
APPENDIX J - TRIBAL COORDINATION & CONSULTATION

We live in a place the Dakota call “Mni Sota”, which is not only our state’s name but can be translated to “where the sky reflects off the water.” MnDOT acknowledges that the Dakota and Ojibwe people who have historically called this place home, are still here. To discuss land acknowledgement, we must recognize that historic events on this land had serious consequences to Tribal Nations, including the Dakota and Ojibwe people, and MnDOT, as a state agency, must not only be willing to verbally acknowledge but go beyond and take action.

After 163 years, Minnesota state elected leaders have not only recognized that Tribal Nations are still here but also codified the government-to-government relationship between Tribal Nations and the State of Minnesota. MnDOT acknowledges Dakota and Ojibwe self-governance, self-determination, and that they adopted the first and most effective sustainability laws.

MnDOT not only verbally acknowledges land issues that paint a shared past but is also taking action with Dakota and Ojibwe Nations to forge a new future around these lands we call home.

The Ojibwe and Dakota people believe you live with the land. It is not something you own but rather an animate being, full of living things, all equally important to human beings. So we must take advantage of this opportunity to move past our historic social norms to truly acknowledge the historic events around these lands we call Mni Sota, home of the Dakota and Anishinaabe.

One opportunity for the SMTP is to demonstrate that our work will be different. The objectives, strategies and actions in Chapter 5 emphasize investing time and resources in relationships with the eleven Tribal Nations in Minnesota. Building better relationships helps to ensure a transportation system that works for all Minnesotans. Early coordination is key to meaningful consultation with Tribal Nations.

RECENT CASE STUDIES FROM WORK WITH TRIBAL PARTNERS

NATIVE PLANTINGS IN THE CITY OF GARRISON

A joint venture between the Mille Lacs Band of Ojibwe, City of Garrison and MnDOT is underway to restore beauty to Pike Point Landing using native flowers and plantings. This is a great relationship building effort between partners.

SIGNS ACKNOWLEDGING 1854 TRIBAL TREATY BOUNDARIES

MnDOT has installed the first of 12 signs to permanently mark the boundaries of the 1854 Treaty between the United States and three Anishinaabe Tribal Nations—Grand Portage Band of Lake Superior Chippewa, Bois Forte Band of Chippewa and Fond du Lac Band of Lake Superior Chippewa. The first sign was erected on southbound Highway 61, just south of the Canadian border and entrance to Grand Portage State Park. The signs help educate people about treaties, jurisdiction and acknowledge land ceded by Tribal Governments by treaties. [Read Why Treaties Matter.](#)

NEVER HOMELESS BEFORE 1492

The Native American Community Development Institute (NACDI) has partnered with All My Relations Arts and MnDOT to create a public art installation along the Franklin-Hiawatha noise wall. The installation, titled “Never Homeless Before 1492,” was created by Courtney Cochran—an Anishinaabe multidisciplinary artist, filmmaker and community organizer—to address factors that have contributed to homelessness within the Native American community. This installation will be displayed for two years starting in 2021 and located near Highway 55 and Franklin Avenue in Minneapolis at the Franklin-Hiawatha encampment site. The site has been central to community dialogue and action addressing American Indian homelessness in a culturally responsive manner.

BUILD BETTER RELATIONSHIPS WITH TRIBAL NATIONS

You must work with the tribes over the entire development, construction and maintenance of the project. The method of communication with Tribal Nations is unique and can differ from Nation to Nation. The project’s level of impact on tribal interests (main access to the reservation or resurfacing) may require different levels of involvement with the tribe. Cultural resources impacts represent a major risk (cutting a tree, dirt moving, etc.).

NECESSARY CONCEPTS ABOUT JURISDICTION IN INDIAN COUNTRY

To understand jurisdiction in Indian Country, there are a few basic concepts that you need to know about first. To that end, this section will explain that tribes are sovereign nations and that “Indian” is a legal status, not just a race. This section will also explore the definitions of the terms “jurisdiction” and “Indian Country,” as well as how jurisdiction in Indian Country impacts transportation.

TRIBES ARE SOVEREIGN NATIONS.

Sovereignty is the authority of a political entity to govern itself. A tribe determines its own government structures and laws.

“INDIAN” IS A LEGAL STATUS, NOT SIMPLY A RACE.

You might think of “Indian” as a race. It is true that individuals can self-identify as belonging to the race “American Indian” on Census Bureau surveys. However, “Indian” is also a legal status.

WHAT IS JURISDICTION?

Jurisdiction is the power and authority of a government or court to make or enforce law. The federal government, state government, and tribal governments all have different jurisdiction (i.e., different powers to make and enforce law). When determining what kind of jurisdiction a government has, where you are located geographically is important.

WHAT IS INDIAN COUNTRY?

The most commonly used definition of Indian Country comes from federal criminal law, but courts often use the same definition in civil (non-criminal) court cases. Indian Country includes more than just reservations. Here is a simplified version of the most commonly used definition of Indian Country: reservations; allotments; and “dependent Indian communities” (i.e., land that is federally supervised and set aside for the use of Indians, this is usually found on trust land). You can find the complete – more nuanced – definition of Indian Country at 18 U.S.C. § 1151.

COORDINATION WITH TRIBAL NATIONS

Due to inherent Tribal sovereignty, each Tribal Nation has a unique legal relationship with the United States Government and with the State of Minnesota. Eleven Tribal Nations call what we now know as Minnesota, home. Their self-governing, sovereign status predates the arrival of European Nations and the creation of the United States. The U.S. Constitution and the U.S. Supreme Court recognize that Tribes are sovereign.

Because Tribal Nations are sovereign, their citizens democratically elect leaders who constitute the legislative and executive branches, govern and pass Tribal laws. In addition, most Tribal Nations have a Tribal Court, a Tribal Police and exercise jurisdiction over people and land (Indian Country). Each Tribal Nation is independent and unique. Therefore, when Tribal interests are impacted, Coordination with Tribal Officials in planning, development and administration of organization activities is necessary.

Coordination must occur at a similar level of leadership (technical staff or executive level) and must happen early in the decision-making process to provide sufficient time for Tribal Officials to confer with leadership. Coordination must be meaningful to ensure that Tribal perspectives are represented in the final decision.

Adequate coordination ensures effective decision making and invests in long term, positive relationships.

SMTP TRIBAL COORDINATION & CONSULTATION

There are twelve federally recognized tribes with eleven reservations in Minnesota (See Figure J-1). Chippewa tribes, also called Ojibwe or Anishinabe tribes, are located in the northern part of the State. Minnesota’s Dakota Sioux tribes are located in the southern portion of the State. Minnesota is also home to the Minnesota Chippewa Tribe (MCT). The Minnesota Chippewa tribe is a federally recognized tribal government for its member tribes (Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, and White Earth). In addition, Minnesota contains lands owned by the Ho-Chunk Nation which does not have a reservation. The Ho-Chunk Nation’s lands are primarily located in Wisconsin.

The following section provides some information on Indian tribes in Minnesota. The information in this section is by no means exhaustive, so links to each tribe’s website are also provided to allow each tribal government to share its story in its own words.

MNDOT DISTRICT RESERVATIONS/TRIBAL LANDS

- District 1: Bois Forte, Leech Lake, Fond du Lac, Grand Portage, Mille Lacs
- District 2: Leech Lake, Red Lake, White Earth
- District 3: Leech Lake, Mille Lacs
- District 4: White Earth
- District 6: Prairie Island, Ho-Chunk
- District 7: None (However, note that the annual Dakota 38 Memorial Ride occurs in District 7.)
- District 8: Lower Sioux, Upper Sioux
- Metro District: Shakopee Mdewakanton

BOIS FORTE BAND OF CHIPPEWA

The Bois Forte Reservation is located in MnDOT District 1 in Koochiching and St. Louis counties. [Visit the tribe's website to learn more.](#)

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

The Fond du Lac Reservation is located in MnDOT District 1 in Carlton and St. Louis Counties. [Visit the tribe's website to learn more.](#)

GRAND PORTAGE BAND OF CHIPPEWA

The Grand Portage Reservation is located in MnDOT District 1 in Cook County. [Visit the tribe's website to learn more.](#)

HO-CHUNK NATION (OF WISCONSIN)

The Ho-Chunk Nation has tribal lands located in MnDOT District 6. The Ho-Chunk Nation does not have a reservation. Its tribal lands are primarily located in Wisconsin. If you need to coordinate with the Ho-Chunk nation you should contact MnDOT's tribal liaison. [Visit the tribe's website to learn more.](#)

LEECH LAKE BAND OF OJIBWE

The Leech Lake Reservation is located in MnDOT Districts 1, 2 and 3. [Visit the tribe's website to learn more.](#)

LOWER SIOUX COMMUNITY

The Lower Sioux Community is located in MnDOT District 8 in Redwood County. [Visit the tribe's website to learn more.](#)

MILLE LACS BAND OF OJIBWE

The Mille Lacs Reservation is located in Mille Lacs County mostly in MnDOT District 3 with a small portion of the reservation in MnDOT District 1. [Visit the tribe's website to learn more.](#)

PRAIRIE ISLAND INDIAN COMMUNITY

The Prairie Island Indian Community is located in MnDOT District 6 in Goodhue County. [Visit the tribe's website to learn more.](#)

RED LAKE NATION

The Red Lake Reservation is located in MnDOT District 2 and is primarily located in Beltrami County with a small portion in Clearwater County. In addition to the Reservation, the tribe owns the majority of the land in the Northwest angle and additional land scattered between the reservation and the Northwest angle (Lake of the Woods County, Roseau County, Koochiching County, Marshall County and Pennington County). [Visit the tribe's website to learn more.](#)

SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

The Shakopee Mdewakanton Sioux Community (SMSC) is located in MnDOT's Metro District in Scott County. [Visit the tribe's website to learn more.](#)

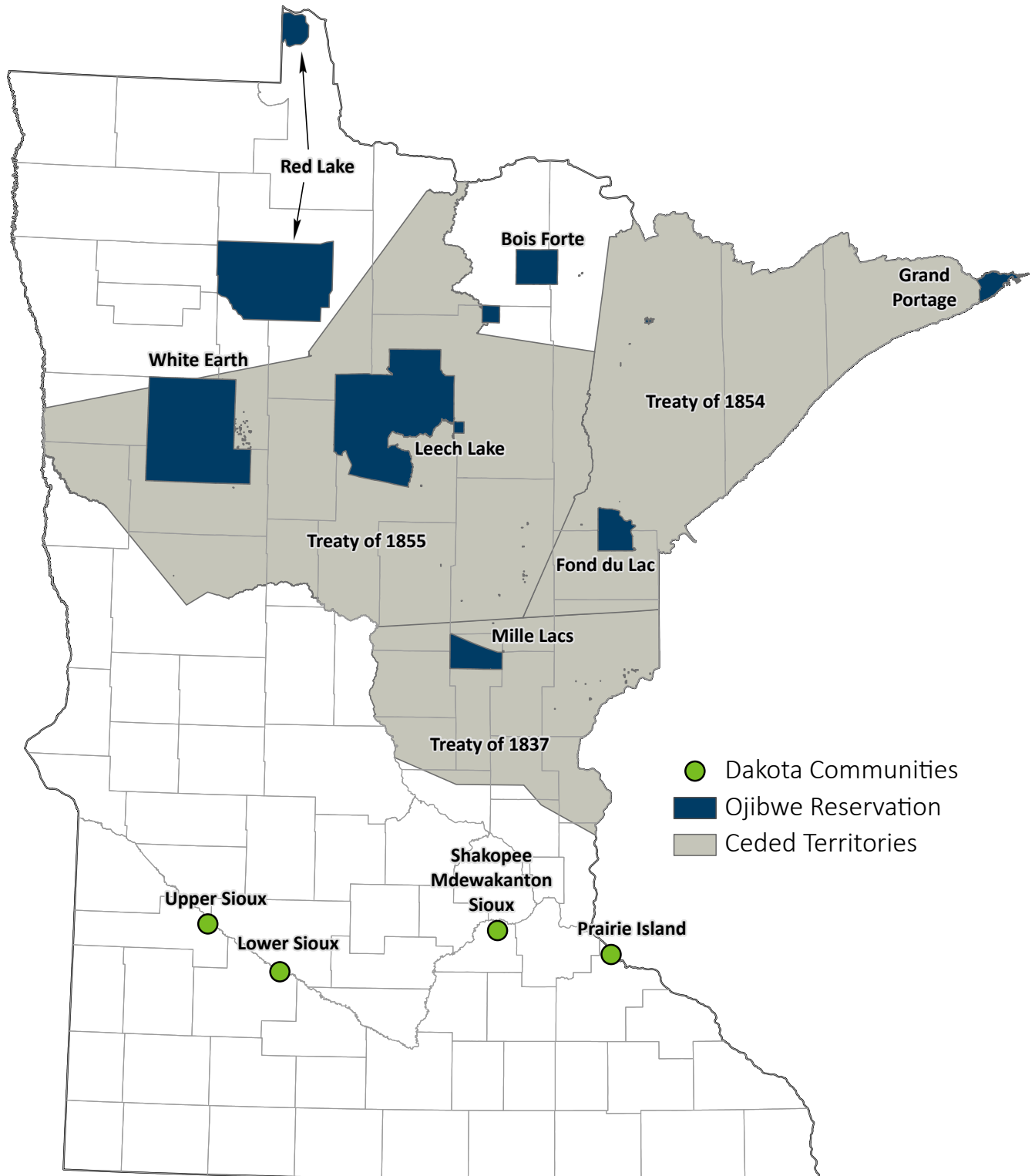
UPPER SIOUX COMMUNITY

The Upper Sioux Community is located in MnDOT District 8 in Yellow Medicine County. [Visit the tribe's website to learn more.](#)

WHITE EARTH NATION

The White Earth Reservation is located in MnDOT Districts 2 and 4. The Reservation covers all of Mahnommen County and portions of Becker and Clearwater Counties. [Visit the tribe's website to learn more.](#)

Figure J-1: Tribal reservations & communities in Minnesota, 2021



It is important to recognize the long history and enduring relationship between Indigenous peoples' connection to "Mni Sota" and the lasting impacts of policies detrimental to the balance of nature. Mutually respectful relations between Indigenous and non-Indigenous peoples are founded on long-term relationship-building, learning processes and developing solutions. Each tribe is a separate sovereign nation — unique unto itself and distinct from all other federally recognized tribes. Each tribe has an independent relationship with the United States and the State of Minnesota. Meaningful consultation assists in building better relationships and ensuring a transportation system that works for all Minnesotans.

For this update of the SMTP, MnDOT engaged with Tribal Nations through a government-to-government process. To ensure Tribal Nations interests are included in these high-level decisions, Minnesota Indian Affairs Council helped to designate representatives to serve on three advisory committees (see Appendix A – Acknowledgments):

- State Transportation Plans Policy Advisory Committee (a joint committee for SMTP and the Minnesota State Highway Investment Plan (MnSHIP))
- SMTP Technical Advisory Committee
- Equity Work Group (a joint committee for SMTP and MnSHIP)

Tribal Nations were asked to provide tribal transportation plans as part of the planning review process. No new plans were available for review during the SMTP update process. Three Tribes participated in staff-to-staff coordination meetings: Bois Forte, Prairie Island Indian Community and White Earth Nation.

Staff presented to the Advisory Council for Tribal Transportation a key decision points:

- Project start to review coordination and consultation process and to request tribal transportation plans.
- Public launch for recommendations for advisory committee representatives.
- Strategy development to provide input of SMTP focus areas and the transportation equity working definition.
- Review draft SMTP policy direction.
- Review of MnDOT's statement of commitment to transportation equity and SMTP draft plan.
- Plan adoption and implementation.