

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

Report to Indian Land Tenure Foundation

May 6, 2009

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 was mailed to 2640 homes of Waganakising Odawak families. From the results of the survey, the Committee has a clearer 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, understood 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, 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 aid in the land acquisition 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 (Appendix 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 the morning of September 8. His presentation (Appendix 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 Appendix VII). Each participant was offered the opportunity to share with the group about one place that 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 Appendix 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 Appendix 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.

Evaluation

An evaluation form (see Appendix 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.

Youth Land Training Session

One of the recurring comments received following the two-day training session held on September 8-9, 2008, was that this information must also be shared with the youth of our Tribe. Teaming up with the LTBB Education Department, a condensed version of the two-day training session (see Appendix XIV) was conducted on Friday, March 20, 2009, for 35 Tribal youth. The event was again held at the Odawa Hotel with the expenses being borne by both the Education Department through PEACE grants and the Tribal Council with funding provided by the Indian Land Tenure Foundation grant. The youth represented several school districts on or near the Odawa homeland. The recruiting of the youth from the respective school districts was coordinated by Kristy Dayson, LTBB PEACE Coordinator. To satisfy the PEACE grants requirements, Ms. Dayson surveyed the students before and after the session.

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 Appendix I) was developed and placed in the August 2008 issue of the Odawa Trails, a LTBB newsletter and also 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 Appendix II), with 76 participating the first day, and 82 participating the second day of the training session.

Nominal Group Technique

During the afternoon session on the first day of the Two Day Land Training Session, LTBB Planning Director Bryan Gillett led the group through a 'nominal group technique' process (see Appendix XI). Through this decision-making process, the attendees were led step-by-step in the nominating of ideas for land acquisition considerations.

The first step of the process called for the silent writing of ideas by each of the individual participants. As the participants had been seated by groups of eight per table, they then recorded their ideas in a round robin format on a single large sheet of paper and given instruction that the ideas were not to be evaluated at this time. After the ideas had been recorded on the large sheets of paper, the individuals at each of the tables were then to choose their top 3 to 5 choices from the list compiled at their table. Another list was then made of each of the tables top choices from 1 to 15.

The second list that was compiled from each table was then posted on the walls of the conference room. The participants were then given fifteen minutes to view each list.

After the viewing period, each of the participants was given five stickers (each sticker representing a single vote) and was given instructions to vote for their top choices from any of the posted lists. After all of the voting was complete, the large sheets were collected and the votes were tabulated (see Appendix XII). During the tabulation of the results, the numerous line categories were condensed into nine common categories, including cultural, anything, housing, renewable energy, economic development, natural resources, education, water access, and environmental preservation.

The results of the tabulations showed that the top priority for land purchases, with 72 votes out of 344 votes cast, were properties that were related to the culture of LTBB, including properties of culture or historical significance, burial grounds and cemeteries, and grounds for the revitalization of traditional foods and medicines. The second choice, with 61 votes, was for properties related to ‘anything’. This category included properties as they become available (Indian Town, Harbor Springs, Burt Lake, Cross Village – anywhere in the Treaty area) and a category of ‘Acquire it all back’. The category that received the third highest vote with 51 votes was for housing, which included a category for a variety of type of housing including multi-family, single family, and long-term elder housing. The fourth highest vote getter with 43 votes was for properties for ‘renewable energy’ which included properties for alternative energy, including green, wind power, and turbine energies. The category with the fifth highest number of votes with 40 votes was for economic development, which included properties for new enterprises, self sustaining enterprises (renewable resources), commercial properties, and industrial park properties. The sixth place category with 33 votes was for properties related to natural resources, which included properties for maple syrup production, hunting, gathering medicines, and ceremonies. The seventh place category with 23 votes was for properties related to education, which included properties for schools, daycare, and for a gym/health center. The eight place vote getter with 12 votes was for properties with water access, including properties with lake access to allow for fishing and in general waterfront/shoreline property. The final category with 9 votes was for property for environmental preservation, which included properties that block development and for rural, farmland, and open space.

Land Acquisition Survey

In November 2008, the Land and Reservation Committee sent out 2,640 surveys to Tribal households. The survey (see Appendix VIII) was developed after the two-day Land Training Session held in September 2008. The categories of land acquisition in the survey were based on the results of the Training Session’s Nominal Group Technique exercise. One thousand thirty three (1,033) surveys were returned for a return rate of 39.13%, a very high return rate for this type of survey. As an incentive for returning the surveys, a Pendleton blanket was offered as a giveaway. Though the subject matter alone is important, the giveaway may have contributed to the high return rate.

In December 2008, the returned surveys were given to the Executive Branch’s Planning Department for compilation and interpretation. In March 10, 2009, the draft Results of Land and Reservation Survey Fall 2008 Report was presented to the Land and Reservation Committee. A Final Report (see Appendix XIII) was presented to the Land and Reservation Committee on April 20, 2009.

The survey asked each Tribal household to rate the answers to four questions from 1 to 5, with 1 being ‘Not Important’ and 5 being ‘Very Important’. The fourth question consisted of 8 different land categories with which the respondents were asked to rate each in importance. The survey further asked each respondent to specify an age group that they fell into, their gender, to note their zip code, whether they had attended the Land and Reservation Training Session, and whether they would attend a future Land Training Session if it were offered in their area.

The first three questions asked how important land acquisition is to the Tribe, how important it is as a benefit to you as a Tribal Citizen, and how important it is for future generations. The results of the survey showed that land acquisition was most important for future generations (4.452), then to the Tribe (4.415), and finally to the individual (4.049).

The results of the survey were encouraging as they related to types of land acquisitions. With the exception of one age group category, each of the categories scored above a 4.0 out of the 5.0 scale. While the results were relatively close, the order for land acquisition purposes ranked as follows: treaty rights 4.498; natural resources 4.447; environmental 4.435; cultural 4.375; historical 4.352; housing 4.306; economic development 4.239; and, community identity 4.116.

In comparing responses of those Tribal Citizens that live in the 1855 Reservation area and those that live outside of the 1855 Reservation area, those that live outside of the 1855 Reservation boundary rated 9 of the 11 categories more favorably than those that live within the boundaries, though most responses were relatively close.

In comparing responses of those Tribal Citizens that live in the State of Michigan and those that live outside of Michigan, those that live outside of Michigan ranked each of the categories as more important than those that live in Michigan, with one category ranked 0.3 higher than the other.

In comparing responses of those Tribal Citizens that attended the Land and Reservation Training Session and those that did not, those that attended the training sessions ranked 7 of the 11 categories higher than those that did not attend the sessions.

In response to the question on whether they would attend a Land and Reservation Training if offered in the area, 825 respondents said they would attend such a training session.

Land Strategy Plan

With the Land Training Sessions behind us, two surveys completed to guide us on the wants and needs of the Tribal Citizenry, the Land and Reservation Committee has the information it needs to begin developing a LTBB Two to Five Year Land Strategy Plan. Under the direction of Planning Director Bryan Gillett, the Land and Reservation Committee began working on the Strategic Plan at our March 31, 2009, Committee meeting. During this meeting we were able to come up with a draft Vision Statement, Mission Statement, and a Values Statement. We again met on April 17 and 18, 2009, and on April 24, 2009, and continued to work on the Strategic Plan. We were able to develop three major goals that we felt would encompass the information that was gathered to date. We also reviewed and modified the Vision, Mission, and Values Statements as they will continue to be a work in progress until this task is completed. For each of the goals, several objectives were established, and for each objective, some strategies were considered. We also discussed the PEST (Political, Economic, Social, Technological) Analysis. This analysis is part of the external analysis when conducting a strategic analysis and gives certain overview of the different macro-environmental factors that LTBB has to take into consideration.

The development of a Land Strategy Plan has turned out to be more time-consuming than was originally thought. While the process is very instructional and informational, it has become evident that a LTBB Two to Five Year Land Strategy Plan is demanding more time to bring it to fruition. The Plan continues to be a work in progress.

ITLF Budget

The budget for the project comes within the budget granted LTBB by the ILTF (see Appendix X). The additional expenses to print the final report and postage for submission have not been included as of yet in the budget.

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 has allowed an opportunity for every Odawa household to let the Committee know of their land needs and desires. The Committee has received the results of the land survey, must now determine a source of revenue to accomplish land acquisitions, determine the need for other appropriate laws for land acquisition purposes, 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 Land Tour
- Appendix VII: Winnay's Presentation
- Appendix VIII: LTBB Land Survey
- Appendix IX: Evaluation Form
- Appendix X: ILTF Grant Budget (as of May 5, 2009)
- Appendix XI: Nominal Group Technique (NGT)
- Appendix XII: NGT Table Results
- Appendix XIII: Land and Reservation Fall 2008 Survey Results
- Appendix XIV: Youth Training Agenda