

## South Dakota: State/Tribal Planning Coordination Meetings Achieve Results

### Overview

In South Dakota, annual meetings with tribes form the backbone of the relationship between tribes and the South Dakota Department of Transportation (SDDOT). At these meetings, representatives from the tribes, the State, the Federal Highway Administration (FHWA), and the Bureau of Indian Affairs (BIA) exchange information about their needs and upcoming planned projects. The participation of senior staff from SDDOT emphasizes the commitment of high-level decision makers to address tribal transportation needs within the planning process. In addition to annual meetings, staff from the FHWA South Dakota Division Office and SDDOT hold follow-up meetings with tribes on an ad-hoc basis to discuss specific needs and prospective projects. These meetings often take place on tribal lands.

### Background

The working relationship between SDDOT and tribes has improved greatly over the past five years. In the past, the relationship was complicated by disagreements over Tribal Employment Rights Ordinance (TERO) agreements and tribal sovereignty issues. A new Governor's administration has improved relationships through an increased emphasis on tribal coordination, and has worked to improve relations with tribes, to coordinate integrated planning across the State.

#### South Dakota Facts:

Federally Recognized Tribes:	9
Native American Population:	65,375
Total State Population:	764,905

Source: U.S. Census, 2003

Native Americans comprise approximately 9 percent of the total population of South Dakota and enrolled members are located throughout the State, not just on reservation lands. There are nine Federally recognized Native American tribes located in mostly rural regions; none fall within the boundaries of any of three designated South Dakota Metropolitan Planning Organizations (MPOs).

Though tribal members are involved in MPO planning processes, coordination on improvements to state highways located on tribal lands are captured through the statewide planning process.



Location of Tribal Lands in South Dakota  
(Map courtesy of the U.S. Census)

Transportation needs on reservations are addressed through the Indian Reservation Roads Transportation Improvement Program (IRR TIP) planning process. At the same time, the State's transportation agency conducts a similar planning process to develop the State Transportation Improvement Program (STIP). Funding and design, construction, and planning for projects within each agency have traditionally been done separately, thus the potential for coordination and consultation across jurisdictional lines has been enormous.

### **Tribal Involvement in Statewide Transportation Planning**

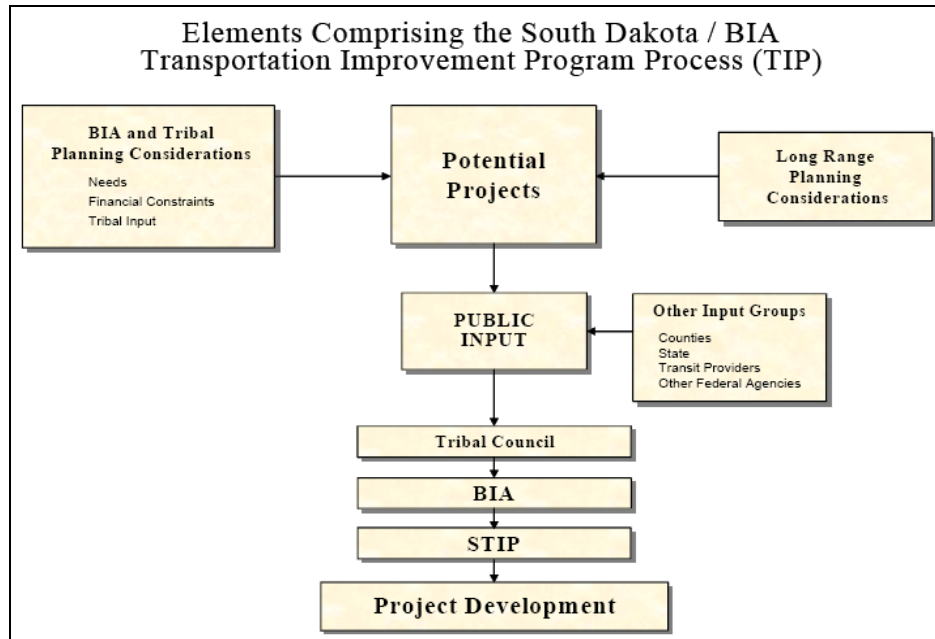
SDDOT held the first tribal coordination meeting in 1991 to address the coordination requirements mandated under the Intermodal Surface Transportation Efficiency Act (ISTEA). Since then, the meeting has evolved into a vital link between transportation planners at the tribes and SDDOT. Five public input meetings across the State in Pierre, Rapid City, Aberdeen, Mitchell, and Sioux Falls also provide opportunity for tribal input; tribal leaders and transportation planners are alerted to their date and location.

The STIP planning meeting is held each year in Pierre, SD. Representatives from each of the tribes meet with the BIA, FHWA, and SDDOT to coordinate on upcoming projects. Reflecting Federal requirements for statewide transportation coordination, the annual tribal meeting in South Dakota has three objectives:

1. To coordinate the STIP with the tribes, SDDOT, and the BIA;
2. To coordinate the IRR TIP with the STIP; and
3. To coordinate schedules and discuss tribal transportation needs.

The meeting agenda typically addresses these objectives and is divided into three main parts. First, SDDOT presents information on projects which are included in the current year's STIP. Then, the BIA representative and individual tribes present information on IRR projects they expect to be completed during the year throughout the State. In the third section of the annual meeting, participants identify projects where schedule coordination could support to the use of shared resources or minimize road disruption. The presence of high level decision makers in these discussions facilitates coordination because changes to project timelines or priorities can be solidified immediately.

This is also the point in the meeting when tribal representatives have the opportunity to present information on identified transportation needs affecting their lands, while both SDDOT and BIA officials are present. These concerns often involve the identification of locations of unsafe state highways on tribal land or needs for intersection improvements at the meeting of IRR and state roads. The presence of decision makers from both agencies involved in these situations is central to the success of the meeting. Tribes reported many examples of the annual meeting's emphasis on coordination leading to tangible results. The recognition that this is a great opportunity for both tribal and the state input into planning promotes interest and maximizes the benefits from each group's participation. The chart below shows the elements leading to a project being added to the STIP plan, and areas where input is sought from tribes.



(Courtesy of the South Dakota Department of Transportation)

The annual STIP meeting is viewed as useful by both the tribes and State and Federal government participants. Part of the success of the annual STIP meeting can be attributed to the presence of high level decision makers across many agencies and governments. Tribal chairmen and planners attend the meeting along with senior State DOT transportation officials, region engineers, BIA staff from Aberdeen, the FHWA district tribal liaison, and SDDOT planners. The presence of these leaders facilitates the dialogue between the State government and tribes, sometimes resulting in decisions for action by the conclusion of the meeting. For example, a road on the Pine Ridge reservation had extremely high rates of pedestrian and car crashes. This safety issue was brought to the attention of SDDOT staff at the annual meeting. As a result, SDDOT investigated, determined that the roadway was too dark, and funded lighting improvements.

### Results

Through relationships fostered at the annual STIP planning meeting, transportation planning in South Dakota has resulted in better outcomes for both tribes and the State. For example, at least 12 projects in the past 10 years have been accomplished through coordination among local governments, SDDOT, and tribal leadership. This coordination has ranged from sharing materials and equipment on projects occurring in the same area to timing projects to occur simultaneously to save on mobilization costs. This project coordination saves both the State and the tribes up to \$500,000 per project. The project coordination

Twelve highway projects in the past 10 years have been accomplished with coordination between tribes and the State which were identified at the annual meeting. Coordination has saved up to \$500,000 on each project.

occurring in South Dakota is illustrated by a recent project that involved the sharing of responsibility for construction and maintenance by BIA, SDDOT, and Bennett County. While Bennett County ceded control of a road to BIA upon project completion, the State

provided almost half of the funding for the cost of construction. Other examples are provided below.

### ***Highway 1806***

The Lower Brule Sioux Tribe and SDDOT are currently coordinating to improve SD 1806, which traverses tribal lands. A large gravel pit located along the road was used for a nearby SDDOT project, resulting in the rapid deterioration of SD 1806. The transportation planner from the Lower Brule Sioux Tribe was involved in the state project from the onset, through meeting mailings and phone contact, and receives frequent project status updates. The Lower Brule Sioux Tribe was concerned about the level of funding proposed for the project and organized a meeting on the reservation with the project's planners and the head of SDDOT. The Tribe's transportation planner provided state officials with a proposal to use a "Forward Funding" system for the project which would allow the Tribe pay for additional enhancements, in coordination with the State's construction project. Upon completion of the meeting, the Tribe received a letter from the governor thanking them for hosting the meeting and offering a timeline for review of the funding proposal.



**Logo for the Lower Brule Sioux Tribe**

Concerned about levels of funding for a state highway improvement project, the tribe invited DOT officials to meet on the reservation with leaders and proposed an innovative joint funding plan for additional enhancements.

A major difference between this consultation effort and previous ones between the Lower Brule Sioux Tribe and the State is the current reliance on established relationships between leaders. Through relationships developed at the annual STIP planning meeting, both the Tribe and State were better able to communicate concerns and consider solutions in an atmosphere of mutual respect.

### ***Highway 63***

The SD 63 highway project in the Standing Rock Sioux reservation provides another example of the results from successful coordination at the yearly STIP planning meeting. The state road serves as a major connector through the reservation, and the Tribe had determined that a walking path for pedestrians, drainage ditches, and paved shoulders would be necessary safety enhancements. The Standing Rock Sioux approached SDDOT and FHWA officials at an annual STIP meeting with their concerns about the highway's safety and asked that the state study the feasibility of improvements. SDDOT added the highway to the STIP as a priority project and then worked with the Tribe to conduct the desired improvements. By effective participation in the STIP planning meeting, building on relationships with SDDOT and FHWA and knowledge gained from previous meetings about the data needed to prioritize projects, the Tribe was able to move the project onto the STIP and address safety concerns with State and Federal funding that would otherwise have been unavailable



**Logo for the Standing Rock Sioux Tribe**

The project also offers an example of a successful ongoing coordination effort. Effigies were discovered during the environmental review prior to construction of the new roadway. Through a cooperative agreement between the BIA and SDDOT, the Tribe conducted the cultural resource survey for the project. The right-of-way was cleared of artifacts, while respecting the dignity and land ownership of the Standing Rock Sioux Tribe.

### ***Motor Vehicle Crash Reporting Study***

Safety issues continue to be a concern for both the State and tribes, as South Dakota has one of the highest motor vehicle crash rates in the country. Road specific safety issues have traditionally been addressed at the annual STIP meeting, with tribes presenting information on unsafe roadways in their area to SDDOT officials. However, a recent audit of motor vehicle crash reporting on South Dakota's nine reservations revealed the need for a major coordination effort with the State to more effectively identify hazardous roadways across both the State and IRR systems. The Lower Brule Sioux Tribe prepared a proposal that SDDOT should fund a statewide study into coordination between tribal and state crash reporting systems. SDDOT agreed that a multi-year crash reporting analysis was necessary and procured consultants for the study. This is an example of a Native American tribe working with the state DOT to identify a need and a way to move toward more coordination.

### ***Native American Scenic Byway***

The Lower Brule Sioux Tribe approached the SDDOT with the idea of developing a Native American Scenic Byway to follow the Missouri River. The proposed route included a 41-mile section of SD 1806 and 7 miles of BIA Highway 5, both of which needed improvements before the corridor could be designated. A coordinated effort was launched among the SDDOT, Lower Brule Sioux Tribe, Crow Creek Sioux Tribe, BIA, FHWA, and US Army Corps of Engineers to try and improve the roadways and to develop the first Native American Scenic Byway corridor. SDDOT received \$8.5 million of Public Lands Highways (PLH) discretionary grant funds, which were combined with state funds and IRR funds to grade and asphalt surface both roads.



**Logo used for signage  
along the Native  
American Scenic  
Byway**

This unified effort resulted in the South Dakota Transportation Commission officially designating the first section of Native American Scenic Byway in 1996. In 1998, this section was designated as a National Scenic Byway by the FHWA.

Since that time, two additional sections have been added to the byway and the route extends from the Nebraska/South Dakota border and into central North Dakota. The following five Tribes are located along the corridor: Cheyenne River Tribe, Crow Creek Tribe, Lower Brule Tribe, Standing Rock Sioux, and Yankton. A byway steering committee has been formed, composed of multi-agency partners and individual tribal participants, which has worked to present visitors with culturally sensitive facilities and attractions showcasing each tribe's culture and history.

## **Challenges and Opportunities**

The major challenge in South Dakota's consultation effort with tribes has been meeting the individual needs of each community involved in the planning process. Due to the many contextual issues that make tribal transportation unique, the consultation process has evolved separate from the process that occurs with MPOs, counties, and cities. While SDDOT continues to conduct regular project level meetings on tribal lands, conducting meetings specifically geared toward tribal planning needs has proven vital.

SDDOT continues to seek new ways to publicize project successes and coordination efforts that have yielded particularly positive results. In addition, innovative funding and contractual arrangements on joint projects continue to be areas of planning that could be studied further. Recent activities indicate that there is interest both from the State and the tribes to continue working together in order to achieve better results.

The lack of funding for tribal planners in some of the smaller tribes remains a challenge in South Dakota and across the nation. At least three tribes in South Dakota do not have a planner on staff. Because these small tribes do not have planners, resources that may be available to the tribes may not be explored because the tribes are not represented at the annual meetings.

## **Lessons Learned**

- Regularly scheduled meetings between state planning officials and tribal leadership have been key to building trust and developing working relationships. The annual meetings build on past coordination successes at the project level to provide a forum to address emerging issues and to identify new means for collaboration to occur at the long range planning level.
- The presence of decision makers from State, Federal, and tribal governments at annual meetings provides a high level of commitment to project planning from all parties. Top managers from State and Federal agencies are able to give immediate responses to requests for information and support, while tribal leaders are likewise able to commit time and resources.
- Innovative financing agreements, such as those involving "forward funding," may give tribes more resources to use on substantial projects by using bonds on future BIA funds. Through coordination with state transportation departments, such flexible funding arrangements may allow tribes identify and support enhancements that might not be realized otherwise.
- Interactions outside formal annual meetings can also be important in developing trust and helping to communicate evolving needs and ongoing issues. Since one of the biggest challenges to progress is the high turnover of leaders and planning staff in tribal, state, and local governments, frequent meetings to discuss mutual needs and priorities become even more valuable creating institutional memory and effective processes.

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**Other Resources**

STIP 2006 Document and Map of Projects:  
[http://www.sddot.com/pe/planning/project\\_stip.asp](http://www.sddot.com/pe/planning/project_stip.asp)