

### Wisconsin Tribal Consultation Process Case Study

Wisconsin's State agencies have a unique and effective system for communicating, collaborating, and consulting with the 11 Federally-recognized Tribes in the State.

One of these agencies, the Wisconsin Department of Transportation (WisDOT), is noted for consulting with Tribes through a variety of means, including regular consultation meetings, Tribal liaisons, the Tribal Historic Preservation Project, and the WisDOT Tribal Task Force. These efforts have helped to strengthen the agency's relationships with Indian Tribal Governments.

#### Strong Communication Clears the Way for Effective Consultation

WisDOT has established several processes to promote clear and effective communication with Tribal Governments in order to foster credibility, trust, and respect. One such activity is WisDOT's annual consultation meeting. The Wisconsin Secretary of Transportation and a representative from each Tribal Government attend the annual meeting, which is held at a different Tribal location each year. At these meetings, Tribes identify transportation priorities and the Secretary's office develops a matrix of transportation needs based Tribal priorities.



Wisconsin's annual consultation meeting brings together the WisDOT Secretary, Tribal Task Force members, Tribal leaders, and other WisDOT staff. (Courtesy of WisDOT)

In addition to the consultation meeting, WisDOT relies on its Tribal liaisons to strengthen communication between WisDOT staff and Tribal transportation professionals. WisDOT has two full-time statewide Tribal liaisons located at its headquarters and five regional liaisons that are responsible for promoting effective WisDOT outreach to the Tribal Governments with interests in each of the five WisDOT regions. The regional liaisons serve as primary points of contact, provide guidance to other regional WisDOT staff working with Tribes, and communicate Tribal needs with their statewide liaison counterparts. The regional liaison program allows WisDOT to engage with Tribal Governments on their lands, rather than requiring Tribes to travel to WisDOT headquarters, or requiring headquarters staff to travel to the Tribes.

#### The WisDOT Tribal Task Force and Tribal Historic Preservation Project

In 2005, WisDOT entered into a formal Tribal Partnership Agreement with the 11 Tribes in Wisconsin that

bolstered its Tribal consultation efforts and expanded upon its emphasis on effective relationships. The Partnership Agreement established the WisDOT Tribal Task Force, which functions both as a forum to discuss transportation issues and an advisory body that consults with WisDOT regarding any policies that may impact Tribal populations. The Task Force meets bi-monthly and includes WisDOT officials and appointed representatives from each of the 11 Tribes in Wisconsin.

The Tribal Partnership Agreement also established the WisDOT Tribal Historic Preservation Project for the purpose of identifying areas of concern regarding the care and treatment of historic properties. The project enables WisDOT to coordinate with Tribal Historic Preservation Officers (THPOs) on issues related to the cultural and environmental impacts of transportation projects and provides a framework for consultation under Section 106 of the National Historic Preservation Act. More broadly, the Tribal Historic Preservation Project

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provides opportunities for THPOs, WisDOT staff, and other stakeholders to strengthen their relationships through monthly meetings and an annual listening session held on Tribal lands.

Meetings of the Tribal Task Force and Tribal Historic Preservation Project are held at various locations around the State to facilitate Tribal attendance. WisDOT also encourages attendance by funding the representatives' travel expenses. Much like the statewide and regional liaison program, the Tribal Historic Preservation Project and Tribal Task Force promote open communication and build crucial personal relationships between WisDOT and Tribal staff, which ultimately result in highway projects that are sensitive to Tribal concerns.

### **Consultation Facilitates Reconstruction of Highway 47**

Strong mechanisms for communication meetings and on-going participation in the Tribal Historic Preservation Project have laid a strong foundation for collaboration between WisDOT and the Lac du Flambeau Band of Lake Superior Chippewa in North Central Wisconsin. As a result of clear communication and a structured consultation process, construction projects on the Lac du Flambeau Reservation successfully integrate Tribal needs and transportation concerns. The recent reconstruction of a 4.5-mile segment of Highway 47, for

example, addressed Tribal needs from its earliest stages, while also completing a major overhaul of a busy roadway.

Through a land use application process that involved proactive coordination with the THPO, Tribal natural resources staff, and others at the Lac du Flambeau Tribe, WisDOT and Tribal staff identified several areas of concern for the construction of Highway 47, including: impacts to historic sugar bush, disturbance of a reported burial site, and the effect of a temporary road closure on Tribal members. To address archaeological and biological concerns, the Tribe assigned staff to act as Tribal monitors during construction and WisDOT incorporated special provisions, such as snow fencing to protect plant life, into its contracts and permits. When complete, the Highway 47 project will also provide additional sidewalks and illumination to accommodate pedestrian traffic between the Lac du Flambeau Elementary School, Tribal government offices, and other destinations in the town of Lac du Flambeau.

### **Lessons Learned**

WisDOT has worked to strengthen its Tribal consultation processes in several key ways. The agency's five regional Tribal liaisons ensure that each Tribe has a close, personal relationship with their main point of contact for transportation issues. WisDOT's annual Tribal consultation

meeting ensures that agency leadership is aware of Tribal transportation needs and priorities. Finally the Tribal Historic Preservation Project and Tribal Task Force provide important mechanisms for the agency to solicit input on policies that may affect the State's Tribal communities. With its Tribal consultation programs firmly in place, WisDOT is able to continuously receive and share accurate information on upcoming projects, which helps to maintain WisDOT's consistent and positive relationships with Tribal staff. Ultimately, WisDOT's strong Tribal relationships increase Tribal satisfaction with transportation policies and facilitate the delivery of transportation projects that support Tribal needs and expectations.

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