



STATE OF WISCONSIN
DEPARTMENT OF TOURISM

POLICY REGARDING
CONSULTATION
WITH
WISCONSIN'S INDIAN TRIBES

A handwritten signature in black ink, appearing to read "Jim Doyle", written over a horizontal line.

Governor Jim Doyle

A handwritten signature in black ink, appearing to read "Jim Holperin", written over a horizontal line.

Secretary Jim Holperin

June 28, 2005

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I. Introduction

The various states have a unique legal relationship with each sovereign American Indian Tribal government, as affirmed and described in federal law. This relationship is set forth in the Constitution of the United States, treaties, statutes, laws and court decisions. Wisconsin Executive Order #39, issued in February 2004, affirms the government-to-government relationship between the State of Wisconsin and each American Indian Tribal government located within the State of Wisconsin.

Government-to-government relations involve respectful and cooperative communication and dealings that are designed to achieve a consensus, to the extent possible, before a decision is made or an action is taken, and to implement programs in a collaborative manner. The Wisconsin Department of Tourism (Tourism) is committed to such government-to-government relations with the federally recognized Tribal governments (Tribes) of Wisconsin. The State will employ its best efforts to achieve positive outcomes from its consultation and collaboration. The intent of this policy is to improve the promotion of Tribal tourism product (i.e. heritage, cultural tourism and gaming, etc.), Tribal communities, and Tribal people by developing principles and a process for consultation on tourism policies in Wisconsin. It is for this purpose that this policy has been developed.

The Department of Tourism is a cabinet level state agency, headed by a Secretary. The Department of Tourism provides leadership and guidance to Wisconsin's tourism industry to ensure that tourism is a top contributor to the state's economy and quality of life. The Department's vision is to ensure Wisconsin is the top travel destination in the Midwest. The Department aggressively promotes Wisconsin year round and focuses a considerable amount of its efforts in promoting leisure travel. The Tribal tourism product is an important leisure market segment and is significant within Wisconsin's total product offering.

Each of the federally recognized sovereign Tribes in the State of Wisconsin is recognized by the State for its unique status and its right to self-government and self-determination. The Department of Tourism respects the fundamental principles that establish and maintain the relationship between Tribes and Tourism and accord Tribal governments the same respect accorded to other governments.

The Department of Tourism and Tribal governments have a history of cooperation and collaboration dating back to the establishment of area promotional committees between 1990-1995. However, the nature and consistency of that cooperation and collaboration can and should be improved, which is the purpose of this consultation policy.

Both Tourism and the Tribes have a responsibility for promoting the Tribal tourism product. Whether marketing and promotion is provided through Tribal agencies or directly through Tourism, it is critical that the Department of Tourism, Tribal leadership and their representatives consult with one another to assure collaboration, coordination and potential marketing leverage.

II. Objectives

The objectives of this policy are:

- A. To improve upon earlier collaborative efforts (relationships) aimed at improving the promotion of the Tribal tourism product.
- B. To formalize the process and expectations for Tourism to implement a government-to-government relationship and to seek consultation with and participation by representatives of Tribal governments in policy development and program activities.

- C. To promote and develop methods of obtaining consultation on issues from Tribal governments and to involve their representatives in Tourism’s decision-making process.

III. Guiding Principles

Tourism is committed to maintaining and improving effective government-to-government relations with the Tribes. The development of mutual understanding, with cultural awareness and sensitivity, is necessary to effective consultation on policy and collaboration on program operations. Toward achieving this goal, Tourism shall utilize the following principles in consulting on policy and on program issues with Tribal governments. Integration of these principles into Tourism planning and management activities will help produce positive and desired outcomes in tourism marketing and promotion for Tribal community members.

- A. It is important to recognize the uniqueness of each Tribe’s culture, governmental structure and processes, demographics and geography (i.e., where Tribal members are located), and other factors. Tourism is committed to the sustainability and the balance of cultural/natural resource awareness and preservation.
- B. Consultation involves respectful and timely communication with Tribal governments in a cooperative process that strives to achieve a consensus before a decision is made or an action is taken.
- C. Working directly with American Indian Tribes in a government-to-government manner will result in an effective, efficient, and sustainable consultation process.
- D. Consultation with Tribal governments when developing and implementing budgets, policies and programs, legislative initiatives, regulations, and other activities that are anticipated to affect American Indian Tribes or their members is necessary and respectful. This includes issues presented by the Tribes on which they would like consultation.
- E. Promotion of cooperation among affected parties is the best way to resolve issues of mutual concern.

IV. Purpose and Methods

The State of Wisconsin, represented for purposes of this policy by its Department of Tourism, with the concurrence of the Tribes as sovereign nations, will diligently seek to maintain an ongoing and meaningful process for communicating general concerns, program and funding priorities, respective roles in the provision of services to Tribal community members, and other high-level matters of mutual concern.

The Wisconsin Department of Tourism, together with the Wisconsin federally recognized Tribal governments, establishes this policy requiring consultation by and between these governments on Tourism policies and activities. This policy formalizes the long-standing collaborative relationship Tourism and Tribal governments have established in promoting the Tribal communities.

A. Annual Meetings

The Secretary of the Department of Tourism shall assume the responsibility for scheduling, jointly with Tribal leadership, an annual consultation session at which the Secretary shall be present, and to which the following individuals, at a minimum, shall be invited (and who may designate another individual with appropriate authority to attend):

- Chairperson, Bad River Band of Lake Superior Tribe of Chippewa Indians
- President, Ho-Chunk Nation
- Chairperson, Lac Courte Oreilles Band of Lake Superior Chippewa Indians
- President, Lac du Flambeau Band of Lake Superior Chippewa Indians
- Chairperson, Menominee Indian Tribe of Wisconsin
- Chairperson, Oneida Tribe of Indians of Wisconsin
- Chairperson, Forest County Potawatomi Community
- Chairperson, Red Cliff Band of Lake Superior Chippewa Indians
- Chairperson, Sokaogon Chippewa Community
- Chairperson, St. Croix Chippewa Indians of Wisconsin
- President, Stockbridge-Munsee Band of Mohican Indians
- Tribal Administrators and program staff as determined by the Tribal Leadership
- The Secretary of the Wisconsin Department of Tourism
- The Deputy Secretary of the Wisconsin Department of Tourism and other staff as determined by the Secretary

The agenda, date, and location of the consultation session shall be determined jointly by the Secretary and Tribal Chairpersons and Presidents. The schedule will take into account the desirability of allowing adequate time during even numbered years for development of Tourism's Tribal biennial budget initiatives.

The consultation agenda shall include a review and evaluation of the accomplishments and effectiveness of the previous year's Tourism action plan (see Section IV-C) and the establishment of mutual goals for the current year's action plan. The agenda shall also include a current Tourism organizational chart.

B. Other Meetings

The Secretary of the Department of Tourism shall assume the responsibility for scheduling, jointly with Tribal leadership, additional consultation sessions at his or her discretion. In addition, any Tribal Chairperson or President may request meetings or other consultation with the Secretary or other Tourism representatives.

C. Annual Action Plan

Tourism shall establish an annual plan by which this government-to-government consultation policy shall be implemented. The action plan shall include:

- Programs: A list of programs and services available to Tribes, including an overview of Tourism programs and a Tourism organizational chart.
- Policy and Program Development: A description of new or potential initiatives, programs, and policies affecting Tribes.
- Priorities: Priority issues for resolution in conjunction with the Tribes.
- Evaluation Process: The process to determine the effectiveness of the action plan with respect to the programmatic, fiscal, and other aspects of applicable Tourism programs identified in the action plan shall be reported to the tribes.

D. Training

It shall be part of consultation agendas to establish regular, ongoing training sessions for appropriate Tourism employees and other individuals. The purpose of this training is to educate Tourism employees

regarding the requirements of a meaningful government-to-government relationship, including historical and cultural perspectives from the Tribes, and information about the importance of consensus building, Tribal sovereignty and Tribal government and services. The Department of Administration's Division of Intergovernmental Relations will facilitate training and curriculum for appropriate department staff.

V. Resolution of Issues

Throughout any given year, specific issues affecting one or more Tribes and the Department of Tourism will arise. These issues may be raised by either a Tribe or Tourism representative and may occur at various levels within either party. The following process is to be used when such issues arise.

A. Initial Discussion

When an issue arises and an authorized and designated employee of either a Tribe or Tourism contacts an employee of the other entity, they will discuss the issue and attempt to resolve it. If higher level involvement is required, the process described in Section V-B will be followed.

If the issue would affect a Tribe or Tribes other than the Tribe involved, then further discussion must occur as described in Section V-C.

B. Issues Requiring Higher Level Involvement

If higher level involvement is needed, the issue will be raised to the appropriate level in Tourism and Tribe Government(s) for resolution. Within Tourism, the Deputy Secretary will facilitate contact with the appropriate staff or management as required. Communication between those parties shall occur as soon as reasonably possible to determine if the issue can be resolved. If the issue is resolved, no further action is required. If the issue cannot be resolved, the involved parties will determine if a process can be established for resolving the issue. It is recognized that some issues may not be able to be resolved to the satisfaction of all parties.

C. Issues Affecting More Than One Tribe

If it is determined that the issue will affect more Tribes than just the Tribe involved in the discussion, a Tourism representative will make contact with representatives of all Tribes. Communication involving all of the potentially affected parties will occur in a timely manner and will be facilitated by a Tourism representative.

If the issue is resolved through agreement of the involved parties, no further action is required. If the issue cannot be resolved, then the issue shall be raised to higher level authorities, within 10 business days, as described in Section V-B.

VI. Outreach to Tribal Governments by Committees and Workgroups

The focus of this consultation policy is with individual Tribal governments. During the normal course of business, it is often necessary for Tourism to establish committees, councils, workgroups, or similar bodies to provide advice and recommendations to Tourism. Such committees, councils, workgroups or similar bodies, when dealing with policies or programs affecting tribal governments, shall inform tribal Chairpersons/Presidents, in writing, of the proposed policy or program in order to solicit tribal input.

Appendix A

GLOSSARY

For purposes of this consultation policy, the following terms and definitions will apply:

“American Indian Tribal government” means a sovereign government of a Native American people, embracing and occupying lands and territory, and having jurisdiction over same, lying within the geographical boundaries of the State of Wisconsin, which sovereignty is recognized by the Government of the United States of America and subject to the Constitution, laws and treaties of the United States of America, which also may be known as a “federally recognized Indian Tribe”.

“Cultural awareness and sensitivity” means having due knowledge of and regard for the behavior patterns, civilization, customs, arts, beliefs, institutions and all other achievements and manifestations of human work and thought as expressed in a particular community.

“Tourism” or *“Department”* means the Wisconsin Department of Tourism.

“Government-to-government” means communication and dealings between sovereign governments, their agencies and other official entities.

“Sovereign” means a state in which supreme authority is vested.

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ATTACHED BOARDS
 Wisconsin Arts Board
 Executive Director - George Tzougos
 Lower Wisconsin State Riverway
 Board
 Executive Director - Mark Cupp
 Program Ass.2 - Marsha Nachligal
**Kickapoo Reserve Management
 Board**
 Executive Director - Marcy West
 Property Manager - Fran Campbell
 Program Manager - Jason Leis
State Fair Park Board
 Executive Director - Randy Prasse

