATIONS HANDBOOK

A Guide for State Employees on Preserving the State-Tribal Relationship



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Dear State of Montana Employee:

It is my pleasure to present the revised Tribal Relations Handbook, a guide for state of Montana employees on preserving the State-Tribal relationship. I hope you find it useful in your day-to-day work with tribal governments and Indian people.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Schweitzer". The signature is stylized with a large initial "B" and a long, sweeping underline.

BRIAN SCHWEITZER
Governor

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I. PURPOSE OF THIS HANDBOOK

By the time Montana entered statehood in 1889, tribal cultures flourished in these lands for many millennia. Indian nations have a long history here, and will continue to play a vital role in shaping the future. The State of Montana is committed to strong tribal relations, guided by the principles of:

- mutual understanding and respect;
- regular and early communication;
- cooperation and collaboration;
- accountability in addressing issues of mutual concern; and
- preservation of the state-tribal relationship.

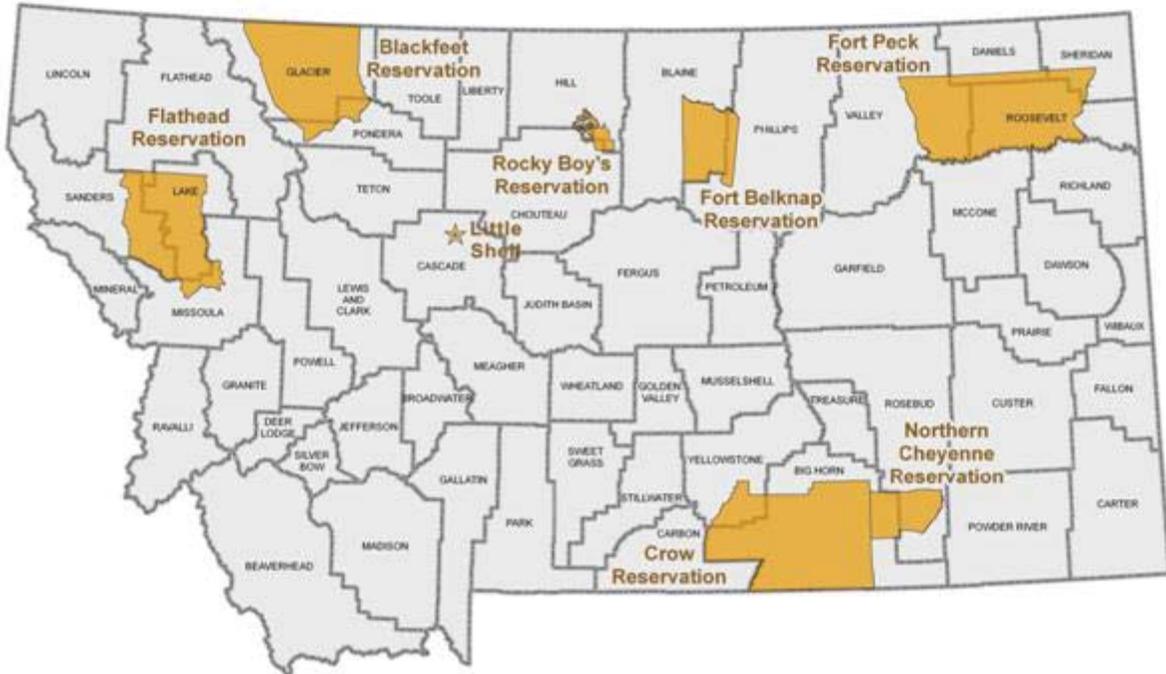
These principles are reflected in state law. §2-15-142, MCA. This Handbook, produced by the Montana Governor's Office of Indian Affairs, is for the purpose of assisting state employees to understand and implement these principles in their work with tribal governments and Indian people.

II. MUTUAL UNDERSTANDING AND RESPECT

Fundamental to working effectively with a tribal government or Indian people is an understanding of the history, culture and present concerns of individual Tribes. Tribes are very different from each other, and state employees who work with Tribes should take the time to educate themselves about their unique characteristics.

As a starting point, this Handbook provides basic background information on each of the eight tribal governments located within Montana.

A. Map of Indian Reservations Located in Montana



BLACKFEET RESERVATION

Home of the Blackfeet Nation headquartered in Browning, Montana

FLATHEAD RESERVATION

Home of the Confederated Salish, Pend d'Oreille & Kootenai Tribes headquartered in Pablo, Montana

FORT PECK RESERVATION

Home of the Assiniboine & Sioux Tribes headquartered in Poplar, Montana

NORTHERN CHEYENNE RESERVATION

Home of the Northern Cheyenne Tribe headquartered in Lama Deer, Montana

CROW RESERVATION

Home of the Crow Nation headquartered in Crow Agency, Montana

FORT BELKNAP RESERVATION

Home of the Gros Ventre & Assiniboine Tribes headquartered in Fort Belknap Agency, Montana

LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA

Recognized by the State of Montana

ROCKY BOY'S RESERVATION

Home of the Chippewa Cree Tribe headquartered in Rocky Boy Agency, Montana

B. Background Information on the Eight Tribal Governments Located in Montana

Blackfeet Nation

The Blackfeet Reservation, headquartered in Browning, encompasses approximately 1.5 million acres and is also the largest Indian population in Montana.

The reservation is home to 50% of the 16,877 enrolled members.

This Reservation is home to the Blackfeet (Pikuni or Southern Piegan) and combined with their three counterparts in Canada make up the Blackfoot Confederacy (Northern Piegan, Kainai Nation and Siksika Nation). The tribes call themselves “Niitsitapi” meaning “original people.”



Chippewa Cree Tribe

Home to the Chippewa Cree Tribe, the Rocky Boy’s Reservation is headquartered in Rocky Boy’s Agency and encompasses approximately 122,000 acres.



The reservation is home to approximately 60% of the 6,390 enrolled Chippewa Cree tribal members.

The name "Rocky Boy" was derived from the name of a leader of a band of Chippewa Indians. It actually meant "Stone Child," but it was not translated correctly from Chippewa into English, and "Rocky Boy" evolved. The tribe calls itself “Ne Hiyawak” meaning “those who speak the same language.”

Confederated Salish & Kootenai Tribes

Headquartered in Pablo, the Flathead Reservation has a land base of approximately 1.3 million acres.

The reservation is home to over 65% of the 7,843 enrolled Confederated Salish and Kootenai tribal members.

The Flathead Indian Reservation is home to the Bitterroot Salish, upper Pend d'Oreille and Kootenai Tribes.

The name the Salish people used to describe themselves is "Sqelix^w" and the Kootenai call themselves "Ktunaxa."



Crow Nation



The Crow Reservation, headquartered in Crow Agency, is the largest reservation in Montana encompassing approximately 2.2 million acres.

The Crow Tribe has a membership of 12,948 of whom almost 70% reside on the Crow Indian Reservation.

The tribe is originally called "Apsáalooke," meaning "children of the large-beaked bird." White men later misinterpreted the word as "Crow."

Eighty-five percent of tribal members living on the reservation speak Crow as their first language.

Fort Belknap Assiniboine & Gros Ventre Tribes

The Fort Belknap Reservation, headquartered in Fort Belknap Agency, has a land base of 652,000 acres.

There are 6,933 enrolled tribal members, of whom 50% live on or near the reservation.

The reservation is home to two Tribes, the Assiniboine and the Gros Ventre.

The Assiniboine refer to themselves as “Nakoda” meaning the “generous ones.” The Gros Ventre call themselves “A-A-NI-NIN” meaning “white clay people.”



Fort Peck Assiniboine & Sioux Tribes

The Fort Peck Reservation, headquartered in Poplar, is the second largest reservation in Montana covering over two million acres of land.



There are an estimated 12,547 enrolled tribal members, of whom approximately 60% reside on or near the reservation.

The Fort Peck Reservation is home to two Indian nations, the Assiniboine & Sioux Tribes, each composed of numerous bands.

The Assiniboine refer to themselves as “Nakona” and the Sioux call themselves “Dakota.”

Little Shell Tribe of Chippewa Indians of Montana



The Little Shell Tribe of Chippewa Indians of Montana is a band of the Chippewa Indians recognized by the State of Montana.

The Little Shell enrollment total is 4,500 tribal members.

Northern Cheyenne Tribe

The Northern Cheyenne Reservation encompasses 440,000 acres of land, with Lame Deer serving as tribal headquarters.

Nearly 50% of the 10,075 enrolled tribal members live on the reservation.

The tribe calls itself “Tsis tsis'tas” meaning “the beautiful people.”



C. Annual Training for State Employees

The Governor’s Office of Indian Affairs facilitates an annual training for state employees on the legal status of Tribes, the legal rights of tribal members, and the social, economic and cultural issues of concern to Tribes. §2-15-143(1), MCA. State employees are strongly encouraged to attend the training. Information regarding the annual training is available online at <http://tribalnations.mt.gov/annualtraining.asp>.

D. Online Resources

Additional online state resources on Tribes, tribal governments and more can be found at:

- Governor's Office of Indian Affairs
www.tribalnations.mt.gov/resources.asp
- Montana Office of Public Instruction Indian Education For All (IEFA)
<http://www.opi.mt.gov/programs/indianed/IEFA.html>

III. REGULAR AND EARLY COMMUNICATION

Regular and early communication between the State and the Tribes is the foundation of meaningful state-tribal relationships. Both sovereigns engage in activities which directly impact each other. Proactive and ongoing communication about these matters prevents misunderstandings and contributes to the efficient functioning of both governments. The State of Montana encourages state-tribal communication in the following ways:

A. The Governor

The Governor meets and consults annually with tribal leaders. §2-15-143, MCA. During these individual tribal meetings, the Tribes and the Governor discuss rules and policies that impact tribal governments or people and potential solutions to any concerns that are raised. The Governor and his staff also travel extensively in Indian Country and maintain open communication with tribal leaders throughout the year.

B. The Montana Office of Indian Affairs

The Montana Office of Indian Affairs, established in 1951 by the state legislature as part of the Governor's Office, facilitates effective tribal-state communications with special attention given to the issues that Indian people face regarding their unique political status and as full citizens of the State of Montana. The Office of Indian Affairs is a liaison between the State and the Tribes and promotes economic development, environmental stewardship, education, support for social services, and enduring good will.

The State Director of Indian Affairs seeks consensus between the State and the Tribes on shared goals and principles, while serving the Governor’s cabinet, the state legislature, and the Montana congressional delegation as an adviser and intermediary in the field of Indian Affairs. §90-11-101–102, MCA.

In carrying out these duties, the Director:

- Maintains effective tribal-state communications;
- Meets with state agency directors on issues concerning tribal governments and Indian people;
- Acts as liaison for tribes and Indian people, whether the Indian people reside on or off reservations, whenever assistance is required;
- Reports to and advises the Governor’s cabinet and is a member of the cabinet;
- Reports to and advises the legislative and executive branches;
- Advises the Montana Congressional Delegation;
- Prepares by September 15 of each year a report to the Tribes of the state-tribal activities for the prior state fiscal years. § 2-15-143(4), MCA; and
- Serves on the following State advisory councils and boards: the State Tribal Economic Development Commission, American Indian Monument and Montana Tribal Flag Circle Advisory Committee, Montana Board of Veteran Affairs, and Interagency Coordinating Council and an advisory group on renaming geographic sites.

C. State Agencies and Departments

State agencies and departments work on the ground in Indian Country in all areas: human services, economic development, environmental issues, tax agreements, law enforcement and education.

Pursuant to state statute, agencies must submit a report to the Governor’s Office by August 15 of each year, detailing these activities. § 2-15-143 (3), MCA. Tribal Relations Reports are posted online at <http://tribalnations.mt.gov/trreports.asp>. There is also a “State-Tribal Activities Database (STAD)” in which the major state-tribal cooperative work is recorded. The database is managed by the Governor’s Office, and state Agency personnel are responsible for inputting data and keeping the data current.

The information in the database is relied upon by the Governor's Office to prepare the annual State-Tribal Relations Report to Tribes, and to keep the Governor's Office fully informed of the major state-tribal activities year round. The data is also used by state agencies in their work with Tribes.

D. Communication Protocol with Tribal Governments

If state employees should need to contact the tribal chair/president directly, they should work with their department director and the Governor's Office of Indian Affairs for advice on proper protocol, as it varies from tribe to tribe. This may involve a request for authorization to work with appropriate tribal government staff.

Many state agencies have a tribal counterpart at each tribal government. For example, the Montana Department of Public Health and Human Services works closely with the respective Tribal Health Department of each tribe.

The initial correspondence should be addressed to the respective tribal chair/president.

Tracking Process:

- Mail letter of request or invitation
- Email the letter of request or invitation
- Fax the letter of request or invitation. If confirmation is a concern, make a follow up phone call.

In communicating with the Tribes, state agencies and departments are encouraged to consult with the Governor's Office of Indian Affairs with regard to specific questions or for advice. In general, when communicating with Tribes, the Office of Indian Affairs recommends the following:

- *Tribal Involvement with State Agencies or Departments*
 - The rule is to include Tribes **before** the pen hits the paper, not when it's time to sign in ink.
 - The goal with tribal governments is to include them early, invite them always, follow-up every time, meet with them regularly and ask them how to best work together.

- Quality Control: Make sure that your meetings offer a value that is worthy of every person's time, effort, and expense and applies to reservations, Tribes and tribal members.

- *Meetings with Tribal Leaders*
 - Create a welcoming environment.
 - Shake hands and introduce yourself. It is customary to shake hands with everyone in the room.
 - Include the option to begin your event with a prayer.
 - Provide the opportunity for all attendees to introduce themselves.
 - When elders speak, give them the courtesy of your patience and respect. Your regard of tribal elders is a reflection on your department and the state.
 - Offer refreshments, including diabetic diet guidelines.
 - Provide maps of the location of the meeting.
 - Provide handouts when possible.
 - Often, tribal leaders and tribal elders travel with family members. Be prepared to include them in the meeting area or designate a comfortable waiting area.
 - When possible, schedule conference calls and webinars to reduce travel expenses for the Tribes and the State.
 - Confirm meeting(s) a day or two before they are to occur.

- *Culturally Appropriate Gifts*
 - Choose gifts that are personal and reflective of the work and relationship.
 - It is appropriate to give gifts when you ask an elder or tribal leader to pray or sing tribal songs at an event or when you want to honor a person.
 - When in doubt, contact the Governor's Office of Indian Affairs for advice.

IV. COOPERATION AND COLLABORATION

Intergovernmental cooperation serves the interests of all Montana citizens while ensuring respect for the sovereign authority of both governments, state and tribal. The State-Tribal Activities Database includes hundreds of agreements or cooperative projects in effect between the Tribes and the State of Montana. The primary state statute which enables state-tribal cooperation is the *State-Tribal Cooperative Agreements Act*, §§18-11-101, *et seq.*, MCA. The Act promotes state-tribal cooperation with regard to mutually beneficial activities and services. The Act also provides for tax revenue sharing to prevent the possibility of dual taxation by governments while promoting state, local and tribal economic development. §18-11-101 (2)-(3), MCA.

Some examples of work undertaken pursuant to the State-Tribal Cooperative Agreement Act include:

- *Human Services*: Title IV-E Foster Care; Montana Tobacco Use Prevention Program; Temporary Assistance for Needy Families; Low Income Energy Assistance Program; Women, Infants and Children Nutrition Program; Medicaid Eligibility Determination; Medicaid Administrative Match; Emergency Preparedness, etc.
- *Transportation Infrastructure*: Tribal Employment Rights Ordinance Memorandums of Understanding/Highway Construction Project Specific Agreements.
- *Tax Revenue Sharing*: Motor Fuel – *see also* §§ 15-70-234 – 236, MCA; Alcohol; Tobacco; Oil and Natural Gas.
- *Fish and Wildlife Management*: Joint management and licensing agreements; joint technical committees which develop fish and wildlife management recommendation for state and tribal governments; and wolf depredation Memorandums of Understanding.

Other important state statutes which encourage State-Tribal cooperation include:

- Water Compacts, § 2-15-121, MCA; §§ 85-20-201, *et seq.*, MCA.
- Indian Education for All, §§20-1-501, *et seq.*, MCA.
- Treasure State Endowment Program, §§ 90-6-701, *et seq.*, MCA.
- Coal Board grants, §§ 90-6-201, *et seq.*, MCA.
- Hiring preference for state construction projects on the reservation, § 18-1-110, MCA.
- Hiring preference for state jobs within Indian reservations, § 2-18-111, MCA.
- State-Tribal Economic Development Commission, §§ 90-1-131 – 135, MCA.
- Jurisdiction on Indian Lands, §§ 2-1-301 – 307, MCA (implements PL-280 on the Flathead Reservation).

- Cigarette, tobacco products, and moist snuff sales tax -- exemption for sale to tribal member, § 16-11-111, MCA.
- Montana Procurement Act, §§18-4-401— 407, MCA, provides for cooperative purchasing and other agreements with tribal governments.
- Human Skeletal Remains and Burial Site Protection, §§ 22-3-801 – 811, MCA.
- Repatriation of Human Remains and Funerary Objects, §§ 22-3-901 – 921, MCA.
- Traditional Arts and Crafts Account, § 22-2-701, MCA. For the purchase of pieces by American Indian master artists.
- Full faith and credit for tribal court child custody and child support orders, § 40-7-135 (2); 40-5-103 (20), MCA. Cooperative agreements to enforce child support orders, § 40-5-264, MCA.
- Full faith and credit for tribal court domestic violence protection orders, § 40-15-402 (7).

V. ACCOUNTABILITY

Accountability in addressing issues of mutual concern is critical for the long-term success of the state-tribal relationship. The primary means of ensuring accountability is regular state-tribal communication and consultation. The implementation of state-tribal consultation policies and procedures at all levels of state government can help ensure that tribal leadership or their designees are involved early in discussing projects, policy and program changes. Further, the Montana Office of Indian Affairs produces an annual Tribal Relations Report, which includes an appendix of all state-tribal cooperative efforts. The appendix includes a state contact for every listed project or program. The easy availability of this information ensures that the state and tribal staff persons responsible for program implementation on the ground can contact each other directly. It is the obligation of state departments and agencies to maintain open and regular communication with the Tribes, and to be responsive to tribal requests for information.

VI. PRESERVATION OF THE STATE-TRIBAL RELATIONSHIP

In the same way that tensions can sometimes exist between friendly nations, the State and the Tribes will experience times of disagreement. Adherence to the fundamentals of the government-to-government relationship outlined in this Handbook becomes even more important during these times: mutual understanding and respect; regular and early communication; cooperation and collaboration; and accountability in addressing issues of mutual concern. A commitment to these principles will preserve the long-term strength of state-tribal relations, and reduce misunderstanding and unnecessary conflict.

VII. TRIBAL GOVERNMENT CONTACT INFORMATION

It is essential that state agency correspondence contains accurate tribal contact information including the current president/chair. The Governor's Office of Indian Affairs maintains a current list of tribal councils including downloadable mail merge documents in Microsoft Excel and Word at <http://www.tribalnations.mt.gov/tribaldirectory.asp>.

The following are official names and contact information of each executive governing body that the State of Montana maintains a government-to-government relationship with:

Blackfeet Tribal Business Council

PO Box 850 | All Chiefs Square
Browning, MT 59417
(406) 338-7521 Phone
(406) 338-7530 Fax

Chippewa Cree Tribal Business Committee

RR 1, Box 544, Rocky Boy Agency
Box Elder, MT 59521
(406) 395-5705 Phone
(406) 395-5702 Fax

Crow Tribal Executive Committee

PO Box 159 | Bacheeitché Avenue
Crow Agency, MT 59022
(406) 638-3715 Phone
(406) 638-3773 Fax

Confederated Salish & Kootenai Tribal Council

PO Box 278 | 42487 Complex Blvd
Pablo, MT 59855
(406) 675-2700 Phone
(406) 675-2806 Fax

Fort Belknap Indian Community Council

656 Agency Main Street
Harlem, MT 59526
(406) 353-2205 Phone
(406) 353-4541 Fax

Fort Peck Tribal Executive Board

PO Box 1027 | 501 Medicine Bear Road
Poplar, MT 59255
(406) 768-2300 Phone
(406) 768-5478 Fax

Little Shell Executive Board

(Contact the Office of Indian Affairs for contact information)

Northern Cheyenne Tribal Council

PO Box 128 | 600 Cheyenne Avenue
Lame Deer, MT 59043
(406) 477-6284 Phone
(406) 477-6210 Fax

VIII. GOVERNOR’S OFFICE OF INDIAN AFFAIRS CONTACT INFORMATION

Governor’s Office of Indian Affairs

State Capitol Building, Room 202
PO Box 200801 | 1301 E. 6th Avenue
Helena, MT 59620-0801

Web: www.tribalnations.mt.gov

Email: uia@mt.gov

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