



THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT

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Honoring our Ancestors: Chippewa Flowage Joint Agency Management Plan Lac Courte Oreilles Band of Lake Superior Chippewa Indians (Hayward, WI)

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In 2000, the Lac Courte Oreilles Band of Lake Superior Chippewa righted half a century of ineffective management of the Chippewa Flowage by signing a Joint Agency Management Plan with the Wisconsin Department of Natural Resources and the United States Forest Service. This Plan identifies not only the common interests that direct the management of the Flowage, but also the grim legacy of loss resulting from the flooding of Lac Courte Oreilles homelands and burial grounds. The Plan brings together three sovereign governments to preserve a valuable natural resource in a culturally appropriate manner.

The Chippewa Flowage, lying partially on the Lac Courte Oreilles Reservation, is Wisconsin's third largest lake. Speckled with over two hundred islands, the Flowage stretches across fifteen thousand acres. Its largely pristine shoreline curves through a patchwork of hills, valleys, and bogs. These lands are mostly wooded and offer rich habitat to most of the birds and animals indigenous to northern Wisconsin including eagles, deer, and walleye.

While the Chippewa Flowage is now regarded as a treasure of natural beauty and recreational opportunity, its creation marked a grim loss for the Lac Courte Oreilles Band of Lake Superior Chippewa. In creating the Flowage in the 1920 an endeavor motivated by the prospect of power generation the federal government authorized the flooding of a significant portion of the Lac Courte Oreilles traditional territory. These homelands included wild rice fields, hunting and fishing grounds, the village of Post, and tribal burial grounds. Unfortunately, the Tribe's vehement objections were ignored, and its lands were inundated. The Chippewa Flowage decimated the tribal economy, forced tribal members to relocate, and covered sacred cultural and ceremonial sites. Tragically, since the time of the flooding, Lac Courte Oreilles ancestors' remains have washed up onto the lake's shores.

Although the Flowage brought tremendous sadness to the Lac Courte Oreilles people, for years they sought to obtain the rights to manage the acreage bordering it. The tribal government eventually won these rights in the 1970s. Success in the courtroom, while satisfying, was only a partial win, however. The tribal government possessed neither the technical capacity nor sufficient governmental influence to manage the resource. Consequently, the Tribe shared the management of the Flowage with the state of Wisconsin and the United States Forest Service. State and federal interests were influenced by lessee landowners including timber companies, resorts, and non-tribal residents. In the absence of an effective mechanism for coordinating governance, the Lac Courte Oreilles' purposes were frequently frustrated by the state and federal governments' actions or, in many cases, inaction. In instances when individual businesses or owners threatened to develop the Flowage shoreline, for example, the Tribe could only hope that the state and federal governments would respond to its pleas for aid.

Although competing management over a natural resource is a serious, yet familiar, problem in Indian Country, the Flowage's complicated history presented a further challenge for the Lac Courte Oreilles. Over the years, the Flowage's reputation as a top muskellunge fishing lake and its attraction as a general recreational destination resulted in the increased management influence of the state and federal governments. These powerful non-tribal interests valued the Flowage for its aesthetic beauty and recreational uses. The Lac Courte Oreilles, in contrast, wanted to bring long-overdue honor to their ancestors' graves. Although economic and political realities made it challenging, the Tribe determined that the grim circumstances of the Flowage's creation needed to be brought to light and, further, that the Tribe needed to exercise its sovereignty by playing a key role in managing what had become a common resource.

In 2000, following twelve years of negotiations, the Tribe, the Wisconsin Department of Natural Resources, and the United States Forest Service signed the Joint Agency Management Plan for the Chippewa Flowage. The Plan, which is hailed as a model of intergovernmental cooperation, protects the Chippewa Flowage as a natural resource of compelling beauty while acknowledging its legacy as the site of a profound human tragedy.

One of the principle reasons that the Plan took root was that the three governments came together to identify common ground. The three governments recognized that each held an interest in maintaining the wilderness quality of the Chippewa Flowage and in preventing any development that might threaten this quality. In acknowledging this shared interest, however, the governments also recognized the validity of their varied interests and values cultural, aesthetic, and recreational. Therefore, the Plan incorporates a history of the Chippewa Flowage as well as baseline measurements of its resources to serve as a basis of understanding for the coordination of government management.

The Plan also outlines long-term management goals for the resources of the Chippewa Flowage area. These goals include policies that detail each government's responsibilities regarding the management of land and real estate, flowage area development, recreation, facilities development, water resources, shoreline erosion, fisheries, vegetation, wildlife, fire control, transportation systems, cultural resources, public health and pollution control, and law enforcement. Although there are many issues about which the three governments must make joint decisions, the comprehensiveness of the Plan does allow each government to undertake its specified management responsibilities with a great deal of independence. While the goals are shared, the management responsibilities are appropriately divided.

In addition, the Plan provides principles for coordinating management of Chippewa Flowage resources when issues arise that have not been addressed in the Plan's existing policies. In these instances, the governments have agreed to coordinate their management decisions through a consensus-based approach. Representatives from the three governments hold meetings to discuss pending decisions. These representatives, in turn, communicate with officials from their respective governments a system that fosters candid discussion among a small number of individuals while allowing information to flow upwards to decision makers smoothly. As importantly, the Plan allows for the continuing solicitation of public input as the governments themselves work toward consensus.

The Joint Agency Management Plan for the Chippewa Flowage has resulted in crucial successes. Through the Plan, the tribal, state, and federal governments have prevented two condominium developments, a proposal to rent houseboats, and a proposal to provide scuba diving tours to Lac Courte Oreilles burial sites. All of these proposals, if enacted, would have seriously compromised the Plan's and the Tribe's vision of how the Chippewa Flowage should look and be managed. In each instance, government representatives attended township meetings, zoning meetings, and county meetings to discuss the risks posed by such ventures to water quality, wildlife, fisheries, and cultural sites. At these meetings, the Plan's partners played a critical role in achieving

consensus against the proposals. These successes in consensus building are leading to additional successes. The Tribe is now working with Sawyer County to bring its zoning laws into accordance with the Plan. The Plan has proven itself to be a powerful force in guiding intergovernmental actions and, in doing so, generating support from other governmental and non-governmental agencies.

It is important to note that the Plan has succeeded both in coordinating the governments' management efforts and in ensuring that their varied interests are served. For instance, when it became clear that one of the defeated condominium development proposals would have required a septic barge to transport waste, all three governments argued against the proposal. The state and federal governments immediately expressed concern about water pollution; the Tribe voiced its objection to transporting sewage over burial sites. In the end, the proposal was rejected on the grounds that the condominium development would be environmentally risky and culturally inappropriate. Although the participating governments may have different interests, they are able to make unified decisions.

The success of the Joint Agency Management Plan of the Chippewa Flowage in blocking undesirable developments and unifying three governments in the pursuit of individual and common goals is the result of several factors. First, and, arguably, most importantly, the Tribe possesses a genuine commitment to intergovernmental coordination. This is a mature expression of sovereignty that reflects a self-determined decision to co-manage the Flowage. The Lac Courte Oreilles' anger and bitterness over the existence of the Flowage are still very real. However, when the Tribe recognized that its desire to preserve the Chippewa Flowage could only be achieved through the establishment of an intergovernmental management plan, it refused to act unilaterally. While the Lac Courte Oreilles were unyielding in their demand that the Plan acknowledge tribal sovereignty, they were cognizant that the state of Wisconsin and the federal government had legitimate jurisdictional claims as well. The Tribe's willingness to acknowledge other governments' authority inspired a similar willingness on the part of those governments. Now, with the full support of the Wisconsin Department of Natural Resources and the US Forest Service, the Plan's preface alerts readers to the injustices suffered by the Lac Courte Oreilles while the Plan states that "all parties recognize the treaty rights of the Chippewa." Representatives of the state and federal governments to the Plan have become staunch defenders of the Tribe's sovereignty. In establishing the Plan, the Tribe appropriately recognized that its own sovereignty would not be compromised by its willingness to acknowledge other governments' sovereignty. By making the sovereign choice to work cooperatively with these other governments, the Tribe has been able to achieve goals that it could not have achieved alone.

A second factor that contributes to the Plan's success is its institutionalization. The Plan's current effectiveness and its long-term sustainability are the result of the explicit articulation of tribal, state, and federal interests regarding the management of the Chippewa Flowage. The Tribe refused to depend on informal understandings that emerged over the course of its negotiations with partnering governments. Its insistence that the governments' shared vision be formally expressed in the Plan now allows the partnership to endure beyond the involvement of those individuals who offered critical leadership in its development. This is important, in part, because tribal, state, and federal government leadership positions invariably turn over. Already, the Plan has outlived all but one of the individuals who developed it. It is also important because the Plan serves as a tool of education for individuals who become involved with its implementation. Of course, the Plan is a dynamic document that responds to the current interests of its partnering governments, but its existence ensures that revisions to the coordinated management of the Flowage do not occur without their coordinated input. The Plan proves that, as tribes assert their sovereign rights to share management with other governments over precious natural resources, individual leadership is essential, but the institutionalization of the resulting vision is even more important.

A third factor in its success is the astounding effectiveness of the intergovernmental partnership that implements the Plan. This partnership between the Lac Courte Oreilles, the Wisconsin Department of Natural Resources, and the US Forest Service truly represents the pinnacle of coordinated management. Several distinguishing features set it apart from other intergovernmental partnerships. First, in the twelve years that this partnership was in development, the tribal, state, and federal governments not only sought to clarify their own interests, but to understand the interests of the public. The governments formed a task force that solicited public opinion through questionnaires, surveys, meetings, and citizen advisory committees. When the governments signed the Plan in 2000, it had already become a de facto agreement among many others. Further, the intergovernmental partnership benefited from the unique assets of each individual government. The Tribe was aggressive in offering those resources that only it could offer. For instance, the Tribe was able to initiate the nomination of the Chippewa Flowage to the National Register of Historic Places in order to add another layer of protection against unwanted development. This use of tribal resources to benefit all Plan partners cemented the partnership. Finally, while the Plan was being developed, the governments did not shy away from drawing upon outside expertise. The Tribe depended upon the Bureau of Indian Affairs and the Great Lakes Indian Fish & Wildlife Commission to enhance the Plan's viability. This willingness to draw upon outsiders' expertise did not imply weakness, but strength in self-governance. Now, as the partnered governments work to implement the Plan, they are not afraid to look beyond themselves to those parties who have helped them and may continue to do so. At every opportunity, the governments enlist the support of sympathetic resorts and individual owners in order to enhance their influence at local government meetings, zoning commissions, and other public forums in which development proposals are being discussed.

Through the Joint Agency Management Plan of the Chippewa Flowage, the Lac Courte Oreilles Band of Lake Superior Indians exercised their sovereignty to protect their homeland from further degradations. Perhaps the most important lesson to emerge from the Plan's success is that even those governments that have every historical reason not to work together may realize win-win solutions through a willingness to cooperate. Certainly, not every historical and contemporary wrong can be made right through cooperative agreements, but the Lac Courte Oreilles prove that sovereignty and intergovernmental cooperation are concepts that may work together well.

Lessons:

- Tribal governments may formalize their intergovernmental agreements in MOUs, MOAs, or other written documents. Such documents provide a record of commitment and thus secure institutional buy-in that endures beyond the initial involvement of good-hearted individuals.
- Intergovernmental partnerships can seek out and take advantage of the unique resources available to their individual governments. Tribes, for example, may leverage their ability to attract federal grants, designate special historical site status, and access technical expertise for the benefit of themselves and their governmental partners.
- Even tribal governments that confront serious challenges to their sovereignty may benefit from involvement in intergovernmental collaborations. Tribes that unhesitatingly assert their own sovereignty while acknowledging the sovereignty of other governments establish the basis for mature and productive intergovernmental interactions.