

**Waganakising Odawa
Tribal Council
Land and Reservation Committee**

Progress Report to Indian Land Tenure Foundation

November 6, 2008

Executive Summary

While the development of a Waganakising Odawa Land Strategic Plan has been a work in progress for several years, the importance and recognition that such a plan was imperative for our Nation to move forward, was again brought to light when Tribal Council passed, and the Executive Branch concurred with, the Waganakising Odawa Statute 2008-02 “Land and Reservation” Statute. This statute created the ‘Land and Reservation’ Committee (hereinafter the “Committee”), who were given the duty to ‘develop a strategic plan for Land and Reservation that outlines the goals and objective for the next two to five years...’.

The Committee applied for and received a grant from the Indian Land Tenure Foundation of Little Canada, Minnesota, in the Spring of 2008. The grant was approved to conduct a three-day training/workshop to learn strategic land planning. The purpose of the workshops was to provide the necessary information to create a strategic plan that embraces three important aspects of land planning: leadership vision, staff direction, and community consent.

The first of the three-day workshops was held on Monday, August 11, 2008, at the Odawa Hotel in Petoskey, Michigan. The purpose of this first day was to have an open discussion with Tribal leadership, Little Traverse Bay Bands of Odawa Indians (LTBB) staff that would be impacted by the development of a strategic land plan, and key presenters. The agenda for the two-day training sessions was confirmed at this meeting. The two-day training session was held on Monday-Tuesday, September 8-9, 2008, at the Odawa Hotel. The two-day training session included Tribal leaders, LTBB staff members, and citizens interested in the development of a strategic land plan.

During the two-day training session, Planning Director Bryan Gillett led the attendees through a process known as a Nominal Group Technique. Through this decision-making method, a list of land priorities was developed detailing the types of land concerns the attendees had and would like the Tribe to pursue. They ranged from ‘buy anything’ to ‘culturally-sensitive’ areas.

Because more input was desired from citizens that could not participate in the training sessions, a survey was developed utilizing the ‘land’ categories derived from the nominal group technique. The survey is to be mailed to each of the 2300+ homes of Waganakising Odawa families. From the results of the survey, the Committee will be able to better know the direction in which to lead the Tribe in land re-acquisition.

From the feedback received from the training sessions and from the results from the returned land survey, a Strategic Land Plan will be developed which will allow LTBB to move forward

with the Leadership providing the vision, staff having been given direction, and the community having given its consent for the re-acquisition of the Odawa homelands.

Introduction

It has been general knowledge that since the reaffirmation of the Little Traverse Bay Bands of Odawa Indians in 1994 that we were re-recognized as a sovereign nation, but we were without ownership of our homelands. While our territory encompasses “all lands and waters within the Reservation as defined in Article III (H)” of our Constitution, which was adopted by the Tribal Membership on February 1, 2005, “and any other lands which are now and hereafter owned or acquired by the Little Traverse Bay Bands of Odawa Indians or held in trust for the Tribe by the United States,” it is further recognized, and courts have confirmed, that while the LTBB Constitution states “the jurisdiction of the Little Traverse Bay Bands of Odawa Indians shall extend to territory set forth in Section (A) of this Article ...” (of the LTBB Constitution), our jurisdiction is limited to the lands that we own and are in trust with the United States.

With the adoption of the new LTBB Constitution, three separate branches of government were formed, each delegated with certain powers of authority. The Tribal Council, the legislative branch of the government, was given additional powers, including the powers to:

- Purchase, receive by gift, or otherwise acquire land, interests in land, personal property or other intangible assets which the Tribal Council may deem beneficial to the Little Traverse Bay Bands of Odawa Indians;
- Request lands be placed in trust with the United States for the benefit of the Little Traverse Bay Bands of Odawa Indians when the Tribal Council deems this beneficial to the Tribe;
- Approve land use plans and zoning of lands subject to the jurisdiction of the Little Traverse Bay Bands of Odawa Indians;
- Approve leases for Tribally owned land and lands held in trust for the Little Traverse Bay Bands of Odawa Indians by the United States subject to the approval of the Secretary of the Interior if required by Federal law; and,
- Approve all sales, or dispositions of Tribal lands, provided that such sale or disposition must also be approved by a majority vote by referendum, or by a quorum at an annual membership meeting.

In light of these ‘land’ related powers, the Waganakising Odawa Statute 2008-02 Land and Reservation was enacted in January 2008. This statute created the Tribal Council Land and Reservation Committee, which consists of three Tribal Council members.

The homeland (Reservation) of the Odawa consists of approximately 336 square miles of Northwestern Michigan’s Lower Peninsula, located in what is today Emmet County, though not encompassing the entire county, and a smaller northern portion of Charlevoix County. This area is recognized today primarily as a resort destination, with a population that is increasing at a rapid rate.

Objectives

In order for the development of a Strategic Land Plan to be realized, it was acknowledged that for it to be accepted, there were three components that had to be taken into consideration. One, the leadership of LTBB recognized that a sound approach must be developed, including a commitment by them to pursue the re-acquisition of LTBB homelands; two, the staff of LTBB government operations must be provided with some direction, so that they may be guided by an instrument that was accepted by the LTBB Citizens; and, third, it was imperative for the LTBB Citizens to understand LTBB history, understand the need for re-acquisition of their homelands, and to give their consent to pursue land re-acquisition activities.

Leadership Vision

In the Fall of 2007, the LTBB Tribal Council recognized that LTBB had no direction for the re-acquisition of their homelands and there was no systematic approach in place to guide LTBB staff in the acquisition of land. On January 6, 2008, Tribal Council passed Waganakising Odawa Statute 2008-02 “Land and Reservation” and the Tribal Chairperson signed it into law on January 25, 2008. This statute created the ‘Land and Reservation Committee’, which consists of three members of Tribal Council. With this commitment from the Executive Branch and the Legislative Branch of government, it was mandated by this statute that the Land and Reservation Committee was to “develop a strategic plan for Land and Reservation that outlines the goals and objectives for the next two to five years” which was “to be presented to Tribal Council for approval.”

Staff Direction

With a vision to develop a strategic land plan for the acquisition of land, it was now important to identify key personnel that would be instrumental for the acquisition process. Several departments, including the Planning, Geographic Information System (GIS), Natural Resources, Environmental, Archives & Records, and Odawa Enterprise Management, were selected as possible key units that would be involved in the land acquisition process. It was the intent of the Committee to review what had already been developed and re-institute the processes, if appropriate, that had already been utilized, but now lay dormant. During this phase, it was brought to our attention that a LTBB Master Land Use Plan had been developed and had reached the Public Comment Draft stage. This Plan had been developed by the Planning Department and was re-introduced to the Community at the LTBB Annual Meeting in May 2008. Also in place was a process for which properties had been previously put through when being considered for purchase. It became clear that some work had already been done for the purpose of land acquisition. It was not the intent of the Committee to ignore past practices, but to fully review them and to continue with the practices so long as it would compliment what the Committee was charged to do. Clearly, some direction for the staff had already established, so it became evident that we would not be starting from the beginning, but, in fact, would strongly consider the practices and continue to utilize them if it looked like it was going to help LTBB accomplish land acquisition.

Community Consent

In 2005, a budget survey was conducted of the LTBB Citizens. From this survey, the acquisition of land ranked 10 out of 22 items listed in importance. This survey showed that land acquisition was important to the Tribal leadership and the Citizens of LTBB. One of the main focuses of this project is to bring together Tribal leaders, staff, and a large number of LTBB citizens so that consensus for land acquisition could be re-confirmed.

Methodologies

With the establishment of the Land and Reservation Committee (“Committee”), an effort was initiated by the Committee to develop a planned approach to land acquisition. Having applied for and receiving the grant from the ILTF, resources were made available to fund speakers to present the history of LTBB and to be made aware of possible legal avenues that would benefit the process. The Committee took the lead in putting together the agenda for the training sessions, confirming the presenters, and inviting the citizens to participate in a two-day training session. The training session would provide an opportunity to reach out to the Citizens of LTBB and allow for their input in the land acquisition process. The presenters would focus on: staff and community education and outreach; historical land records assessment; Tribal cultural research; current land base and land status; land uses and resources; criteria for land prioritization; tools for acquisition of land; legal strategies for reservation restoration; and strategic land management processes.

The first day of training was held on Monday, August 11, 2008, at the Odawa Hotel in Petoskey, Michigan. Presentations were made by Ethno-Historian Dr. James M. McClurken and Attorney William J. Brooks, PLLC, to Tribal leaders, including the Tribal Chairperson, Tribal Vice-Chairperson, Tribal Councilors, and key government staff. The purpose of the first day of training was to get the leadership involved in discussions about land matters, including a historical perspective, and possible legal avenues that would be available for different approaches to bringing land into Tribal ownership and jurisdiction. An agenda for the two-day training session (Attachment III), scheduled for Monday-Tuesday, September 8-9, 2008, was also finalized.

The two-day training session was held as scheduled. There were 76 participants the first day and 82 participants the second day. The session focused on the history of our homeland, our current land holdings, and general legal discussions pertaining to land acquisition.

Dr. McClurken was the guest speaker on morning of September 8. His presentation (Attachment IV) was about the history of the Odawa homeland, describing our connections with the land and how the Odawa valued the land and its resources. His presentation made a substantial impact on the Tribal Citizens in attendance. LTBB Planning Director Bryan Gillett led an interactive discussion by the participants during the afternoon session. His use of a ‘nominal group technique’, a decision-making process for large groups, allowed all the participants an opportunity to provide input on the value each had of our lands. LTBB Archives & Records

Director Winnay Wemigwase closed the afternoon by leading the attendees in a ‘talking circle’ on the topic of “G’daa-aami endaa-ing: Spirituality and our Land” (see Attachment VII). Each participant was offered the opportunity to share with the group about one place this is, or was, special to him/her in her life. All of the participants left the first day with a renewed feeling of attachment and appreciation for the Odawa homelands.

On the second day of the training session, Attorney Brooks opened the morning session presenting information about the legal aspects that surround land matters (see Attachment V). His presentation provided the participants with an insight on the challenges and successes other tribes have had in dealing with land issues. The afternoon session was a visual tour of the properties owned by LTBB (see Attachment VI), complete with background information, maps, and pictures. This was presented by Executive staff that have direct dealings or oversight of the properties. Committee Chairperson Mel Kiogima wrapped up the two-day training session. He led a discussion on the importance of the land to LTBB and stressed that land matters must remain in the forefront of Tribal activities. He also pointed out that this is only the first step in renewing the interest in land for LTBB and that future sessions are imperative so that we may reacquire our lands for future generations.

Overcoming Challenges and Barriers

The biggest anticipated challenge to this Project was participation in the trainings by Tribal leadership, Government staff, and the Tribal Community.

The Tribal leadership, including the Tribal Chairperson and Vice Chairperson and the Tribal Council, had made an inferred commitment by the passing of the WOS #2008-02 Land and Reservation statute. Their commitment was again inferred by the passing of Tribal Resolution #032508-01, in which their support for this project was again made when applying for the grant being offered by the Indian Land Tenure Foundation.

The biggest challenge remained when it came to filling approximately 70 additional seats at the training session with LTBB Citizens. A Land and Reservation Two-Day Training Session Registration Form (see Attachment I) was developed and placed in the August 2008 issue of the Odawa Trails, a LTBB newsletter. The forms were placed throughout the Tribal Government Offices. Committee members also attended two separate Elders Luncheons to get commitments for attendance from Tribal Elders. The forms were also distributed at the Odawa Homecoming Powwow on August 9 & 10, 2008. The goal for the Two Day Training Session was to have 100 participants, consisting of Tribal leaders, Tribal staff members, and Tribal Citizens. We registered a total of 88 participants (see Attachment II), with 76 participating the first day, and 82 participating the second day of the training session.

Evaluation

An evaluation form (see Attachment IX) was developed and passed out at the two-day training session. As a token for attending the training session, T-shirts with a map of the LTBB Reservation and “Home of the Odawas Treaty of 1885” printed on it, were passed out to the attendees after they turned in their evaluation forms. The evaluation forms indicated that the

training session was very well received and appreciated. There were comments that this information should also be made available to the youth of our Tribe, as well as interest for follow-up sessions, and inquiries on our next step/goal in this endeavor.

Conclusion

Bringing land matters back before the LTBB leaders, staff members, and the Citizens of LTBB has been very beneficial to those that participated in the training sessions. With the development and distribution of the land survey, it will have allowed an opportunity for every Odawa household to let the Committee know of the land needs and desires. The surveys are to be returned by December 1, 2008. As an incentive for the return of the surveys, a Pendleton blanket will be given out by random drawing of the returned surveys. The data from the surveys will be compiled and analyzed by Planning Director Bryan Gillett. The Committee will review the information, determine a source of revenue to accomplish land acquisition, compile the existing land laws in place to determine the need for other appropriate land laws, and submit a LTBB Strategic Land Plan to the Tribal Council for their approval. With the approved LTBB Strategic Land Plan, the Committee will have accomplished its goal, complete with leadership vision, staff directions, and community consent.

Appendices

- Appendix I: Flyer and Registration Form
- Appendix II: List of Participants
- Appendix III: Two Day Training Agenda
- Appendix IV: LTBB McClurken Presentation
- Appendix V: LTBB Brooks Presentation
- Appendix VI: LTBB Visual Tour
- Appendix VII: Winnay's Presentation
- Appendix VIII: LTBB Land Survey
- Appendix IX: Evaluation Form
- Appendix X: ILTF Grant Budget