

South Dakota Tribal Consultation Process Case Study

As a State known for its significant Native American population and expansive reservation lands, South Dakota values its working relationship with the State's nine federally-recognized Tribal entities. The South Dakota Department of Transportation (SDDOT) works with the Federal Highway Administration (FHWA) South Dakota Division Office to consult with Tribes in South Dakota on a regular basis to address their unique transportation needs. SDDOT is known as a leader among South Dakota's State agencies in terms of developing and maintaining positive and productive relationships with the Tribes.

Changing Course on Consulting with Tribes

Prior to the late 1990s, the relationships that SDDOT and the South Dakota Division Office had with the nine Tribes in South Dakota were not as strong as they are today. Although SDDOT had conducted Tribal consultation meetings as part of the development of the Statewide Transportation Improvement Program (STIP) for many years, the meetings did not initially generate much interest from the Tribes. Some Tribes felt that this



Attendees at SDDOT's annual Tribal STIP meeting include chairpersons, Tribal council representatives, Tribal transportation officials, and staff from BIA, SDDOT, FHWA, and Federal Lands Highway. (Courtesy of June Hansen, SDDOT)

consultation process failed to foster real collaboration between the Tribes and SDDOT on project selection and prioritization because the format of the consultations did not provide adequate opportunity for the Tribes to voice their priorities and concerns.

Around 2005, SDDOT increased its emphasis on Tribal relations, which allowed the Department and the Division Office to work together on Tribal issues on a regular and coordinated basis. This helped to improve the relationships between SDDOT, the FHWA Division Office, and the South Dakota Tribes. Staff from SDDOT began attending meetings of Tribal transportation staff that were hosted by the Bureau of Indian Affairs (BIA) and FHWA. FHWA staff began attending BIA meetings with individual South Dakota Tribes and made in-person visits to introduce themselves to the State's resident Tribes.

Fostering Positive Working Relationships

SDDOT and Division Office staff regularly visits the Tribes within

the State to coordinate on projects, inquire about any needs or concerns that a Tribe may have, and consult with Tribal Historic Preservation Offices and Tribal Employment Rights Offices. SDDOT and Division Office staff currently visits all the South Dakota Tribes each year and plans to continue reaching out to all nine Tribes on an annual basis. SDDOT and FHWA consider these face-to-face meetings valuable opportunities for building strong working relationships with Tribal leaders and staff.

These in-person meetings also help prepare the State and the Tribes for the annual Tribal STIP meeting, held each year in June, which allows State and Tribal officials to address concerns early in the planning process. Attendees at this meeting typically include chairpersons, Tribal council representatives, and Tribal transportation officials from the South Dakota Tribes, in addition to BIA, SDDOT, Division Office, and Federal Lands Highway staff. Since 2007, the South Dakota Secretary of Transportation has moderated the annual Tribal STIP

South Dakota Tribal Consultation Process Case Study

meeting, demonstrating the Department's commitment to this consultation process. The strong relationships formed through the regular meetings among the State DOT, Division Office, and Tribes have resulted in increased Tribal attendance at the annual Tribal STIP meeting and STIP public hearings held across the state.

Consultation Produces Results

South Dakota's extensive Tribal consultation efforts have promoted the idea of the State's roadways as an integrated transportation system incorporating State and Tribal roads. SDDOT has increased the level of coordination between the work it conducts on State routes and the work the Tribes complete on Tribal roads. As a result, SDDOT and its Tribal partners are now sometimes able to combine projects in order to get better bid prices and the Tribes are better able to conduct projects on Tribal roads in conjunction with State roadwork. The key outcome of the consultation process is that the State now has a formal mechanism for integrating Tribal priorities into its decision making process for identifying projects to include in the STIP.

In consulting with the South Dakota Tribes, SDDOT learned that safety is a major priority for many Tribal communities due to inadequate pedestrian infrastructure on Tribal lands. As a result, the State DOT has funded several safety projects on Tribal lands

through the STIP over the past few years, including projects to widen shoulders and construct new walking paths. The walking paths are especially important to certain South Dakota Tribes in which many housing developments are located outside of town and pedestrian travel along major roads is common.

One recent project demonstrates the incorporation of Tribal priorities into transportation planning in South Dakota. At the request of the Oglala Sioux Tribe, SDDOT applied for and received Transportation Investment Generating Economic Recovery grant funding to complete a 16-mile grading project along a winding, unsafe segment of US-18 between the towns of Pine Ridge and Oglala in South Dakota's Pine Ridge Reservation. The project resulted in a safer road for pedestrians and motorists alike. The Oglala Sioux Tribe and SDDOT maintained open and frequent communication throughout the project and staff from SDDOT broadcasted weekly progress updates on a local radio program.

Benefits of Consultation

The case of South Dakota demonstrates that a few simple measures and considerations can facilitate improved intergovernmental relations. SDDOT fosters its positive relationship with the South Dakota Tribes by promptly responding to any Tribal inquiries, whether by e-mail, fax, mail, phone,

or even text message. State transportation officials in South Dakota also make a point of always responding to invitations from a Tribe and plan follow-up communications after an in-person visit. As a result, the level of trust between the State and the Tribes is so high that SDDOT has provided some Tribes with letters of recommendation for grant funding for which the State was also eligible.

SDDOT and the FHWA South Dakota Division Office demonstrate that strong relationships and open communication are essential elements of a successful Tribal consultation process. Many Tribes have direct, personal relationships with SDDOT and FHWA staff at all levels, including the Secretary of Transportation and Division Administrator. Establishing this level of connection to Tribal leaders requires extraordinary trust as part of a personal and professional relationship with the Tribes. Above all, transportation planners in South Dakota communicate truthfully and respectfully with the State's Tribal leaders, to the benefit of Tribal and non-Tribal populations alike.

Program Contact

June Hansen
Office of Legal Counsel
South Dakota Dept. of Transportation
605-773-3540
june.hansen@state.sd.us