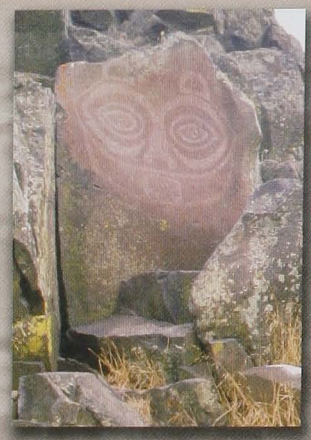


U.S. Army Corps of Engineers
Northwestern Division

A Portrait of the Tribal Liaison Program, 1987-2005

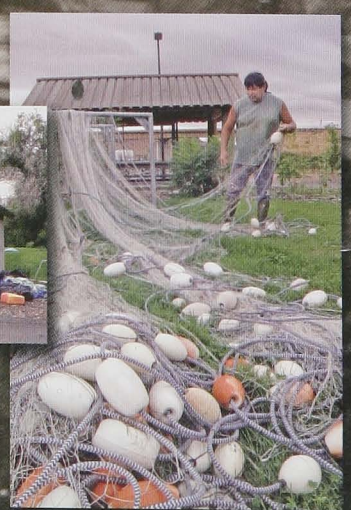




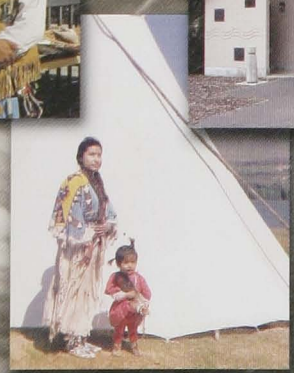












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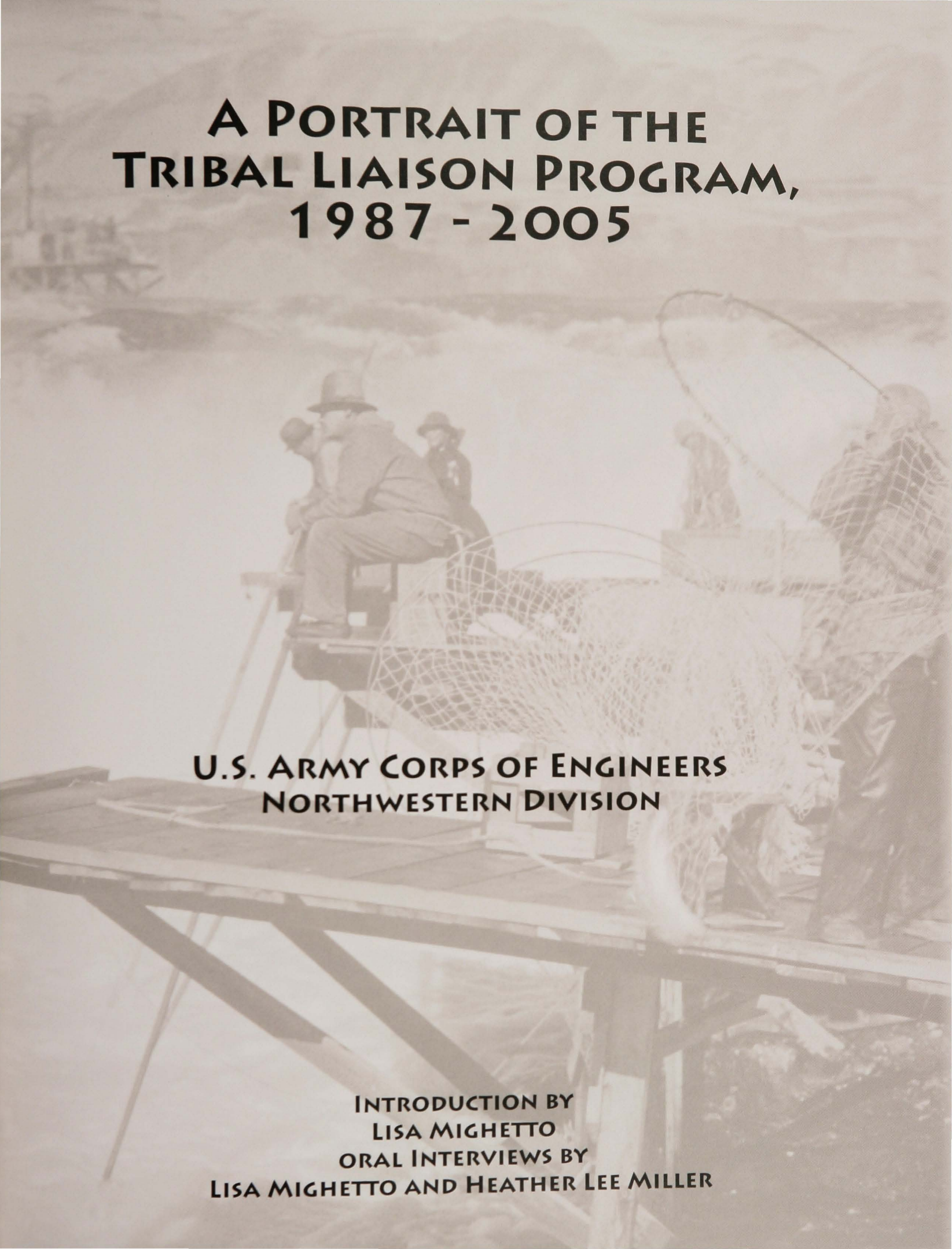
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A Portrait of the Tribal Liaison Program, 1987 - 2005

U.S. Army Corps of Engineers
Northwestern Division

Introduction by
Lisa Mighetto
Oral Interviews by
Lisa Mighetto and Heather Lee Miller











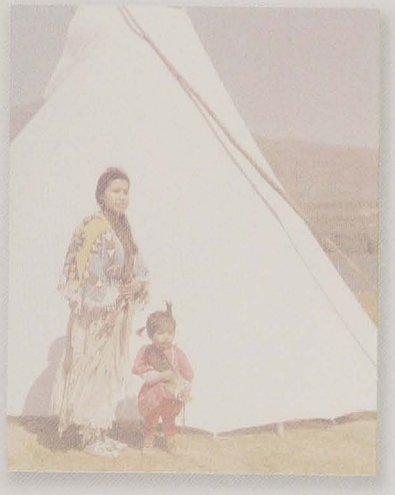
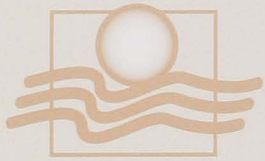








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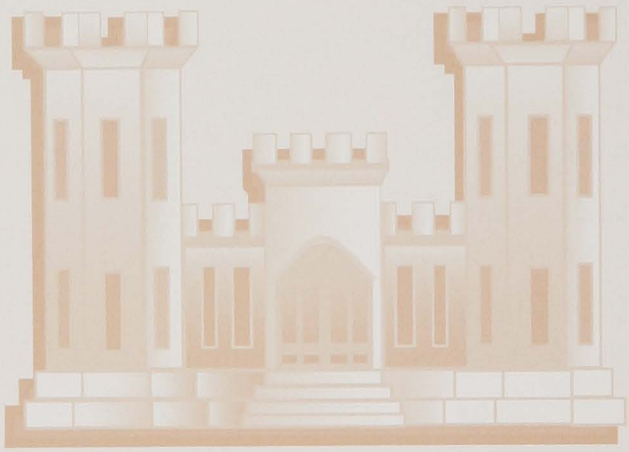
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FOREWORD

It is with great pleasure that we introduce *A Portrait of the Tribal Liaison Program 1987 - 2005* for the U.S. Army Corps of Engineers, Northwestern Division. The program has evolved slowly while enduring many set-backs, changes of policy, and shifting political climates. Throughout the history of the U. S. Army Corps of Engineers in the Northwestern Division, there have been individuals who supported and championed the development and maintenance of good relationships with the sovereign Indian nations. In the mid-1990s, the climate was right for a long-overdue change to an emphasis on executing management decisions that could be concurrently legally, morally, and ethically correct. The movement toward this atmosphere has been a slow and difficult one.

The oral interviews presented here reflect many facets of the liaison program. During the period of time for these interviews, it was the Native American Program. The interviews are decidedly personal glimpses, reminiscences of people, places, and events and may contain differences of memory and interpretation, but the reader will be able to understand the program through the stories and experiences of the individual tribal liaisons.

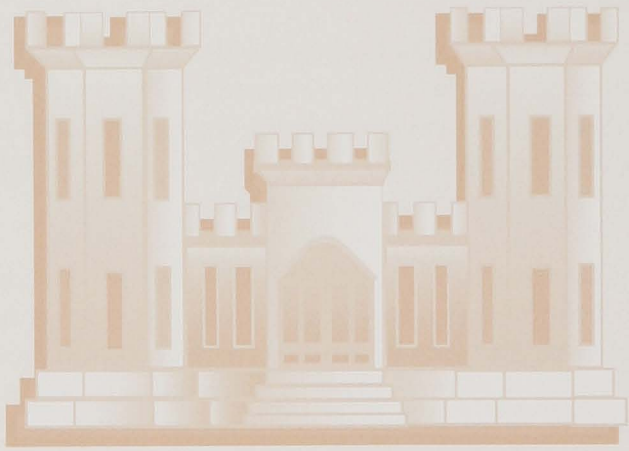
We would like to express our heartfelt gratitude to the district and division commanders as well as the tribal leaders who provided support and direction for the program. The Northwestern Division has come a long way, and much remains to be accomplished towards the final goals. Interaction and communication with sovereign nations needs to become an ingrained habit, needing no regulations, rules, policy, guidelines, or reminders for proper and effective consultation. In the final analysis, a successful program is one that inculcates honesty, respect, and provides comprehensive education for all it touches, encouraging both Corps officials and tribal members to "walk in both worlds." Those liaisons in divisions and districts and other dedicated individuals will remain steadfast and pursue these goals of the program.

As said by a tribal member in the mid-1990s, the liaison(s) "stand strong and proud in their actions to improve and enhance the interactions with the tribal governments. We know it is not an easy way of life for you, but the actions are appreciated by both the tribal governments, the individual tribal members, and the Creator."

We hope this portrait will intrigue and educate the reader. Most of all, we hope that positive change continues in the Northwestern Division and subsequently across the Corps of Engineers.

Direlle R. Calica
NWD Liaison
2005 to present

Lynda L. Walker
NWD Liaison
1995 thru 2004



PREFACE

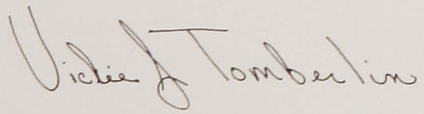
The Northwestern Division and Portland District of the U.S. Army Corps of Engineers contracted with Historical Research Associates, Inc. (HRA) in 2004 to prepare *A Portrait of the Tribal Liaison Program 1987 - 2005* by recording oral interviews with Corps liaisons. Included here are the transcripts of the oral interviews and a brief introduction of the overall events and changes in policies that brought about the creation of the liaison program.

HRA historians consulted with Vickie Tomberlin, Information Management, and Lynda Walker, Native American Coordinator, in identifying individuals to be interviewed. Interviewee selection was based on availability as well as familiarity with the program. There are many persons who were referenced, and not interviewed due to situational and time constraints, that remain equally talented and served as catalysts to growth of the division.

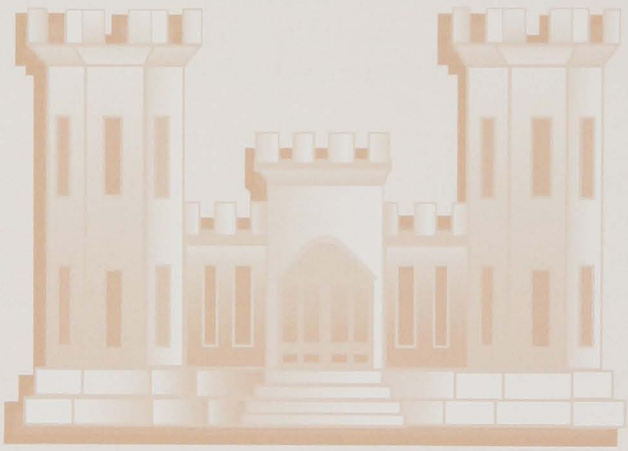
The division acknowledges those current and former Northwestern Division tribal liaison appointees at Northwestern Division Headquarters and the five district locations for their input offering a balance of business and personal information. The division would like to thank Mr. Charles Smith, Assistant for Environment, Tribal and Regulatory Affairs - Office of the Assistant Secretary of the Army (Civil Works), and Dr. Georgeie Reynolds, U. S. Army Corps of Engineers Tribal Liaison Program, Headquarters, Washington, DC for participating in the project. The division would also like to thank Dr. John Lonnquest, Office of History, for reviewing the history.

The division ends with acknowledgements to Ms. Carol Hastings, graphic designer of the Portland District Visual Information Branch, for providing invaluable assistance with the design, layout, and production of this publication.

All photographs, maps, and illustrations used in this book are from the U. S. Army Corps of Engineers unless otherwise credited.



Vickie Tomberlin
Records Manager,
Northwestern Division



Introduction

U.S. Army Corps of Engineers
A Portrait of the Tribal Liaison Program
1987 - 2005

The U.S. Army Corps of Engineers (USACE) has had a long relationship with Native Americans in the Columbia and Missouri River basins. Many of the interactions among the engineers and the tribes have been positive and beneficial to all involved; but many exchanges have also been acrimonious and one-sided, often to the detriment of the Native Americans on whose lands Corps projects often reside. Beginning in the mid-nineteenth century, the U.S. government attempted to solidify its relationship and uphold its responsibilities to Indians, with varying degrees of success, through such vehicles as treaties, legislation, and executive orders.

These treaties, however, have benefited the U.S. government at the expense of native peoples on the continent. In the Treaty of Walla Walla on June 9, 1855, for example, ancestors of what is now the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) ceded almost four million acres of land in Oregon and Washington territories in exchange for fewer than 250,000 acres exclusively located in Oregon Territory. Further encroachments reduced the reservation substantially; today, this particular nation comprises approximately 95,000 acres in Oregon, with 2,500 individuals enrolled as members (not all of whom are in residence on the reservation).[3] The CTUIR is just one example of a tribe with longstanding antipathy toward Corps projects and the U.S. government, if not with specific individuals working for the organization.

Some Army engineers have demonstrated genuine care in the past about negative impacts of Corps projects on Indian people and culture. In the late 1800s, for example, Corps personnel warned of rapid salmon decline on the Columbia River; more recently, the agency has worked to implement its overarching philosophy of environmental sustainability through, for example, Lieutenant General Robert Flowers's seven-point guideline on environmental operating principles.[4] Today, the Corps is dedicated to rectifying injustices of the past. Not only does the Army now recognize that it has a legal obligation to uphold the 1855 Treaty (among many others), the Native American Graves Protection and Repatriation Act (NAGPRA), and other such federal directives, but Corps personnel, such as Lieutenant Colonel Edward J. Kertis, Jr., assert that "it's the moral and right thing to do to respect [Native American] culture."[5] The Corps' Tribal Liaison Program has provided an essential means by which to fulfill these legal and moral obligations toward Indians in the United States.

"To listen. To learn."

Major General Ernest J. Harrell[1]

"Communication is the most important thing that we do as liaisons."

Ismael Caballero[2]

This outward acceptance of, and indeed demand for, better treatment of Native Americans affected by Army Corps projects did not occur overnight. According to South Atlantic Division's Jim Waddell, "something was still missing," despite the growing number of technical documents and scientific studies and the environmental guidelines they fostered. Furthermore, many Corps members had been growing "frustrated" with the cultural resource management regulations that had been implemented since the mid-1960s, regulations that some Corps members perceived as an impediment to completing their job.[6] Chip Smith explained the mindset of many Corps personnel at the time: "It's not the Corps of Archeology," he observed, "it's the Corps of Engineers."[7] It took some time to change the internal culture of the Corps, but many employees had begun to realize that listening to Native Americans might provide insights, understandings, and a "sense of value that perhaps we didn't have," not only on matters pertaining to the environment but, more importantly, on matters pertaining to cultural resources and traditional cultural properties.[8]

Out of this flux of struggles, frustrations, and triumphs with regard to Native American–U.S. relations in the eighteenth through twentieth centuries, came the clear message that better communication was needed with Native Americans, whose perception of the Corps was of an agency single-mindedly focused on engineering to the exclusion of archeology, environmental restoration, or the needs of Indians—even those directly impacted by Corps projects. At first, liaison activity with Native Americans was informal, and depended on the individual projects and tribes within each district and the sensitivity of its employees to the concerns local tribes might have with those Corps projects in the district. But by the late 1980s, some Corps members reluctantly acknowledged that the tense relations with Native Americans were an important issue.

Dave Vader explained that in the Omaha District, where he worked full-time from 1983 until 2001, "it was during the course of work on the Master Plans that . . . a lot of the work in Indian Country began to happen."[9] At first, the work was associated with the master planning process, but in 1987, the effort began to gain steam with the creation of the Joint Tribal Advisory Committee (JTAC), which was tasked to develop a final report on the impact of the Pick-Sloan program on Indian tribes, particularly the Standing Rock Sioux Tribe and Three Affiliated Tribes. As the JTAC's work progressed, Vader kept tabs on the process. He remembered that when the report came out in May 1987, he made a photocopy of a newspaper article that referred to the committee, the tribes, and their findings about the impact of the Pick-Sloan program and sent it in to chief of planning Arvid Thompson, saying, "Arvid, this may become an issue," a prediction that would prove prescient. Indeed, just six months after the JTAC report was released in May 1987, tribes in the Omaha District began demanding an "Indian desk" within the Corps.[10]

According to Vader, this request was met at first with hostility by the Corps. Essentially nonresponsive to Indian concerns, Vader described how a "circle the castle with attorneys and keep them away" mentality pervaded the Corps at that time, except for some localized efforts at some of the projects. By 1992, however, a change had occurred. That year, the Corps developed and advertised for a Native American liaison in the Omaha District, the first of its kind in a Corps district. Vader competed and got the job.[11] Soon thereafter, Cheryl Lohman took a full-time Native American liaison position with the North Pacific Division, the first such division-level position, and Headquarters followed by beginning the process of creating an official Corps policy regarding improved communications with tribes and tribe members.

Although the Corps had long been interacting with tribes in those areas in which Corps projects were being undertaken and had a nascent policy for improving communication between the entities, surveys conducted in 1993 and 1994 revealed that many Native Americans were less than satisfied with their dealings with most federal agencies, but particularly the Corps. When asked to rate their perceptions of federal agencies with whom they interacted

regularly in terms of the agencies' cooperation, competence, helpfulness, and cultural sensitivity, three tribes, for example, rated "other" federal agencies, including the Corps, as culturally insensitive. One tribe gave a 6 score (on a scale from 1 to 5, with 5 being as culturally insensitive as possible) to the federal agencies. Another tribe gave all failing (5) scores in the other categories, effectively calling the federal agencies antagonistic, incompetent, and unhelpful. Although these answers may not have reflected the feelings of all tribal members (they were filled out by an administrator of each tribe), it was clear that at least some tribe members felt the Corps and other federal agencies were either ignorant of or willfully disregarding their desires and wishes. When asked specifically about their relationship to the Corps of Engineers on water level and flow alternatives, one tribe noted that tribal participation was the modification that would make proposed changes to the system acceptable.[12]

Major General Ernest J. Harrell outlined the growing concern within USACE about native-Corps communications in an April 15, 1994, memo to commanders in the North Pacific Division (now the Northwestern Division). "I am concerned that this Division has not been fully benefiting from a close, consistent, and coherent relationship with the area's Native American groups and Tribal Governments," he wrote. To remedy this lack, he submitted to the commanders a "Native American Policy statement," which defined the relationship between the U.S. and tribal governments, specified the former's duties and responsibilities to the latter, laid out the goals of the policy, and provided guidelines for establishing "open, free-flowing dialogs based on mutual understanding" between the governments. Included in the statement was a direct order to each district commander to appoint a Native American Coordinator (NAC) "to develop, manage, and coordinate programs and initiatives" the Corps might undertake in the Division. Essential to the NAC's job was ensuring "direct consultation" with the tribes, in keeping with the U.S. government's duty to speak with the tribes on a "government-to-government" basis.[13]

President Bill Clinton issued an executive memorandum on April 29, 1994, instructing the heads of executive departments and agencies to ensure government-to-government communication with federally recognized tribes.

Harrell's memo and the Native American policy statement were further solidified just a week later when President Bill Clinton issued an executive memorandum on April 29, 1994, instructing the heads of executive departments and agencies to ensure government-to-government communication with federally recognized tribes.[14] In response, John H. Zirschky, Acting Assistant Secretary of the Army for Civil Works, directed Major General Stanley Genega to address the issue through the creation of a task force that would conduct a series of workshops "to examine and improve working relationships between the Corps and tribal governments."[15]

Responding to a request under Genega's orders, the Corps Institute for Water Resources (IWR) convened an ad hoc task force that was formalized in September 1994 as the Native American Intergovernmental Relations Task Force (NAIRTF).[16] In its first incarnation, NAIRTF consisted of a project manager, eleven division/district representatives, five participants from headquarters, an overseeing IWR manager, and five ad hoc participants.[17] Four months later, the federal government solidified the official list of recognized tribes, which clarified the status of the many disparate groups of Native Americans impacted by Corps projects around the country.[18]

NAIRTF was tasked to plan and guide the regional workshops, as well as conduct any supplemental research needed to prepare the assessment report that would result.[19] The

More that one hundred tribal members and Corps employees attended the North Pacific Division's workshop, held April 11-12, 1995.

purpose of the workshops, which took place over four months in early 1995, was "to listen and learn" as a means to developing better methods of communication between the Corps and the newly federally recognized tribes, "to identify roadblocks" to communication, and "to assess the results of the workshops" and incorporate lessons learned there into future policy and procedure.[20] Calling the workshop series "an important effort," Genega commanded all divisions to review Clinton's memo, to approach the tribes as sovereign in all matters, to involve the tribes in the workshop planning process, to dedicate themselves to dialogue with the tribes that continued long after the workshops had ended, and to ensure that the tribes reviewed and concurred with any plans developed by the Corps regarding better tribal communication.[21]

The workshops provided a wealth of information for the Corps on grievances and concerns specific to each district. Over one hundred tribal members and Corps employees attended the North Pacific Division's workshop, held April 11-12, 1995. Tribal members expressed a number of concerns, which were divided into two categories: process and product. Most prevalent in the process category were issues of communication, consultation regarding archaeological studies, lack of intergovernmental cooperation, Indian distrust of federal decision making, and the Corps' lack of understanding of its federal trust responsibilities to the Indians. More specific concerns that fell in the product category included salmon preservation, adverse affects of dams on native culture, employment of tribal members on Corps projects, protection of cultural and archaeological sites, grave desecration, and water use. In addition to airing grievances, the workshops produced possible remedies. Tribal members made suggestions for short-term and long-term actions, ranging from immediate review of permits or endangered species lists and the development of long-ranging Native American policy at the top levels of Corps hierarchy.[22]

In addition to assessing tribal concerns about specific Corps projects, the after-action report process evaluated the workshop process itself. Although the overall evaluation of the workshop was positive, and "tribal leaders stated that this workshop was a good start towards improving relations and communcation [*sic*] with the tribes," responses and recommendations to seemingly mundane administrative aspects of the workshop revealed important cultural differences. For example, the Corps videotaped religious prayers and songs, which the after-action report stated "was apparently not the correct thing to do." In response, these portions of the tape were edited out. Additionally, the Indians in attendance were upset that the Corps discarded uneaten food, which "should have been offered for consumption" or "given to needy Indian children." Lastly, it became clear that future events would have to consider that Native Americans drink a lot of coffee. "If you have to provide coffee," workshop coordinator Phyllis Nicholas recommended, "plan for at least triple the number of cups of coffee to the number of persons attending."[23]

Although some of these revelations were no doubt humorous, the after-action report revealed yet again the stark differences between Corps employees, most of whom were white, and Native Americans. The experience likely provided all who attended the workshop a better sense of the importance of not making assumptions when it comes to values of another culture. Ultimately, what became clear from the workshops was that there were definite problem areas in the Corps that needed swift resolution, and a central go-to person at headquarters was necessary to coordinate the effort.

When Chip Smith interviewed in 1996 for his current job, Assistant Secretary of the Army for

Civil Works Martin H. Lancaster was looking for someone who could work with tribal people. According to Smith, Lancaster made it clear that he thought the Army was doing a pretty good job at that point with historic preservation. However, he wondered, "where are the Indians in the mix? I don't see them anywhere and I don't see the Army doing anything to address their needs." Although the Army and Indian nations had had relations for hundreds of years at that point, the majority of those relationships over time "have not always been that great."[24] No doubt, part of this invisibility of Indians in the Corps was due to what Vader reported as a general disdain for Native American's role in relation to Corps projects. "There's no future in Indians," a superior told Vader, trying to dissuade him from applying for the first Native American liaison position.[25]

When Smith was offered and accepted the position of Assistant for Environment, Tribal, and Regulatory Affairs at the Office of the Assistant Secretary of the Army for Civil Works, USACE still had no formal program or directives about how to deal with Native Americans. Progress was being made, however. The workshops had occurred and the Corps was under orders to figure out how to better the communications process with the tribes. Hiring Smith signaled a solid step in this direction, but he walked into his post still facing resistance to implementation of new policies regarding Indians. According to Smith, "we had archaeologists spread out among the districts . . . . But we didn't have formal, trained, dedicated (meaning working with tribes was a formal part of their job), what I would call tribal liaisons in place." Although "a couple of good people who tried to do it sort of as a collateral duty" were trying to foster positive native/Corps relations, Smith remembered that when he was hired there were only two formally designated tribal liaisons, Lynda Walker (Northwestern Division) and David Vader (Omaha District). Smith's mission was to remedy this deficiency and develop the Corps' Tribal Liaison Program.[26]

Essential to creating the program and fostering better relations between the Corps and Native Americans was setting out clear guidelines on just how to go about doing this. The USACE has always had a policy toward sovereign Indian nations based on the Constitution, treaties, federal law, regulations, and a series of executive orders. However, in light of Clinton's April 1994 memorandum and May 1996 executive order pertaining to Indian sacred sites, the dearth of dedicated liaisons on the ground, and the passage of such legislation as Native American Graves Protection and Repatriation Act (NAGPRA) in 1996, it became clear that more detailed policies were necessary.[27] Thus Smith developed a set of "very simple but powerful" tribal policy principles in consultation with 186 tribes that the Corps adopted and circulated in February 1998 as Policy Guidance Letter 57.[28] Smith wanted "something out to inform and empower the Corps" without having to "wait for a thesis"—a practical and simple guideline for everyone in the agency to follow when developing new projects and communicating with Native Americans.[29] These six general principles now guide the Corps: recognition of tribal sovereignty; upholding trust obligations; facilitating and respecting government-to-government relations; ensuring pre-decisional and honest consultation; fostering self reliance, capacity building and growth among the tribes; and fulfilling obligations to protect and preserve trust resources, comply with NAGPRA, and ensure access to sacred sites.[30]

As the Tribal Liaison Program has developed over the past ten years, key people entered (and, sadly, departed[31]) what has now become a close-knit "family" of liaisons, of both white and Indian heritages. In the Northwestern Division, Ismael Caballero, Barbara Creel, Pem Hall, Bill Mellick,

Ultimately, what became clear from the workshops was that there were definite problem areas in the Corps that needed swift resolution, and a central go to person at headquarters...

Kimberley Oldham, Mary Lee Johns, Tommye E. Owings, Georgeie Reynolds, and Lynda Walker, among others, have worked tirelessly to foster relationships with the 101 federally recognized tribes in their jurisdiction, a territory that encompasses all or part of fourteen states and nearly 1 million square miles of the North Pacific Region and Missouri River Basin.[32]

Although the Northwestern Division Tribal Liaison Program has embarked on many successful ventures, two accomplishments stand out as particularly definitive of the kinds of work in which program members have engaged. First were the Native American Training sessions, which the Walla Walla District in coordination with the CTUIR initiated in April 2002. These intensive "sensitivity" training sessions were designed to educate Corps personnel in Native American history and culture.[33] The course addressed environmental issues and cultural resources, and provided team-building exercises to build synergy, what Kimberley Oldham described as opportunities for the Corps to work with tribes to the benefit of both.[34] The main goal was to foster in Corps personnel a better understanding of Native American cultural and natural resources and to enhance government-to-government relations when making resource management decisions.[35]

What was perhaps most unique about the workshops was that they are held on the reservation, at Indian Lake (Lake Hiyúumtipin), located in Eastern Oregon's Blue Mountains. During the grueling four-day sessions, Corps staff were completely immersed in the Indian way of life, first building a teepee, then participating in daily campfire councils, creating an atlatl (a spear-like hunting tool), learning about native woodworking, and participating in sweat lodges. As Carl Sampson, chief of the Wallulapum band of the Walla Walla Indians described it, this power reversal was often uncomfortable at first for the white people. On the first day, Sampson explained, there was often tension; on the second day, things got a "little bit easier" with people beginning to talk to each other; by the third day, participants were laughing and joking and the tension was gone. In its place was a budding sense of humor—laughter met Sampson's description of the Corps engineers as "Injun-ears," who were learning to listen to the Indian people "rather than arguing with us all the time." What was being learned was that "helping all of us"is "what this earth is about."[36] The bottom line for Jim Waddell was not only learning how to feel responsible for Native Americans "but also to learn from them how to live and reside on the planet in a sustainable way," how to gain insight for future planning efforts from native people's spiritual belief that humans are the "saviors of this earth" and need to preserve enough resources to last for seven generations, or else everyone will perish.[37]

Although the overwhelming response to the workshop was positive, Corps members were encouraged to provide constructive criticism as well to Umatilla tribe members who led the sessions in Oregon via an after-action report. Some of their comments reveal that cultural misunderstandings are a two-way street. Some of the white participants were uncomfortable with optional nudity in the sweat lodges, others expressed moral discomfort with participating in what they perceived as "religious" rituals, still others expressed disappointment with the perceived lack of mingling among tribe members and Corps personnel during meals[38] Interestingly, these so-called "lessons learned: downs" reveal the continued necessity of learning and understanding cultural practices different from our own. Larger lessons could be learned, too, in these cases. As Lynda Walker explained, tribal liaisons organizing these workshops needed "to better define the difference between religion and spiritual philosophy," for example, so that Corps members would be better able to distinguish between the two.[39]

The second major accomplishment of the Division's Tribal Liaison Program was its desk guide, which Walker, Hall, Mellick, Oldham, Owings, and Caballero authored in conjunction with Portland District's general counsel John Breiling.[40] The guide was published September 30, 2002, to outline the Corps relationship with and responsibilities to federally recognized tribes and to provide broad policy guidance for the

districts in its dealings with tribal governments. The desk guide clearly outlines not only legal obligations of Corps members to consult with tribal members as representatives of equal sovereign nations, but also provides specific examples of cultural rules Corps personnel should observe, such as not speaking with one's hands, not interrupting, avoiding jargon, and eliminating condescension and judgment from one's tone or body language.[41] Although many of these directives may seem like common sense today, only five years later, creating the desk guide was no easy feat. "There's a lot of blood on the document," Lynda Walker explained, "we had to fight to get people to admit that we were doing something that needed to be done."[42]

The desk guide is seen as a working document, subject to continuous revision and updating as the need arises. Co-author Bill Mellick clarified: "This is our road map . . . [but] we can't just stay with the guide. We've got to move on."[43] Future plans for the document are to gather tribal liaisons from all divisions to discuss the guide, and to share the publication with other Corps sections who are "not as ahead" in fostering relationships with tribes within their jurisdictions.[44]

The future of the Army Corps' Tribal Liaison Program is bright. In addition to the tribal workshops and desk guide, tribal liaisons have been busily promoting communication between the Corps and tribes. Summer 2004 was an especially productive season for the group. In June, the Corps and the American Indian Science and Engineering Society (AISES) signed a memorandum of understanding that committed the organizations to a "coordinated effort to enhance opportunities for American Indian and Alaska Natives in the fields of engineering, science, and mathematics."[45] One month later, a program management plan was drafted. Considered by its authors to be exemplary of a "paradigm shift" from the historic (and problematic) Corps procedure of "Decide-Announce-Defend," this plan focused instead on "Customer, Stakeholder, and Partner," which prescribed "project focused teamwork" as its model. At the heart of the new paradigm is pre-decisional consultation with tribal interests.[46] The Northwestern Division Tribal Liaison Program meeting, held in Portland August 10–12, 2004, culminated the busy summer of 2004, bringing together all district liaisons, Chip Smith, and other essential players in the program hierarchy.

As Lynda Walker explained, tribal liaisons organizing these workshops needed "to better define the difference between religion and spiritual philosophy"

Although the Tribal Liaison Program is still in its youth, it has come a long way since 1996. The program now has a solid training course, with command support "at the highest level," including a video of the Assistant Secretary of the Army and one of the Chiefs of Engineers supporting the program, which program members show during training courses. "We have Indian Affairs in people's job descriptions now," Smith elaborates, "so people are accountable." Additionally, the Corps has been partnering with the tribes, racking up "a pretty large list of accomplishments" in ecosystem restoration projects, floodplain mapping, flood control, and protecting sacred and archaeological sites.[47] Ultimately, Smith believes that the Corps has made "pretty substantial progress" where Corps-tribal relations are concerned. "We're not mature yet; we have a ways to go," he says. "We're probably in our teen years or something, if you want to put it that way. But I think we're well on the way to turning this entire agency around."[48] Although the tribal liaisons report that they enjoy their work, they would be pleased for their positions to become a thing of the past. As Bill Mellick puts it, "that's what we're working for—not to have a job."[49]

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Interviewees: Lynda Walker, Bill Mellick, Kimberley Oldham, Mary Lee Johns, Ismael Caballero, and Georgeie Reynolds

By Lisa Mighetto
Portland, Oregon
10 August 2004

MIGHETTO: This is the interview about the Tribal Liaison Program, Corps of Engineers, Portland, Oregon, August 10, 2004, by Lisa Mighetto.

Good morning. I suggest that we start out by going around the table and having each person describe himself or herself. How long have you worked for the Corps, when did you become a tribal liaison, or a consultation specialist [Mary Lee Johns], and what attracted you to this work?

CABALLERO: My name is Ismael Caballero. I work for the Portland District Operations Division. I've been with the Corps going on four years this October. My background has been Natural Resource Management. I have a Forest Management degree from Washington State University and I spent 21 years with the Forest Service. I worked as a consultant for four years and then I came back to the government with the Corps of Engineers as a Lead Park Ranger at the McNary Dam Project on the Walla Walla District.

I accepted a promotion to come to the Portland District, and I have had the opportunity to work as a tribal coordinator in the position as a Natural Resource Manager. My interest in tribal affairs and tribal coordination began when I was working at the Forest Service on the Interior Columbia Basin Ecosystem Management Project—a Draft Environmental Impact Statement (DEIS) document being written for the Forest Service and Bureau of Land Management on the management of 144 million acres of Federal lands east of the Cascade Mountain Range in the Columbia River Basin.

The DEIS covered portions of eight western states and we coordinated with 22 federally recognized tribes. We visited just about every reservation that we consulted with, meeting with tribal governments and tribal staff in most cases to gather input on all the natural and cultural resource management issues that they had. When the feds are going to produce a large Environmental Impact Statement (EIS) document such as this, there are many issues and concerns

that the tribes provide input on. It was a process where we tried to arrive at consultation with each tribe. Formal consultation, or government-to-government consultation did not bear fruit in some cases. Some of the tribes did not participate, but I think the majority of them did.

My interest in doing tribal coordination with the Corps comes from my interest in civil rights. I've been a Hispanic Employment Corps Program Manager for over 20 years, and I see it as necessary to provide everyone, and especially the tribes, the opportunity to provide input into how we manage resources, and to participate in the services we provide. They should have an avenue to participate in every decision that we do as Corps land managers.

MELLICK: I'm Bill Mellick, Coeur d'Alene Tribal member. I grew up on the reservation and went to school at Worley, Idaho. I lived with my mom's parents after my parents divorced at the age of six. I completed my BS at Washington State University, in Agriculture and Natural Resources. I started my government career with the Bureau of Indian Affairs in 1986 as a Soil Conservationist in Oklahoma moved to Washington then Colorado.

I transferred to Ute Mountain Ute Agency in Colorado as their Natural Resources Manager and then became Superintendent the lead Trust Official for the Department of Interior.

My grandparents were getting into their late 80s and their health had started to fail. I resigned my position as Superintendent and returned to Worley to take care of them. My Salish/Coeur d'Alene teaching required that I returned home to take care of them in their last days. This is how we teach our traditional values to our children to care for our elders. I have two girls.

After returning home I started farming our traditional tribal lands. I contracted out to train wildland firefighters for the Bureau of Indian Affairs (BIA) and Tribes. My Grandmother's nephew came to visit her at the homestead, this person is Sam Penney, Chairman of the Nez Perce Tribe. He asked if I would apply for the Native American Coordinator position for the Corps in Walla Walla. He wanted me to help bring home human remains that were stored at WSU. These remains are related to my grandma and she convinced me that I needed to go to Walla Walla.

So I applied and interviewed for the position, before arriving home I receive a call from Lieutenant Colonel Richard Wagenaar offering me the job. I told LTC Wagenaar before taking the job that my goal was to bring back our remains. Once that was completed it would probably be time for me to move back to my reservation and work for the BIA or with my tribe.

MIGHETTO: Thank you. Lynda? Kim?

OLDHAM: My name is Kimberley Oldham. I am enrolled in the Creek Nation. I grew up Muskogee Creek, Yuchi, Pawnee, and Choctaw. I have currently worked for the Corps for about 10 years, and I was a tribal liaison for about four of those years, but my program that I'm currently working under still is associated a lot with the tribes across the Northwest.

What attracted you to this type of work—I became the tribal liaison in Kansas City when my mentor, who at the time was Jim Crews, recognized that I had some skill sets as both being a Native American and an engineer, and that would be very beneficial to the District. This was a period when the Northwestern Division had just begun to finalize its policy that we would have a Native American liaison point of contact identified at every district within NWD.

So when I came into Kansas City, they saw this as a natural fit.

MIGHETTO: And when was this?

OLDHAM: This was back in 1998. I didn't really understand what exactly they were asking of me. It was a very young program in this group of native liaisons throughout NWD. We were starting to form a team and trying to identify needs. I would say that as we went along, it became very exciting because I saw a great opportunity.

I mean, the Corps, in my opinion, has great opportunities to work with tribes to the benefit of both. Today, in our Corps Division we call that synergy. I think that this is a great opportunity. We bring as the engineering agency a lot of skill sets to work jointly with tribes, especially as tribes are trying to work towards capacity building.

As an engineer, I did some work on the Master Manual, rewriting the Environmental Impact Statement to look at impacts along the main-stem river, both technically and also as a tribal liaison. The rewrites were technical in nature, a lot of discussions with both technical groups and governmental groups—I mean tribal groups—as to what the meaning of the different alternatives is in the Master Manual. And I also sat in on consultation meetings documenting them. . . . I worked at that, and then I worked several years as the matrix position, the project manager in Kansas City, and also as a tribal liaison. And, work that we did with tribal governments as the Kansas City District, was to work with four reservation tribes and roughly, I think, 18 aboriginal tribes. Their tribal governments are currently located all the way from North Dakota down into Texas. We did have issues that required that we work with tribal governments in Oklahoma, even though that was outside our district boundary.

As far as preparation, culturally I grew up in multi-tribal cultures, although part of that training makes you understand that every tribe is different, has walked a different path, and has a different story to tell. So having known that, the training came from the tribal members themselves on teaching me about the paths they walked.

Also the thing that I think was significant to being a liaison was the District's leadership program, because I think as a person in this position, you are a leader. You have to help people understand why it's beneficial and important to what they do to work effectively with tribes. So I would say that although the training wasn't specific to what we've been talking about here today, the training was more about being in the leadership role within the District.

MIGHETTO: Okay, thank you. Georgeie.

REYNOLDS: My name is Georgeie Reynolds. I'm fortunate to be the first tribal liaison at Headquarters. It's a full time position, and it's been a position long in coming.

Unlike some of my colleagues at the table, I'm not a native. My family are recent immigrants to the United States. They were looking for a better life. Some fled the potato famine in Ireland, and my great-grandfather came over from Wales because he was the eldest of seven children, and there was not enough work over there. So that's how my branch of the family got started.

I began working for the Corps in 1983 in the Alaska District. I had moved to Alaska a couple of years before, and had done a lot of archaeology and history in Bush, Alaska, especially along the north coast, and was pretty much hooked on that kind of experience.

I had previously worked for the Bureau of Land Management (BLM), the Park Service, and the Fish and Wildlife Service. I happened to be at the right place at the right time. My predecessor at the Alaska District decided she wanted to go to law school and become an environmental law lawyer. She introduced me to my future boss, who subsequently hired me as the District Archaeologist, a position I had for 15 years, from 1984 to 1999—16 years.

I got to travel through rural Alaska, meeting all kinds of people, native and nonnative. Halfway through my study at the Alaska District I transferred from planning to regulatory to learn the other side, and also because regulatory was so much more challenging. I credit my experiences in Alaska as preparation for this job. What this job has given me, and what has attracted me to this work is the personal dynamics, the opportunities to go out and meet people one-on-one, and to listen to them and find out what their issues are, instead of having a constituency being nameless and faceless. I absolutely love it.

Other than that, I've had this position now for 15 months, and my first field trip was to NWD, to Omaha to meet with some of the tribes, and it was an eye-opener for me and an experience I'll never forget of having people express very, very high emotions, and then binding to them afterward, and I think this kind of job and these kinds of relationships are something that I want to keep doing, the rest of my career at least, and the rest of my life. It's really been an eye-opening thing.

So, you know, aside from my academic background and living in Alaska, that's pretty much the extent of my training. I would also credit the regulatory program for giving me a lot of good tips because that's where the rubber meets the road, when you're one-to-one, face to face, and you just can't be a bureaucrat, you have to be a person.

I had a very wonderful training course when I first came on board here 15 months ago put on by the Department of Defense, Native American awareness and cultural sensitivity training, and I just could not believe how ignorant I was of some of the issues and the topics. It was a real eye-opener for me; and, at that point, in April 2003, when I came on board, I knew I would embrace this job and try and do a good job for the program.

The task before me is to implement the existing Corps and DOD tribal policies, which are very lofty sentiments like recognizing sovereignty, and having government-to-government relationships. My biggest task is to translate these goals into tasks that can be achieved and make them understandable by upper management, and that is something I hope to continue improving it because it's a—I wouldn't call it a battle, but it's a challenge every day. And I think that's about it. Thank you.

JOHNS: I am an enrolled member of the Cheyenne River Sioux tribe . . . I grew up on the Cheyenne River reservation in a family that consisted of my mother's side of the family. I'm half non-Indian, but never knew my father, so I was raised within a full-blooded family.

I lived in an urban area because of relocation to San Francisco, and met my husband, who is an Alaskan Indian, and spent 14 years living in Alaska. I have been working at the Corps for three years. I've been a permanent full time employee as the Native American Tribal Consultation Specialist for two years. The first year I was a consultant, because they thought that it was a very successful program, and so then they made the position permanent. And it is my understanding that I have the only position within the whole entire Corps that is called a Native American Consultation Specialist, which I find is very nice. I feel very honored because of that.

How I was hired to do that position, originally there was the advertised position for a three-days-a-month position, and I went in and they interviewed me, and Mike George, who was a project manager, asked me if I could work 40 hours a week. I said yes, and they hired me. So that's how I got the position. I really enjoy the job.

What attracted me to the work, why I wanted to work for the Army Corps of Engineers, because many of my—at least the Lakotas—considered me working for the enemy because they really see that the Army Corps of Engineers is something that they have never considered a friend because of the Pick Sloan Dams.

I wanted to work because of those dams. They are always going to be there. They're not going to go away, at least within my lifetime, and it's very important for the tribes to have an established working relationship so that whatever the Corps is planning, the tribes are on board. We have a term called "miniwichoni," which is the concept of the birth water. Everybody is born within, created within water, and so water is sacred to us. And the Missouri River is the only major river in the United States that has not been adjudicated for water rights. So it's really important for the tribes to understand all aspects of that river, and the Corps of Engineers is one of the most important federal agencies that control the water. It's important for the tribes to understand and have someone that can interpret information to them. That's why I'm there. I feel

that it's really important to train as many of the Corps employees to understand what the Indian thinking is, you know, as it relates to the whole Pick-Sloan projects.

I'm also very interested in consultation and the aspect of sovereignty, and the more we have federal agencies recognizing the sovereignty of the tribes, you know, it's the work that my aunt and many of my relatives have been doing for the past 150 years. So I feel that I'm filling a lot of what my family has set out for our family to do as far as our people are concerned.

I have a degree in sociology and also in human services. I've worked for tribes and worked in the arena of tribal issues for the past 30 years. I've worked at the national level. I was the coordinator for the American Service Committee, and did a lot of work in Washington, D.C., lobbying for many really important tribal issues.

I had Indian language put into a lot of really important legislation. I worked at the regional level, I worked for the Census Bureau, and I worked with 55 tribes and helped sign the 1990 Census. I set up a lot of the programs that are in place now for the Census Bureau that worked with tribes.

I worked at the local level; I worked for my tribe for a number of years. I was the tribal health director, and was involved on the other side of the table for consultation, both locally—I did all the negotiating with the Indian Health Service on how we went about changing our programs. . . .We put together a lot of organizations and developed the—I was instrumental in putting together the Aberdeen area Tribal Chairmen's Health Ward, and was able to get the tribes to come on board for that. I also represented the Aberdeen area at the national level, negotiating with the Indian Health Service on consultation.

I grew up in tribal government. I spent a lot of my time understanding that, you know. My aunt was a tribal councilperson 18 years, and just trained us to understand what the tribes are all about. And so I feel really honored that I'm able to use some of that training—what I have learned over the years in this position.

MIGHETTO: Thank you.

WALKER: I am currently the Division liaison, as well as liaison for the Portland District 40 percent of the time, and I've worked for the Corps since October 1989 when I came to the Corps as a district archaeologist in the Portland District. I had been working for the Six Rivers National Forest in Northwestern California as a recreation officer, and prior to that I was Chief of Realty and Recreation Resources (non-renewable resources), cultural and paleontology with the Bureau of Land Management in the State of Nevada.

When I came here, I didn't know that much about the local tribal people. I had worked with tribal people in the BLM in Nevada as well as in the Six Rivers National Forest, different tribes, but I didn't really know much about sovereign tribal governments. It was just corporate business as usual. When I came here, the politics of the Northwestern Region was such that the tribes had a far greater political presence, and people were far more aware of it. I noticed that people in the Corps were very reluctant to talk to tribes, and they would come to me and ask, "Well, how do we talk to tribes?" I had been talking with them as an archaeologist and listening to them, and I didn't realize—I guess being a sort of a Pollyanna, I think that in an ideal world everybody should know how to talk or listen to everybody else, and I didn't realize that there was a problem. And so I, more and more, found myself doing less archaeology and more liaison work.

In 1996, the commander made me a special assistant to the Commander for Tribal Liaison Work in the Portland District, and it grew into a specialized position in the Portland District. Then my predecessor in the North Pacific Division Tribal Liaison, Cheryl Lohman, departed, and at that time we were merging with the Missouri River region, and it became the Northwestern Division.

Management detailed me in to be the Northwestern Division Native Liaison, and then it was advertised. I did apply for it, and was selected for the position. Cheryl Lohman served in the position from about 1994 through January of 1995, somewhere in there, and she left to take another position. But I became a liaison pretty much because they didn't know I wasn't one. As I said, I'm a Pollyanna. I like listening and talking to people.

I have advanced degrees in Anthropology Linguistics and Psychology, and a Master's in Counseling Psychology of primarily organizational behavior. And I think what I liked most about the job is working with the team, because I found myself interacting with people who knew far more about the tribes and tribal governments and Indian people than I did, and it was very exciting sitting there listening, and soaking up information, and listening to what they had to tell me. To me, that's what I liked the most.

MIGHETTO: Thank you. I suggest that we continue with the remainder of the interview by starting at the beginning; that is, when and how did tribal liaison programs get started in the Corps, and I open it up to anybody. Just say your first name when you start speaking.

OLDHAM: In the Corps? Georgeie, do you want to field that, or do you want me to field that?

REYNOLDS: Please field it. I don't know that much about it.

OLDHAM: Chip Smith out of Office of Assistant Secretary of the Army, (ASA), who at that time was the Environmental & Regulatory Assistant and you'll have to interview him about how he came onto the program, but today he has changed his title to Assistant for Environmental Regulatory and Tribal Affairs. So he made it a program even within the Office of ASA. He started the program working with the first tribal liaison, David Vader, George Tabbs, who is out of the Natural Resources in Headquarters, and Susan Bond out of HQ Office of Council. And we had a woman named Peg O'Brien at Division who kind of assumed duties for the Missouri River Region as the division coordinator, and working with the North Pacific Northwest, it sort of followed after a lot of painful struggles—developed a policy in the Northwest, which then filtered to each district, designating an official point of contact for tribal coordination.

But somewhere in there it further developed to—okay, now we've got to define all this trust responsibility. We have to form this program. What should the Corps or the Department of Army be working under, and thus the Tribal Policy Principles that we now have at Headquarters were developed.

So that really, after a lot of testifying before I think what was the organization—can't remember, but they will be able to fill you in on some of the groundwork, and that set the platform for all of the NWD's tribal liaisons.

WALKER: I've given you a copy of the 1994 policy memo for the Northwestern Division, as well as the most recent policy regulations that we worked on, and that flowed from pre-Cheryl Lohman days in the Division, prededicated full time employee liaison to what Peg and I worked on, and the group as a team, and then the 2001 policy regulation. And the teams have been flexible and changed throughout the years. But we started them in the early days and it was a fight, and as Kim said, without support from Headquarters, or Chip Smith's group, you know, we were pushing in both directions to get the program going, and in many cases it was a very rough fight because people see something new coming along, and they look at it as, as Georgeie said earlier, that impediment, and they didn't want to have that.

But the group of liaisons, even though it's been flexible and there have been changes through the years, functioned pretty much like a high performing team, and that's what I liked as a psychologist. I could see a group that could produce something that was bigger than all the members of the team, and really go forward.

OLDHAM: And David Vader and Chip Smith can kind of articulate that even in the early years of them trying to get the Corps to move forward with a formal program and recognition of trust, there was some early testimony from the tribes, and I think Maytag was the group that testified before Congress. And that was significant in pushing the Corps to start forming and organizing. And then . . . we had people like Linda and Peg who started to put something more specific in place for the Northwest.

MIGHETTO: How many liaisons are there?

OLDHAM: By policy, there is supposed to be one person identified as the point of contact or tribal liaison in every district. So currently, that would be Kansas City—Larry, and Bill is at Walla Walla, Lynda is Portland, and Ismael in Portland. So I guess they have a dual role there. And Joel in Omaha, and Seattle is Diane, right?

MIGHETTO: Okay.

OLDHAM: And the only other district that has or had a full time liaison was Alaska District, and that was Johnny Duplantis and he left about a year ago to start his own business. He was very significant to the Corps program. Once we stood up the liaison, in NWD, we worked very closely with the Alaska liaison to form the Corps program, insuring documents like the Indian Nation Strategy, the Programmatic Management Plan, some of these other initiatives, were created to put more structure to the program.

WALKER: One of the things that made this process fun to work with and a little bit easier for myself and Peg O'Bryan when we were starting is that we were working with a team of native liaisons—Bill, Kimberley, and Tommy Owens, along with Chip Smith and Johnny Duplantis, and Johnny . . . and Mary Lee . . . I have the advantage of drawing expertise from the people who actually know what's going on there, and that made it a whole lot easier to get the documents really rolling.

MIGHETTO: Okay. You've already touched on this, but can you describe the major responsibilities that you've got?

By policy, there is supposed to be one person identified as the point of contact or tribal liaison in every district...

WALKER: I think early on I remember we had a lot of discussions here, so we identified native liaisons in our district. But there was Johnny in Alaska asking, "What does your job description say?" And we've had, and we're still probably having some of that discussion as to defining the roles and the responsibilities of the native liaison program.

I think initially we could define as keeping the leadership, advising the protocols, responsibilities, requirements with regard to tribes that may have potential impact. You know, that was easy to say, but when you don't have an established program, you don't have any processes in place, that was really the first thing that we had to identify. Okay, what do we need for our organization and our districts and the Northwestern Division, and Alaska? What's missing here to kind of bring this all together, to define it for the District.

So that's where you started to bring about the change we had to develop policy. We had to start working on guidelines and training and all of these issues, and try to figure out how to get our arms around it.

REYNOLDS: I've always considered NWD as the pioneer division for the Tribal Liaison program. I think that they've had policies and all other kinds of things long before any other divisions had, and many divisions do not have them yet. So what I look to in my job is coordination with these people especially, to help develop the program for the rest of the United States, because the other divisions are far behind. And I'd also like to say that I credit Northwest Division and some of the tribes in the Northwest Division for putting pressure on the Corps at Headquarters to create my position.

The need was felt a long time ago for this, and the Corps acknowledged it, but Headquarters, working slowly as it does, had not acted upon it yet. And I can remember hearing on Capitol Hill where Senator Inouye, who was then ranking member of the Senate Select Committee on Indian Affairs, asked very pointedly why we didn't have . . . on at Headquarters, and that was, I don't know, a year and a half ago, two years ago, and . . . a lot of the impetus for that and the input to the committee came from this area and I'll be eternally grateful for that.

WALKER: One thing I would like to add—I would like to give credit to the people in another division. The Chicago District, back in 1993, would have the first ever Corps Indian policy, and Carol Kleinhans, and I don't think that's her last name now . . .

REYNOLDS: Johnson.

WALKER: Johnson was the person in the Chicago District to put that out. But it was put out as more of a conversational document like our early 1994 policy, and . . . never took off after that. But it was the first policy, in a sense, for the program.

OLDHAM: But, you know, when you talk about credit, really, I think part of the problems in the other division, and what NWD and Alaska had was the support and acknowledgment by somebody in leadership position, and at that time, and Lynda can help me, Jim Crews, when I came on board, was an SES'r who was very adamant that this was important.

General Griffin then was our NWD commander, and he was the one to sign the initial policy, and then the revised policy was reinforced by . . . General Fastabend.

So unless you have buy-in at a high level, which was another reason that we were trying to get a formalized position, and the tribes recognized a formalized position at headquarters. Until you have top-down buy-in, none of this is going to ever materialize.

WALKER: Absolutely. General Strock, who is now the chief, he was a very strong supporter, as was Commander Mark Tillotson, who was the commander of the Omaha District at the time. I think that every commander we've had, with very few exceptions—say the Deputy under General Griffin, Colonel Eric Mogren, very, very

attuned to the need for diplomacy, and without them we wouldn't have gotten anywhere.

CABALLERO: I think one of the responsibilities that a tribal liaison has is to be like a scout and become knowledgeable of the tribes that we work with. We need to become almost experts on the tribe's profile. Because the more knowledge we have about the tribe, the more effective we can be as liaisons to provide managers the information they need about the tribes and who to contact.

I think it's very important. It's almost critical that we always stay on top of who the tribal government is and have a close working relationship with them, because communication is the most important thing that we do as liaisons.

OLDHAM: I would add one more thing is that it kind of became a joke. Somebody would ask one of us, what is your job as a tribal liaison, and we would say well, it's to know all of the Corps' programs, all of the Engineering Regulations, all of the policies, and figure out a way around them, because I will tell you, none of these regulations and policies were ever developed with tribes in mind.

You can go back to all of the planning and cost share of stuff. The cost share was changed in WRDA in 1986, to a 50-50 cost share for most of the programs. But prior to that, they were 100 percent federally funded type studies and construction, and a lot of these things were done for . . . cities and states that now have an economic basis. They were not done for tribes.

So at the point of WRDA '86, tribes are subject to a cost-share. A lot of tribes didn't have the cost share and infrastructure development the federal government did for a lot of other entities, other cities and states.

So, like I said, it's your job to know the laws and regulations; it's your job to know the policies and ERs, and to figure out how we can be creative to make them meet the needs of tribes.

MIGHETTO: Picking up a thread of that . . . Georgeie had mentioned earlier that this division had been a leader in this area, and you mentioned the support of leadership and accounting for that, and the importance of being knowledgeable. Are there other reasons that this division has become a leader?

OLDHAM: I'd say as the liaisons, and having taken a lot of beatings to get here, we've definitely formed a family—a close-knit family where the tribal members that are also trying to help us and encourage us, but also with each other, and it's a family that even though some of us have moved on, like the Peg O'Bryan's and the Dave Vader's to other agencies, we still are all in touch, . . . you never leave that family. It's still in touch with the tribal members. There's been a lot of strength in that.

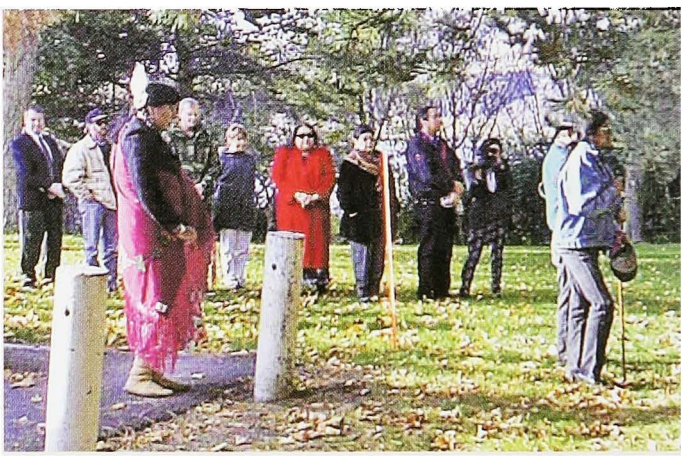
JOHNS: I think one of the other reasons why the Northwest Division has become a leader is because of the tribes themselves. You have what you would call the Rocky Mountain Region, which used to be the Billings area and the Aberdeen area, which is now the Great Plains area, and then you have the Northwest, and those are tribal leaders who are very, very prominent at the national level. They are very much involved. And also I think some of your major rivers are in this district, and so . . . the Corps is very much involved.

You take the Omaha District and all of the projects; the Pick Sloan projects are all connected to tribes. And so the tribes are very much engaged with the Army Corps of Engineers, and so what you have is it's forcing the Corps to respond to the needs of the tribes both on the Columbia River and the Missouri River. So I see tribal leadership very much involved and basically forcing the Corps to respond. And then, of course, the Corps has created a program to respond to the tribes.

But if you look at it from a tribal standpoint, it's absolutely essential that they participate with the Corps. And I think that that's one of the reasons why you have the strong program that you have, is because the tribes in these two areas,

Portland District's George Miller, far right, the program manager for the Columbia River Treaty Fishing Access sites construction project, and COL Wood, left, look on at the signing of the treaty.

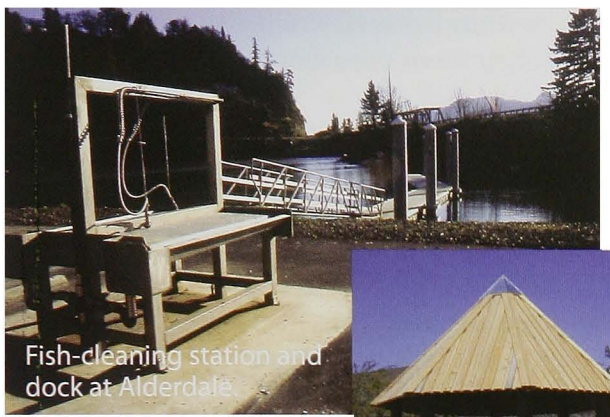




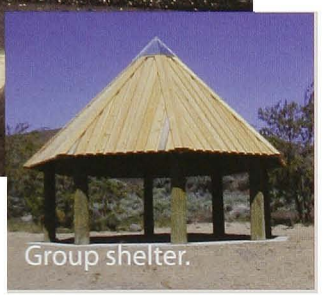
Ceremonial blessings, prayers and the final ground-breaking at Bonneville Dam for the Fishing Access site construction project.







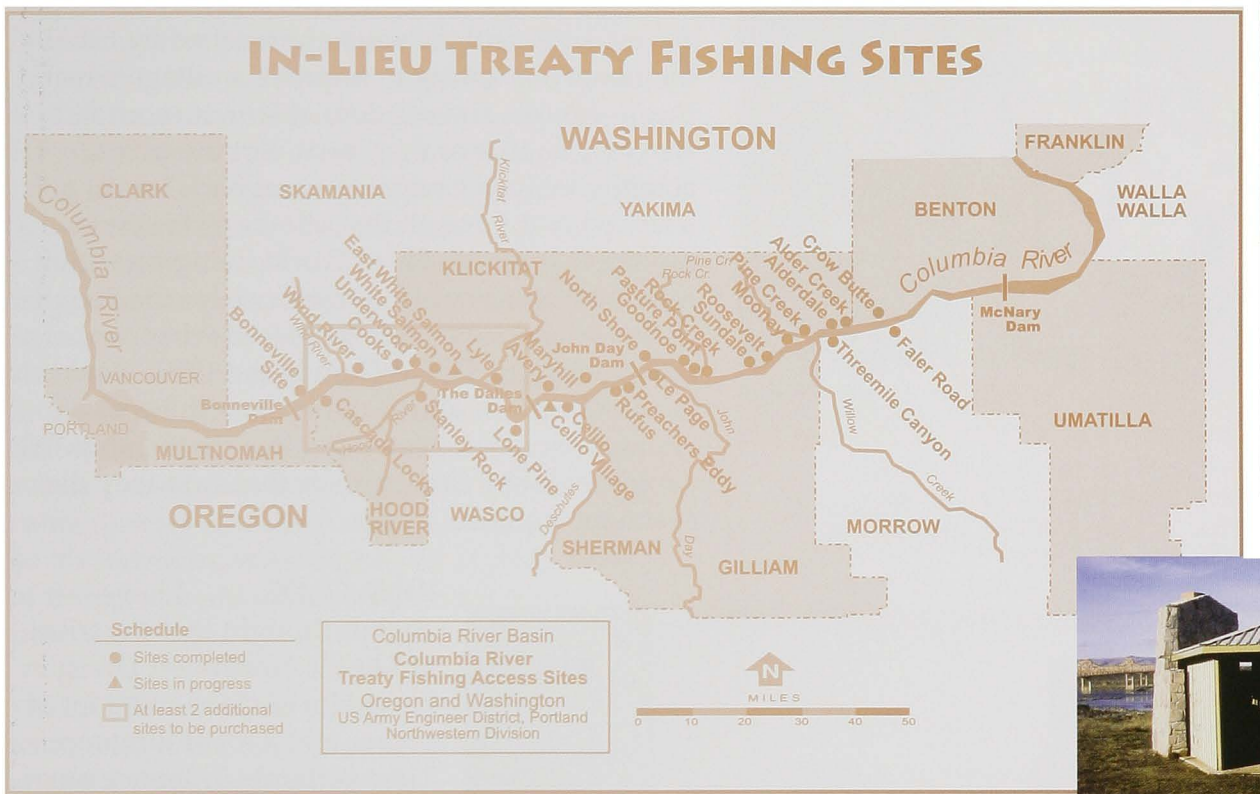
Fish-cleaning station and dock at Alderdale.



Group shelter.

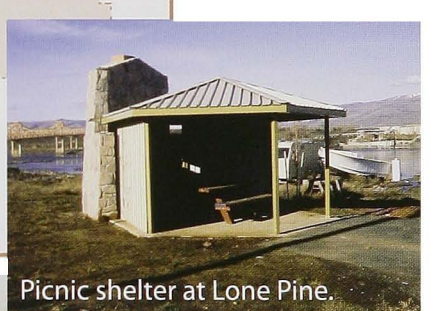


Restroom with art panels by Lilian Pitt





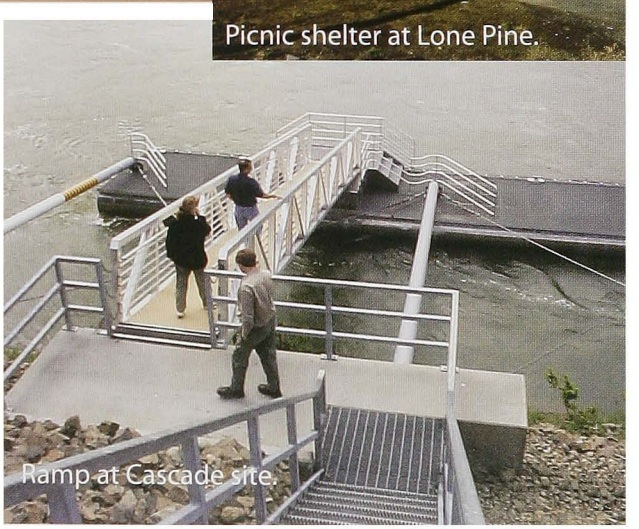




Picnic shelter at Lone Pine.



Fish-cleaning station at Celilo.



Ramp at Cascade site.

Dedication ceremony for the In-Lieu Treaty Fishing sites project

Fred Colfax, and Chief Nelson Wallulatum, accepting a plaque casting from Lillian Pitt, the local Native American artist who designed the relief plaques placed in the rest room walls.



Chief Nelson Wallulatum, Lillian Pitt, MG Carl Strock, Stanley Speakes, Fred Ike, Sr., George Miller, and COL Eric Mogran. Seated: Laura and Randy Settler.



you know, within these districts are very, very strong and they have very good leadership.

OLDHAM: I would say that all across the country we have a lot of impact for tribes, but I will say that within NWD we have some specific people in tribal positions like Tex Hall who is the chairperson in the National Congress of American Indians, that is extremely helpful to helping us develop this program.

WALKER: One of the best examples of working with the tribe in partnership is in the Portland District. George Miller is the program manager for the Columbia River Treaty Fishing Access sites, and we were approached by tribal members one spring to improve a village which means houses and residential structure, and we can't do that as the Corps. But the tribes actually lobbied Congress, went back for us, got a law passed through that allows us to spend money to improve Third World living condition infrastructure as well as residence for the people of this village who were displaced when we constructed the Dallas Dam in the 1950s. And this is an example of a tribe doing something so we could accomplish something in a partnership. We could not lobby Congress for that, and they did seek that support.

REYNOLDS: I have always thought that the tribes out in the Northwest Division have a lot of clout and a lot of power and a lot of influence. They certainly influence our program. And I think that they make us do a better job.

CABALLERO: I think one of the responsibilities that we have as tribal liaisons, and Kimberley mentioned that we're a close-knit group, but we also have the responsibility to build the trust between the Corps and the tribes. You know, we never want to not be able to do what we say, and I think that's the most important

thing that we can do as liaisons is always accomplish our mission and do what we're going to do when we are talking to the tribes. I think that building that trust relationship is going to win a lot of support later on from both the tribes and Corps management knowing that they can trust us to carry out what we say we're going to do.

WALKER: Yes, sometimes we do not take ourselves very seriously; it is a good thing, but we take our work and our word very seriously.

JOHNS: One other thing that I—you know, from an observation point, that many laws that were passed, especially like the Native American Graves Protection Act—anyway—within those laws that the tribes had Indian language specifically Corps consultation, and it's with federal agencies. What they're saying is the federal agency has to consult with the tribes. And so, you know, it goes both ways. The federal agency responding to the tribes, the tribes responding to the federal agency, so I think that there are a number of things that probably got the federal agency to start moving in the direction that it did. And, you know, when you look at where these laws came from, and a lot of them came directly from the tribes themselves, and so it's harmony, sovereignty, all of those kinds of things was also a very important part of this process.

WALKER: One of the members of our team who is not here, Jennifer Richman, is an attorney with the Office of Council. Jennifer has kind of a unique background because she has a J.D. (Juris Doctor) in law, specializing in Indian Law and Cultural Resources Law, but she has a background as an archaeologist and anthropologist.

MIGHETTO: What are some of the challenges that you face in your jobs? Bill?

MELLICK: I don't have any.

OLDHAM: I would say, the constant challenge that David Vader articulated was, "What keeps us up at night is the Corps culture." Changing the Corps culture has been the biggest challenge. It's not working with tribes, because working with tribes is actually very easy, but it's working with our Corps culture and changing mentality and attitudes within the Corps. That's been the most challenging part, and it's probably what makes you extremely frustrated.

MELLICK: Probably the most challenging part of the job is that the Corps doesn't recognize tribal religions. They forget that I am an American Indian and I belong to that culture belief system. They force you to choose between your religion and what they feel is best for the Corps. For example, I was ordered to tell a religious leader from a Columbia River Longhouse that they needed to go and pray outside because a judge told the Corps the remains were not Indian. I explained that I was uncomfortable but they told me it was my job. I refused; I have been blackballed since, accused of not being a team player. I am not sure how to change the mind set in the district but I do know that others do not feel that way; that's what keeps me here.

That's probably the most hurtful thing someone could do to a Native American, disrespect their religion and force them to do something that dishonors relationship with others. This has happens to me a lot, not just once.

MIGHETTO: Do you see the situation improving over the years, or has it stayed basically the same?

MELLICK: I think it's getting worse. The more you work with tribes and projects off the ground, the more people feel that they need to get in the way.

OLDHAM: . . . in some instances we're getting newer leaders who are open and creative. In other instances we're getting the Old Guard digging in and just basically trying to build more walls. So it's a real . . . tug-of-war between the two.

WALKER: You know, one of the things I see as a non-Indian observer of this is the inability of a lot of Corps employees to recognize the difference between institutionalized religion and the concept of spirituality, and when—for example, when I take PMs out to the Umatilla reservation and a tribal member starts talking about beliefs and spiritualism, some Corps people initially say, "Well, they're not going to convert me." But they're not trying to convert you. They're trying to explain their beliefs and their spirituality. And it's very difficult to draw that line between organized religion and what non-Indians think about the religion and the Indian spirituality, you know, holistic, encompassing spirituality. And I truly believe that many non-Indian people are threatened by it.

OLDHAM: Kind of in line with that, is putting tribal liaisons in a position. I remember at one point they were asking me to take on the cultural resource role, and my response to the district was, "If you want to undermine my ability to do my job, then yes, put me in a cultural resource role."

This is what we've been fighting all along. Those two positions need to be separate and distinct because of what the cultural resource activity is versus what the role and responsibility of what a tribal liaison is. And by putting them in that position, it's what Bill was saying—you're putting that role at risk. Even if you are a Native person, it undermines the position. They should never be one and the same. A tribal liaison is over all Corps missions, not just Cultural Resources. But it's the Corps' mindset ... "Oh, you're an archaeologist, you work with tribes. So why don't you be the Native liaison?"

MIGHETTO: Well, I was struck by something Lynda said earlier today. Did you say that you spent maybe 2 percent of your time on cultural resource this year?

WALKER: Yes. When I first came, things were still different here and they were so volatile that I found myself sitting down and talking to people, and it evolved into more of a, "Lynda, come here and do this for me." There were other archaeologists in the district that could do the archaeology work, but I got tabbed to talk to Indians because other people didn't want to talk to Indians, or they didn't know how, and they didn't know whom to contact. And so people would come to me and say, "We need to talk about drawing down this reservoir," or something like that. "Just call them up."

I think a great example is what a former congressman from Oregon, Elizabeth Furse, gives when she talks, and here in the Portland District, we have the Umatilla Army Depot, and they were doing a plan for incinerating chemical weapons. And the bottom line is this army depot needed an emergency plan.

So government officials got together and they sat down, and in the mid-1990s they wrote this plan saying, "We're not going to blow up. We're all going to go to the Umatilla Indian Reservation." Well, the chair of the tribe heard about it and he called, Elizabeth, and said, "Nobody talked to us. We can't have the whole 10,000 people evacuating to the Indian reservation. We're not prepared. Why didn't anybody talk to us?"

When she spoke with Army officers the response that Mrs. Furse got was, "Well, we didn't know how to contact them." And she said, "Don't you know they have telephones like other people?" This is an example of people either forgetting or not wanting to talk to tribes, and this was pretty serious.

MIGHETTO: And I thought that what you were saying earlier in the meeting was that there were other issues than cultural resources that also needed attention, like endangered species and other environmental issues. . . .

WALKER: Wildlife, fish, habitat, water quality—the tribes are interested in navigation. And we tend to think navigation, why would tribes be interested in navigation? But yes, they are. In the Missouri, we have barging issues and water levels to consider. Here we have barging, and one of the most serious things is when they

barge the nerve gas or some hazardous toxic material—

MELLICK: Nuclear waste.

WALKER: —nuclear waste up the river. They have a right to be worried because we have treaty fishing, and what happens if nuclear waste spills in the water, or we have an oil spill, which has happened. How does this affect the tribes? People have to really think outside their small box. And you may be thinking gas bubbles in the water, but it does affect the tribes and the fishing. So we really have to start expanding it out.

And the point I was trying to make was that the cultural resource position in itself is an adversarial role. It's a 180-degree belief from tribal beliefs, so that in itself makes it a reason not to ever combine the two positions, Tribal Liaison Officer and Cultural Resources Archaeologist. Granted, this position works across all nation boundaries as a native liaison, but this one is also a very adversarial role and it undermines what the tribal liaison is trying to accomplish.

REYNOLDS: The best way, perhaps the only way for me to sell this program top to bottom is to take it out of the realm of cultural resources, which is still considered an impediment, and to bring tribal relations into the realm of partners and water resources projects. This makes it more relevant to all engineers and project managers within the Corps of Engineers. It's clearly not a cultural resources issue only.

JOHNS: But that's the challenge. The challenge is how to—because to the tribes, at least the tribes on the Missouri River and in the Missouri River, you know, the Omaha District, cultural resources is a very large part of how they see the Corps of Engineers, and so how you develop that cultural resource program is incredibly important to them, and so they're very much engaged at that level. And it's been a challenge, and I think that that's one of the challenges is that the tribes do have a lot of priorities, you know, and it involves the land. But cultural resources are a very important part of that, and how you respond to it in a dignified, respectful manner. And, you know, the control of the Missouri

There are differences between every federally recognized tribe... you've got 556 federally recognized tribes in recognition status, and they each have different histories, different languages, and different cultures.

River is probably one of the biggest challenges that we have in the Omaha District because it impacts the tribes so drastically.

You know, when you don't have water on Thanksgiving Day because of your water intake, you know, it impacts the political life of that tribal leader. And so they're very definitely going to be responding to you.

And the other thing is a lot of the laws that are being passed that include the tribes and force the Corps and the tribes to work together. And when you have the challenge of low water, drought, and need to work with the tribes in these other areas and there's projects involved, you know, there's a lot of different people's issues coming together, and they make it click. And the Corps is right in the middle of it.

MIGHETTO: And how do you handle that?

JOHNS: Very carefully.

OLDHAM: I'd make two points. Having worked the Missouri River issues, and we're not saying or ever suggesting that the cultural resource is not a very significant and important response to tribes. We're just saying that they shouldn't be one and the same. It's important all across the board. And that's one of the other issues of the program is you can't have one program not working well, whether it's cultural resources regulatory, etc. working with the tribes, because it's the same tribe and the relationship has an overall impact to the overarching relationship. So we've got to get the Corps people working those issues, trained and educated on working with tribes—and the right Corps people working with the tribes because it impacts the total program.

The other thing in the Missouri River that pertains to a lot of other issues that are outside the cultural resource program is that I worked on a study with the Santee Sioux with the water supply contamination issues. Trying to work with our planning laws in order to even begin to address where the contamination was coming from, let alone developing a water supply system.

The main issue that keeps arising in the Missouri River tends to be cultural resource because that tends to be where we have the worst relationships.

MIGHETTO: Okay. You mentioned that you need to get the right people.

JOHNS: I need to say something about that, please. That might have been in the past, and I'm not trying to disagree or anything like that. I just think that it's really important to see that the Programmatic Agreement that was signed by the 16 tribes, and of the eight tribes on the main-stem, six of them have signed, and that it is—I think that is still—cultural resources is still, you know, a serious issue. But the Corps has been working toward developing a relationship and the Programmatic Agreement that was signed in a manner in which we are dealing with it.

So yes, it is an issue. It will continue to be issues. But I think that we need to recognize when there is some success.

OLDHAM: I would say for the whole Corps, one of the things that we've got to realize is that once we break down a relationship in any area, it takes a long time to build trust. So once you have a breakdown in trust it's going to take a whole lot of time to develop that relationship up to a very trusting way. And so that's another reason why as liaisons we try to indicate to everybody that it's the overarching relationship, because, if one area doesn't have a good relationship, it can take the whole relationship back years and years, and it will take a long time to get back to that level. So it's important that everybody be cognizant of that.

MIGHETTO: What are the differences between the Missouri and the Columbia River, or are there differences?

WALKER: There are differences between every tribe, every federally recognized tribe. I mean, . . . you've got 556+ federally recognized tribes changing, you know, in recognition status. You've got state-recognized tribes. You've got

tribes that are on the list to be recognized, and what's the responsibility to those, and they each have different histories, different languages, and different cultures.

So there are overarching similarities tied to respect for each other, respect for nature, respect for spirituality. There are some overarching things that are common to all tribes, but they're all very independent. So yes, it varies from district to district, region-to-region, treaty rights-to-treaty rights.

MELLICK: We know when to consult with our tribes and at what level. It requires a close working relationship and trust between the governments. This is why we are liaisons, not coordinators.

WALKER: You know, one of the things, to pick up on what Kim has said about archaeologists, and I don't think Kim is saying that an archaeologist can't become a liaison, but they have to leave being an archaeologist with the Corps behind. They can't do both. And certainly Chip Smith, Georgeie, myself have done that, and we are no longer archaeologists. We don't think in that mode. We don't work in that capacity anymore.

But I would like to—Mary Lee mentioned this, you know, the Programmatic Agreement for the Missouri River region—Larry Janis was in charge of this, and I think Larry did a yeoman's job. He was not an archaeologist when he took on this job. I believe he was a hydrologist by training before he did this. I'm not sure—you can check that. But he stuck with it, and he got out a good credible document, worked with the State Historic Preservation Officers (SHPO) and the tribes.

Larry did a very excellent job, and I think with the assistance of Mary Lee telling him who to talk to, and it was very critical to the job. But the difficulty—we do walk that fine line of tribal liaisons, and it can sometimes be a very political line.

JOHNS: We talked about this . . .when you interviewed us in Omaha, but it was a two-year process, and sometimes it was very difficult, sometimes it was very painful. But in the final analysis, it was very successful for everybody who participated. I think we all came away from that feeling that we worked as hard a we could, and, you know, some of the people who were the strongest critics of the Corps and of the consultation process, you know, came and celebrated at the end, you know. You had people—there was a big giveaway by the three affiliated tribes, who gave gifts to all those who participated, and they were our strongest critics. But at the end they had celebrated, and they used that—in fact, the tribes are using that and suggesting that other federal agencies go to that model and the process, and use it because they feel that they . . . were able to participate. And much of the language in the Programmatic Agreement came from the tribal document. I'd say it's the majority of it.

And we developed a road map on how we are going to get to . . . agreements that have been contentious within the Corps and the tribes, monitoring and enforcing—all of those kinds of things. There is a way to get there with tribal participation, and I think that it's an example of how the Corps and the tribes can work together in an arena that's very painful for everybody.

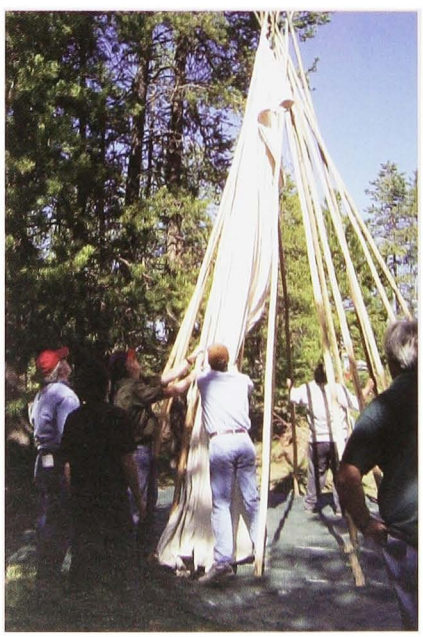
OLDHAM: I guess, you know, going back to the point, we really just need to have the right people working in these arenas with the tribes. For example, in Kansas City when I was the tribal liaison, the two individuals that did our cultural resources coodination were Maria Chastain-Brand who was a sociologist, and David Hoover, who was a biologist, both [NAGPRA] coordinators—absolutely fantastic. I mean, they worked very effectively and efficiently with tribes on any issue, into a very positive result. So the key is you've got to have the right people working with the tribes in all of these areas.

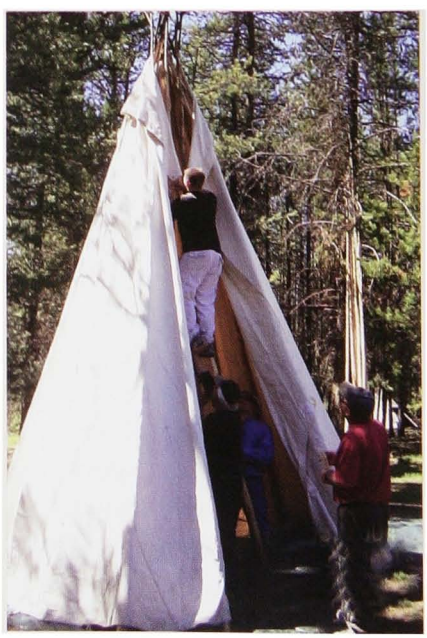
MELLICK: I agree. I hate to be the stick in the mud. Let's get back to Native Americans. I'm great for programming stuff, but we're really here for detailing this.



Tribal culture and heritage training provided by the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Department, May 2004.







The tribe set up a sweat lodge, spiritual ceremony, survival training for the group, and a tribal camp; it was a team-building experience for everyone.













MIGHETTO: I wondered if there was a comparable experience—you were talking about a successful experience. Is there anything comparable in the Columbia River to the Programmatic Agreement?

OLDHAM: Lots of them. I think really, for the program, the success has been building with what--building on with what Chip and David Vader initially started with [NATEC] in getting recognition that we needed some positions, we needed a full time position in Omaha, which led to the division coordinator, which led to establishment of district's native liaisons, and then from there starting to establish the tribal policy principles, and getting Georgeie at a Headquarters level.

So all of these things . . . are the successes programmatically that have been building on each other, that is lending itself to this whole program, you know. If those things don't happen, anything that we do within the regions, is just one little spot in the dark.

CABALLERO: I think one of the successes that I've seen since being with the Corps is the program that Bill started in Walla Walla for the tribal culture and heritage training provided by the Confederated Tribes of the Umatilla Indian Reservation Cultural Resources Department that we've just participated in last May, and I'm still impressed with how well it reached a lot of Corps managers that were pretty negative before they attended that session.

I think that is the key to change that mindset, of getting folks thinking about the tribal and treaty rights and cultural resources before an action and getting the consultation process started early on. I see a dramatic change in folks after having attended that training, and I think that's going to be gaining us a positive reaction from folks for years to come.

MIGHETTO: So you see a difference in their actions.

CABALLERO: Immediate. I mean it's immediate.

MELLICK: The participants from Walla Walla completed after action reports, they said it changed them a lot. They're seeing things different, at a holistic side that they never saw before. They try to see in their mind, "What would the Umatilla want, and can we do it?"

OLDHAM: That particular training really has been very significant for the whole program. There's been attendance by people from divisions, ASA, and I think Headquarters, and it's . . . just a tremendous tool to developing the people and changing the culture within the Corps.

MIGHETTO: Can you describe a little bit of the training that you helped develop it, or you developed it?

MELLICK: At the first meeting with Jim Waddell, Jim had an idea that the Corps needed some type of training from the tribes. He wanted the training set up from a tribal prospective basically, "What the tribes wanted us to know from them," not the way we the Corps thought was best for them. Jim and I were meeting with Jeff Van Pelt, Cultural Director for the Umatilla tribe and I threw him the idea. "What do you think?" And he said, "I've been thinking about this for years. I knew that someday someone was going to ask about this type of training.

He told us that they had been working on this and developed a short write-up. We were on our way; he told us of the Walla Walla Chieftain Carl Sampson, whose Grandfather Peo Peo Mox Mox signed the 1855 treaty and agreed to be our chief for the training. The tribe set-up sweats, spiritual ceremony, survival training for the group, and a tribal camp. Carl wanted us to know that all things in the world are intertwined and everything had a meaning. We need to ask our selves a simple question, "What would Native Americans do" to keep in balance. We opened up a dialogue which helped both groups.

MIGHETTO: How many people did you say have been to the training?

MELLICK: We have somewhere around 65.

MIGHETTO: And is this open to everybody, or how do you get people to participate?

MELLICK: The first commander, Lieutenant Colonel Wagenaar, ordered his senior staff to go- 20 of us. He just said, "You don't have any way to get out of going." The first day was a cold morning; everybody getting in to the trucks, and there were a lot of people. Some of the people were not happy campers. But by the end of week it was fantastic. Everybody changed. It was the first time that we had staff members—senior staff who would talk to each other, let alone sit there, shake hands, and hug. This was more than a tribal event; it was a team-building experience for everyone.

Carl told us at the end of the week during his going away talk that our issues for our group were a communication problem and people needed to put a human face to the person that they had problems with.

MIGHETTO: And you're talking about the desk guide, right?

REYNOLDS: This meeting will be followed by the first annual, I hope, meeting of tribal liaisons nationwide in Washington in September, where I'm sure we'll talk about the desk guide and throw that to other divisions who are not as ahead, or as ahead as you all are.

And I'd also like to say that I . . . continue to try and raise visibility of the program with the higher-ups at Headquarters, and I've had varying results. But what I hadn't mentioned earlier was that the DOD training, which some of you have taken—currently Chip Smith and I are adapting it to the Corps, and this is going to go on the road soon, and we've actually got Mr. Whitley, who's a presidential appointee, he's the ASA, and General Strock to tape speeches in support of the Tribal Liaison Program. So this is a major step for it, and I'll be distributing that soon.

WALKER: Sorry, I had to leave the room for a minute. Did you talk about the RMB strategy that we developed in 2000? This was kind of a precursor.

Back in 2000 the team that was the liaison group at the time—Dave Vader from Omaha, Kim from Kansas City, Lynda Nutt from Walla Walla, Dave Rice from Seattle, and myself met and we developed a long-term, 10-year strategy with Ken Cooper from Omaha District. And one of the things that we did was draw this huge spreadsheet saying what do we want to do in six months, what do we want to do in ten months, one year, two years, and one of the items on that was the desk guide. And we, as a team at the time, played around with that and kind of spun our wheels, but typed and edited it repeatedly.

And then when Bill came on, he brought a document—Lynda Nutt was transitioning out of the position, and Bill came in, and what Bill imported to us really caused us to take off like a shot, like a rocket, and the team just really clicked. And then we got in Pem Hall and Tommye Owings from Omaha and Seattle District, and the team—with Ismael—and the team just sat down and really produced, along with John Breiling from Portland.

There's a lot of blood on the document, as I said before, because we had to fight to get people to admit that we were doing something that needed to be done. But I will say . . .

MIGHETTO: People within the Corps.

WALKER: . . . within the Corps—and Rebecca Ransom, who was the head of the Division Office of Council at the time, took the document and said after one of our various drafts, looked at it and said, "This looks really good." She signed off on it. So I will credit Bill with taking us in the direction for the format of the document, because we really didn't have it formatted in any logical form before Bill brought it in, and we really took off at that point.

MELLICK: I worked on this prior with the Bureau of Indian Affairs. Back in the 1990s, the BIA was going through reorganization. I was tasked, or had the pleasure to work with Wendell Chino, Chairman of the Mescalero Tribe, Judy Knight-Frank, Chairman of Ute Mountain Ute Tribe and Leonard Birch of the Southern Ute

Tribe. These were the real old chairmen; people who had worked with their tribes for 50 or 60 years. They explained what was needed to consult in Indian Country and how to discuss issues with tribes.

They said there are two types of consultation – informal and formal process. They explained with working with government agency this is the way that we could work together. The Bureau of Indian Affairs didn't take their advice, of course, but that's where a lot of this came from, from these meetings.

WALKER: One of the things we did before we went final on the document, before General Fastabend signed it on September 30, 2002, is we did shop it around in Indian country, and gave it to people and said, "Review this." We sent it out to all the tribal chairs. And usually they came back saying, "You misspelled my name here," or something, but they liked the document. And to carry it a little bit further, each district, as part of that RMB strategy, and RMB stands for what, Kim?

OLDHAM: Resource Management Board.

WALKER: Resource Management Board—part of that was for each—I don't know, each district to develop a document from that guide. And Portland and Walla Walla have a pretty good one right now. I have an example, which I'll show folks sitting here, and that has the tribal profiles in which each tribe describes themselves or determines what they want to say about themselves, and I'm supposed to keep it up to date with who's the chair, and I admit I'm lagging behind. But that was also shopped around in Indian country, and they'd go through it and they'd say, "Oh, good. Take out Sahaptian. We don't speak Sahaptian. We speak Ek'eesh Sin Wit," and I said, "You've got it." I put it in there.

So that was what Headquarters saw when they came out to do a command inspection; they really liked the idea that we let the tribes write their own profile, but we worked with them on this.

MELLICK: I have tribes who accept this document as they want to be consulted with and force other agencies to use it as a standard.

MIGHETTO: That's interesting.

WALKER: And they liked what we did.

MELLICK: So this is not just the Corps anymore. The tribes are picking it up and using it as their business.

MIGHETTO: Well, that's amazing. Kim, you mentioned—did you compare the guide to flood damage reduction earlier?

OLDHAM: Well, I mean, the whole process, you know, the more proactive you are in building relationships, the more you save in cleaning up the mess of miscommunication, and the same concept of flood damage reduction. How much did we save in flood damages by having these dams and stuff in place and routing. That's kind of how we measure it, in the unknown amount really, it's hard to quantify that. But really, by building relationships, and building trust, and communicating effectively, and being proactive up front, you're not going to—you're going to have a whole less mess to clean up later, vs. greater up-front communication.

So trying to tie this into our business practice is taking what Bill wrote, taking what the tribes gave us as their profiles, we came up with a division desk guide, and then we tried to identify, okay—well, there's a whole bunch of things we thought about, maybe having a cultural resource appendix, maybe having an emergency management appendix, etc.

One of the things we did think that we had a problem with is tracking consultations, and so we developed a consultation communication plan, meaning informal or formal documentation requirements, what's required in your memorandum for record, particularly that you have a memorandum of record and what needs to be in it. Quality assurance, quality control requirements. We don't just write a MFR without review. I've seen this as a mistake, not just with

tribes, but to write what I think you said, and here, this is final. To communicate what we think we heard for agreement—that's what we all agreed to, and by the way, whose action is it, so that the next time you come into a meeting, you're not having the same discussion that you had before. You're saying this action was so-and-so, where are you at? This action was me, this is what I've done so far, and that way you can move forward, and then that becomes a status of action in reporting.

So we added that component, and we added a map room. At a division level that incorporates all the tribes that are incorporated by districts. But at the district level guide book, then that's where you start getting more specific with not only the tribes and their profile, but how they want you to—who they want you to talk to in their government, and identifying that person, say if they have an environmental office. The tribes identify their POCs for the district guide book.

MELLICK: Right, and at the end of any of our meetings on consultation, once they agree to accept the project, that means we completed formal consultation. Then we decide who is doing what, by what day and when is our next meeting.

You'll be surprised how fast we can get something done once you have a roadmap. And the Umatillas are great with that. By the time we get back to Walla Walla, 21 miles, they have faxed us the agreement to be reviewed.

That's how successful this document really helped. When I arrived at Walla Walla to start my job as Tribal Liaison, I was told by the commander that we had the worst relationship with the tribes out of the three districted. My commander was real upset.

Of course, part of that was not exactly the commander's fault or the person who was acting as the liaison. There were a lot of political problems that we had at the time in the North Pacific Region. There were problems with cultural resources, fish studies, contracting,

I remember Sam Penny looking over at the Colonel and saying, "I'm going to sue you. But do you guys want to go have supper?" And, of course, the commander said, "Are we having salmon?" He said, "Yep, we're going to."

water issues. This was a very, very difficult time and Walla Walla District seemed to have more problems than some of the other districts.

We've cured a lot. When you look at, let's say, the spill, the summer fish spill at the dams the lead agency is Bonneville Power Administration, (BPA). BPA failed to consult with the Nez Perce Tribe and the Corps needed to clean up the misunderstanding. This required several meeting with the tribe and they still disagreed with our discussion. They ended up suing the Corps but they did not attack us at a personnel level. They understand our point, which at the end of the day, the most important aspect of consultation; the best part was—we can not agree on everything, but they don't take it personal against the commander. It's just the way of life.

MIGHETTO: Do you think that as a result of this process, generally there are fewer lawsuits than there would be?

MELLICK: No, because no matter what the government does on the rivers, there's always going to be a problem with the management of fish, at least on the Columbia (government vs. tribes). The tribes, at least on these issues, are going to say we didn't do accumulated effects. Until we fix that part, we're always going to have problems. It's just a matter of opinion. But it's still

nice when it's the end of the day that everybody is happy with each other.

I remember Sam Penny looking over at the Colonel and saying, "I'm going to sue you. But do you guys want to go have supper?" I mean, I'm not kidding. That's the difference. And, of course, the commander said, "Are we having salmon?" He said, "Yep, we're going to." That's what you want. To me, that's consultation, and it's always great to get invited to supper.

WALKER: I would love to tell something that happened when General Strock was out at Celilo Village when we were talking about a couple, three years ago when they were really looking at whether or not we could get this back, when the tribes had a ceremony at the Village. And General Strock, of course, being very imposing when he came in . . . and there was a little seven-year-old boy that came in, and he just followed the General around everywhere the General went, and we had a very important Native American artist, Lillian Pitt, had designed some art before . . . one of the buildings on the site, and we had the dedication for her art, and General Strock was there. And then we went over to the Long house and this little boy, this seven-year-old boy just kept following the General around. And, of course, the General is what, 6'4", at least. And this little tiny boy was just hanging around with adoration in his eyes. So the General pulled off one of his stars and pinned it on the little boy's lapel, and the little boy was beaming, he was so happy.

The Soldiers' Protection Ceremony for COL Ubbelhode (center)**, April 16, 2004, Pierre, South Dakota prior to his departure to Iraq.** (Pictured left to right) **BG Grisoli, Mary Lee Johns, Lynda Walker, Pemina Yellow Bird, and Michael chairman of the Lower Brule Sioux tribe** (in headdress)**.**



An example of real humanity, and I think this goes to some of the things that our commanders do that shows support for our program—little things like that. The taking of time to go to Indian country. When Colonel Ubbelohde attended the ceremony in Missouri, and he was with

Chairman Jandreau, oh, they gave him a big dinner—

JOHNS: Honored.

WALKER: —an honored guest.

JOHNS: Honored. Yeah, there was an honor song for him because he was leaving for Iraq. And also there was a honor song for Chairman Jandreau because of the Three Affiliated, because he was always looking out for the village where Lower Brule is situated. Now there were a lot of old village sites, and they honored him because he had always protected and spoke for the protection of those villages, so they wanted to honor him. And so they brought Chairman Jandreau a headdress, an eagle feather headdress and presented it to him. Colonel Ubbelohde, I think, had a lot to do with . . . building better relationships between the tribes and the Corps, and I think that Kimberley is right. It's all about who the individuals are within those positions. Because working with tribes is all about relationships. It's all about how you become friends with them. It's not about this formalized kind of—yes, it is important to be formal consultation, but it also is how you build these relationships.

I'm sorry, I didn't mean to interrupt, but I just wanted to say that that really was incredibly important.

I think part of this developing these relationships was also about how you—the Corps develops and uses ceremony, you know. We shouldn't be scared to utilize and recognize tribal ceremony. When we did the signing of the Programmatic Agreement, the keeper of the most sacred symbol of the Lakota/Dakota/Nakota world was the keeper of the sacred pipe.

Well, he came and participated in the ceremony, had just returned from Iraq, you know. They're having a big ceremony of all the spiritual leaders throughout the world, and was on his way to Canada for another one, and he took the time to come to Pierre and participate in the signing of that Programmatic Agreement because the tribes recognized that as one of the most important documents that they were going—that they had signed in years with the federal government. And so they really wanted to formalize it in a way so that different—you know, the Lakota/Dakota/Nakota—our spiritual leader there, the oldest member—living member of the Arikara, their chief, was there, and there was just these really important, highly visible people within the tribes who had tremendous, you know, important positions came to that, to Pierre, and smoked the pipe with our General and our Colonel and Georgeie, and it was, you know, so many people walked away from them feeling that it was a very, very significant time and a significant document.

WALKER: One of the things I wanted to kind of bring in a circle here is when you're talking about commanders, the support that they had given us in the Northwestern Division, and I will mention Colonel Donald Curtis, who was the commander of Kansas City for a while, and he was in Walla Walla—very beloved by the tribes for his positions and how he interacted with tribes in early stages of the Ancient One Turmoil.

But when we were trying so hard to establish the program and we got invited back to brief the ASA Civil Works, and at the time General Griffin was the head of the Civil Works, and we briefed him and the ASA, and at the time Dominic Izzo, who I believe was acting, but we pressed for HQ liaison. But then our command didn't really stop there. They continued to send letters, all saying that they felt, in the division and in the field, a need for an HQ position for tribal liaison.

So it was something that our commands helped us out a lot. And those commanders are now at Headquarters, which is even better.

MELLICK: One thing you have to recognize about tribes, very important, at least in the Northwest, is there's a great respect for the command, for the Army, just because we have so many vets. They're on council, who are running the tribe. There are so many of them. Our colonel walks into a meeting and instantly they have the respect of these councilmen.

MIGHETTO: That's interesting. So they have respect for the Army, the same respect for the Corps?

MELLICK: Yes. If they're in the green suits, they're great.

MIGHETTO: Okay.

OLDHAM: One of the things that I advise commanders as a tribal liaison, is that - you as a commander, a military person, have the opportunity here to either build relationships or, break relationships because of the culture of tribes. One of the commonalities between tribes is the respect for our veterans, or warriors so to speak, because per population, we Native Americans have the greatest percentage out of any ethnic group of veterans and military personnel. But there is duality with the Corps. There is a respect for the military leaders, but there's also this history, too. So we walk a line where we can build some significantly great relationships, or we can revert back to what the past history has shown.

So that's one of the things that I advise commanders... the opportunity.

COL Ubblehode, Omaha District, and BG Grisoli, Commander, Northwestern Division, present the commerative plaque for the Programmatic Agreement to the head of the Bureau of Indian Affairs, Robertson and on his left, Ralph Nau, Chairman of the Advisory Council on Historic Preservation and Corps of Engineers.



MIGHETTO: How much time do we have?

WALKER: Well, I'm not sure how many questions you have. It's about 1:00.

MIGHETTO: Okay, well, I wanted to ask if each of you had a particularly memorable experience that you wanted to relate.

CABALLERO: I'll go first. When I was working as a tribal liaison with the Interior Columbia Basin Ecosystem Management Project, we traveled to most of the Tribal Headquarters to meet with—the tribal staff or

tribal governments in trying to consult on the DEIS Project. We visited 22 different reservations and while we were in Northern California at the Fort Bidwell Reservation just south of Klamath Falls, we met with the chairman Frank Degarmo and the Tribal Council. We spent most of the day going over issues and they were giving us a lot of the tribal history and I thought everything was going great. I kept looking at my watch because it was getting pretty late. Then I started seeing all the women get up and start shuffling into the kitchen. I was tapping my foot thinking, well, when are we going to be able to leave?

Luckily, I was with a more experienced Tribal Liaison Team member and friend who told me that it was not time to leave, that we'd better stick around and accept the unspoken invitation for the supper. I think that was one of the most memorable experiences that I have ever had—and it was the first experience for me as a guest at a tribal dinner. So I will never forget that. I learned that we, feds, should never turn down an opportunity to attend the closing ceremony or dinner after conducting business with a Tribal government.

MIGHETTO: Anyone else?

MELLICK: I have so many.

OLDHAM: I've got to tell this one. Actually, I presented it, and it's more about Colonel Meuleners, who was at MRR Division. I was working on the Master Manual as a—as the tribal liaison/project engineer. You have to understand, there's a subtle humor and a lot of banter even within Native American different tribes working; ie. working with the northern tribes vs. southern tribes. We tease each other back and forth and build up a rapport. You know, they talk to me, "We're going to invite you up here to North Dakota in January." And I said, "Well, you come to Oklahoma in August and we'll talk." So, you know, and there's all this teasing.

But I knew them and I knew a lot of the subtle humors. One of the things I would advise the commanders was, ultimately I can teach you, about cultural beliefs that are overarching. You're going to have to learn the nuances and the different cultural beliefs of the different tribes by engaging in conversation, by asking questions, by listening. And I said, "Don't promise things you can't deliver and speak from your heart, I mean, because ultimately they're testing you. They're testing your heart. I can't take your test."

But there was that kind of orneriness, too, that was going on through this meeting, technical meeting. We brought in a technical group representing various tribes—biologists, and we're talking Master Manual. And you have to understand Colonel Meuleners was a part of this whole two-day meeting. They had Rose Hargrave, who was a project manager, her assistant, who was Patty Lee, Peg O'Brien was our division coordinator, and there was me, and I think Roy McAllister was the only other male in the room and he was the project engineer.

So here we spent two days talking Master Manual technical details, and kind of closing out, and any final words, and the gentleman that I had been working with from Fort Peck, he said, "No." And starts to talk about his culture. Men lead the way to protect their women. He goes, "Well, from looking around the room, I see you're led by women." And I had to bite my lip, and he kind of winked at me, and I just put my head down and said to the Colonel, "I can't help him."

So he starts in immediately, "Well, you know, we're equal opportunity. We believe in diversifying the work force," and he said all the right things. And I had to just sit there. But the Colonel didn't realize the tribal member was teasing him.It's the subtleties; so he had to take the test.

So whenever the technical team left, immediately Rose turned to me and said, "Did he just call our Colonel a weenie?" And I just burst out laughing.

So at Colonel Meuleners retirement, I honored him with a blanket, as is my culture and explained it, but I also told the story. It was just hilarious. But like Bill said, there's tons of them.

MELLICK: This is pretty good. It was the first time I returned to the Yakama Reservation; I worked there for three years as soil conservationist, so I knew the Chairman Ross Sockzehigh and the rest of the council. We walked into the council chamber with Colonel Kertis; this was his first time in Indian country. And the Yakamas have a big arrowhead for their working table. They usually put whomever they want to roast at the end of the arrow, and you stand there at the tip and they'll start giving you the 20 questions.

So when I looked up at the lead chair Ross sitting there, and I started to remember when I left Yakama BIA I wrote Ross up for trespassing his cattle on many of the range units, and he received a fine for trespass. Then he looked at me, looking serious and said, "I thought I got rid of you." And the Colonel looked at me and at our head civilian Paul Wemhoener. Then Ross looked over and winked and said, "Hey, why don't you guys come sit over here?" We were invited to sit in the chairs for the council members. It's probably one of the greatest honors that probably ever happened to me. We were moved off the arrow, sat in their chairs and discussed the issues. Later the Colonel told me he didn't know what to think but said, "Boy, you left an impression with them, didn't you?"

But you need to understand this happens all the time. You need to remember, these tribes are very humanist if they want to be. They love jokes. They love having fun.

There's a sort of humor that's innate in the culture that's hard to explain. You just kind of have to live it.

JOHNS: I think one of the most memorable experiences that I had, other than the Programmatic Agreement, which was—that was just one of the greatest that we all experienced together, was the meeting that we had with the Great Plains leaders in Flandru, South Dakota, when the Assistant Secretary of the Army, Woodley, came to have a meeting with the tribes to discuss the Master Manual. And at that point the tribes basically came to the conclusion that there wasn't really a lot that they could say about the Master Manual and how the decision was going to go.

And here is this Assistant Secretary of the Army sitting there and wanting to hear what they have to say about the Master Manual, and each one of them, each one of the tribal chairmen that stood up, and that was Tex Hall, Roger Judell from the Santee Sioux tribe, Harold Frazier from the Cheyenne River Sioux tribe, Mike Andrews from Lower Brule all stood up and talked about the Programmatic Agreement and what a—that they thought that the Corps had finally understood what the consultation was about, and the fact that it was developed, and the way it was developed, and it was like here was the Secretary of the Army sitting there wanting to hear about the Master Manual, and yet the tribal chairmen felt that the whole Programmatic Agreement process was so important, that they wanted to compliment the Corps on how we had developed it. And each one of them recognized Larry Janis, and I thought that that was such an honor to sit there and have someone recognize all his work that he had done.

Then Scott Jones got up, who was again one of our most—strongest critics when it came to how the whole cultural resource program was run, stood and really spoke awesomely about how we had worked together and had developed this document. And, you know, to sit there and listen to the tribal chairmen talk about it, that was very memorable for me, to know that the Secretary of the Army was listening to that, rather than all the complaints that could have gone on about the Master Manual. It actually was, you know, something very positive.

REYNOLDS: I've had several memorable moments in the 15 months I've had this job. All of them have been in NWD. All of them. All of them! And they stick in my mind.

Of course, one was... [inaudible behind dragging microphone]. . . never forget that, and another one was being out at Celilo Village on Easter Sunday with Lynda in the lodge—the lighthouse. That was unreal. It was just so

1995 Repatriation

In the early 1990s the Smithsonian Institution requested mediation assistance from the Portland District for a repatriation action. Cultural items including burials and associated artifacts had been removed from the Memaloose Islands in the Bonneville and Dalles pools during a period from 1930 to 1950.

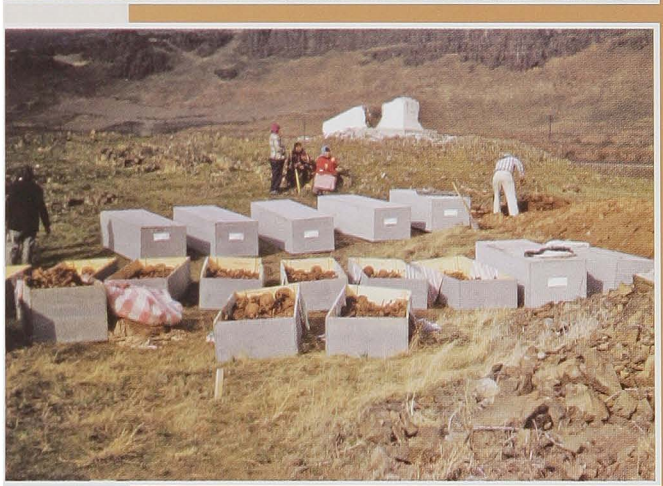
The Smithsonian originally judged the repatriation remains and artifacts to be associated with the Chinookan peoples whose descendants were the Wasco tribe of the Warm Springs Indian Reservation. This was refuted by the Yakama Nation, resulting in a counter claim.

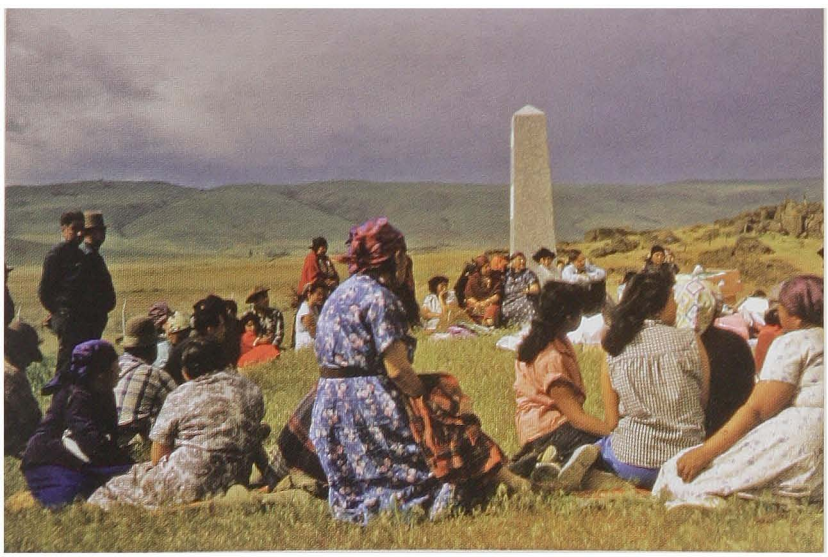
The Portland District Commander (Col. Tim Wood) assigned the District Archaeologist (Lynda Walker at that time, 1994) to assist in the resolution of this dispute. The District proceeded with an initial meeting of both full tribal councils; the councils deferred to the religious and cultural tribal leaders and the wisdom of the elders.

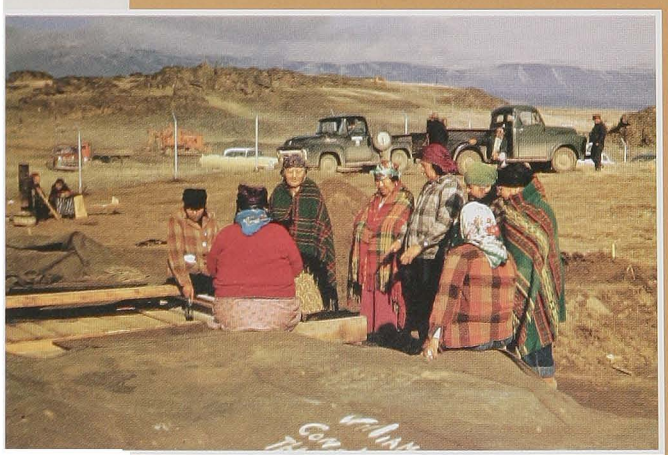
The District provided a venue and facilitation for discussions, and the tribal representatives resolved the counter claims through a joint petition for repatriation. This culminated in a reburial of remains and artifacts in December of 1995. Later a commemorative monument was placed at the Wishxam Cemetary in Washington State, the site of the reburials.

Original burial of Indian remains and artifacts. In 1995 the ceremonial reburial was held and a commemorative monument (left) **was placed at the Wishxam Cemetary in Washington State at a later date.**









wonderful. But the thing that stands out in my mind the most is my first trip to Omaha in May of 2003, flying up to Rapid City and attending a mini-. . . meeting with a lot of chairmen there. Tex Hall was there. I had never met any of these people, but I had heard. Tex Hall was there,... Faith Spotted Eagle, and an elderly gentleman named Ellsworth Tickey.

What had happened was there had been many human remains found at the White Swan site, or that had just gotten really big. I think it was the first time, but it was like it had blown up, and Mr. Tickey got up and very, very poignantly with tears in his eyes was talking about it, and how they had been kicked off the site and all this kind of stuff, and he was pounding the table, and he was talking to me like it was just me, and I had never had this experience before, and I was like so moved, I didn't even know what to do. And finally he had his say and I think I just nodded and said, "I understand," or something like that.

Then after this little session he came over to me, and I think they were breaking for lunch and he said something like, "Well, where are you going for lunch?" And I said, "Well, I'm joining these people here—we're going to have a burger." And he goes, "Well, while you have your burger, I'm going back out into the woods, I'm going to shoot me a rabbit, I'm going to roast it, and I'm going to eat it, because I can do this kind of thing." And then he opened up his briefcase and he showed me his saved bundle and he said, "You know what this is?" And I said no, and he goes, "This gives me power, and I'm showing it to you. It's something special and I'm showing it to you." And then he looked at me and he said, "You know, in our culture we treat our women a lot better than your culture does," and that was about all he had to say to me, and we bonded, and that was my introduction to NWD. I'll never forget it.

MIGHETTO: Lynda, you've already touched on this at the beginning, but what do you guys like best about your job?

MELLICK: Working with Indians.

CABALLERO: Being part of the Tribal Liaison Team and trying to educate the rest of the Corps.

JOHNS: Working with the tribes, being able to see a lot of people that I worked with over the years, and my relatives, and being able to travel in Indian country, and helping the non-Indians who don't understand how to work to bring them up to a point where I feel comfortable that they're learning something, and that they're being turned on to tribal consultation.

REYNOLDS: I guess for me—let me see if I can remember—it had something to do with personal fulfillment. Well, the concept is meeting so many people on an individual, one-on-one basis, and getting to know them as people, as individuals. It has been very, very fulfilling, and even though I don't have all the answers, when I meet people and talk to them, I feel that my job is really important. When I meet people, it makes me want to do a better job.

OLDHAM: Probably two things, I think. It's a rare opportunity for me to combine both my engineering background and my cultural background, and bring positives to both. It's a wonderful opportunity, a golden chance. And also it's building this family, it's expanding my family both with the tribal liaisons and a lot of the tribal members. I'm meeting with people throughout the journey of my career and I am building and expanding my family.

WALKER: For me it is a couple of things. Making new friends, and you are rich by the number of friends you have. Both the liaisons, because I truly believe we are a family, and then my friends that I've met in Indian country, and being able to help the tribes apply limited—when I say limited as far as my education, I say limited in terms of knowing tribes because I'm constantly learning out there, and they are educating me in being able to absorb that like a sponge and use it on the job, that is the most exciting thing for me.

One of the things that I would like to do before we close is recognize—we talk a lot about the people that were in the program when we first began, and certainly there are a lot you are

interviewing, and you will be interviewing more, but our current liaison status here, starting with friends . . . you've had Larry Meyer, and Larry is the Executive Assistant and works with kind of a matrix over there, and we have Christopher White in Environmental, Andrea Pouliot who is in EC-E-F, and then Kim earlier had mentioned Maria Chastain-Brand and David Hoover, and then we had Tim Meade as an archaeologist, as a kind of a matrix with Larry as the focal point. And then in Omaha, of course, we have Mary Lee as the consultation specialist, and then Joel Ames is the tribal liaison, and Walla Walla, of course, Bill Mellick.

In Seattle, we have Diane White, and then Ismael Cabllero and myself, and that is our team right now. And Jennifer Richman, that's right. She is in the position of Office of Council, and one of the things that we try to emphasize is that as liaisons we deal with such potentially explosive concepts. We deal closely with the Office of Council, and Jennifer and her predecessor Becky Ransom have been strongly supportive of our program and active. And that's pretty much the current—and I'm not saying that there aren't other people, like George Miller in Portland, and Diane Carnish in Walla Walla, others—Larry Janis—there's a lot of other people. But as far as actually doing liaison work, that's the structure of our family right now. And it is a family.

OLDHAM: And Lynda is the mom.

WALKER: Kim, I always used to joke that we were like family, like little ducklings that would follow Mom, but when the wolf comes around, we all hide behind Bill. Dave Vader—we kind of used to laugh at his jokes, but he really wanted us to all get tee shirts that said "N(ative) A(merican) C(oordinators) Liaisons—We're in the Hood and We're Dam Good."

MIGHETTO: Lynda, you're retiring early next year.

WALKER: Yes.

MIGHETTO: Would you have any advice for new liaisons as they come in?

WALKER: Listen to the tribes and listen to the family. I mean, if it's somebody that is totally brand new, I can't say who they are going to hire. We know that Colonel Knieriemen and Colonel Markham at the Portland District, the districts and divisions do plan on hiring a person at this point in time. Who knows in the hiring processes who it will be or what kind of knowledge they'll have. That's up to the selection committee.

But the advice I have is learn from the guys who have been there and have the smarts.

MIGHETTO: How about the rest of you? Is there anything that you wish you had known when you started?

CABALLERO: One of the things that I think has proven really functional for Portland District is that not only do we have the desk guide, but Lynda provides training for that desk guide, which is critical. We call it Tribal 101 and we have a great time with it. We will take a group like Regulatory and train 20 people in a half a day through the desk guide, providing them with some insight on how to use it and how to conduct consultation. I think that's really important to make it work.

WALKER: I just reiterate it's critical that you have—that you choose the right people for the right positions for native liaison, and it is very important to have the right person. It doesn't necessarily mean like Vader and some of the others, you have to be native, but you have to be open to listening and learning, and not be unchanging. And so—that's a lot of what we see, but I think once again, it would be nice if the person had all the knowledge of all the Corps missions and all the laws and stuff, but this is all stuff you can learn if you're open to it, and you can learn about the different tribes in many regions. But it goes back to the basic personality.

MIGHETTO: It sounds like you have to be flexible.

[several people said] Very flexible.

MIGHETTO: Is there anything anybody would like to add that we haven't covered?

OLDHAM: I would like to add one more kudos to a person that helped us with our desk guide, or a portion of the desk guide, and Kim touched on it earlier as a necessity of documentation, and I worked with Vicki Tomberlin to develop a filing system in the division for the Tribal Liaison program because we never fit anywhere. We were not in the cultural resources system; we didn't fit anywhere. And in the past, any kind of confrontation documents had been put in the fish or the planning or the biology or the regulatory or something, and there was no central location to prove legally that we had made a reasonable and good faith effort to coordinate the tribes, and this worked with both and came up with a very good outline which anybody can pick and choose in the division desk guide, and it's tied to the QAQC process and the PMBP process . . . even if the District should come to Lynda to go into that central file . . . as the reporting agent to the general, she needs to be aware of any ongoing issues or any kind of correspondence so that she can be readily informed of it.

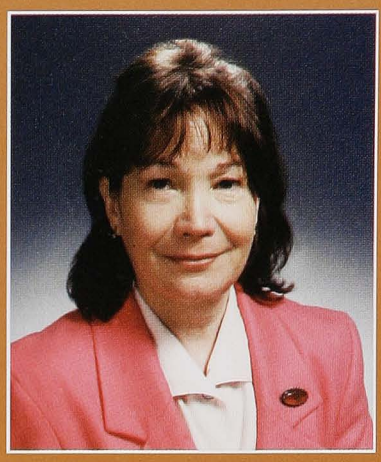
WALKER: From a legal perspective, this is something about which Jennifer is adamant . . . and she and I were talking earlier when she came on. She said, "Gee, you really have an organized system here." And we got Freedom of Information Act requests for communication with tribes that we recently had over some litigation in the... and we've had them ask for all communication on a certain thing, and that includes e-mails. Pretty much we have to retain documentation.

MELLICK: One thing you've got to realize is it's a living document. It's going to change as time changes because tribes change, and they go into different stages. Every tribe is changing. So from our aspect, either we keep it up or it's a dead document.

OLDHAM: I would even say that we change, as evidenced by 2012 and the institution of many of our business manager processes. So we're at least looking back and we readjust as we see the need to make those adjustments and fine tune, and see better ways to do things.

MIGHETTO: Is there anything anybody would like to add? Well, thank you all very much.

Biographies



Lynda L. Walker

Tribal Liaison–Northwestern Division/Portland District

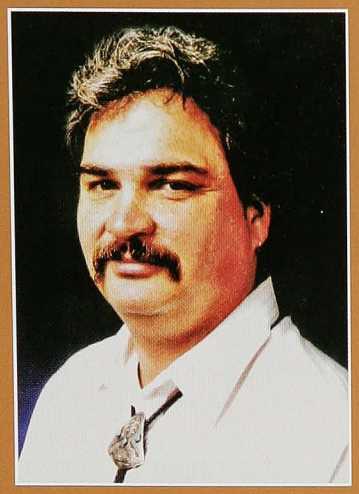
Lynda was born in 1944, at Fitzsimmons Army Hospital in Denver, Colorado. Her father was a career military officer (U.S. Air Force) and the family moved frequently, residing in Japan, the Philippines, Europe, and the United States.

She attended elementary and secondary schools in Europe and achieved advanced linguistic degrees while in Europe at the Universities of London, Vienna and Barcelona in 1964, 1966 and 1969 respectively.

After returning to the United States she continued her education, gaining advanced degrees in Archaeology and Anthropology at Arizona State University M.A., (1972), worked toward the Doctoral and is PhC (1973). After graduation, she worked for a few years as a Sheriff's Deputy in Inyo County, California, in juvenile and narcotics and serving as a court translator. She entered the Federal workforce in 1976 with the Bureau of Land Management as an Archaeologist. While with the Bureau of Land Management she worked as an Outdoor Recreation Planner, Wilderness Specialist, Archaeologist, and Chief of Realty and Recreation Resources (non-renewable resources) until 1988. She then worked for the Six Rivers National Forest as a Recreation Officer in northern California from 1988 through 1989.

Lynda has been with the U.S. Army Corps of Engineers since October 1989. Until February of 1997 she was the Portland District Archaeologist. She became the District Native American Coordinator in 1997 and in January 1998 also became the Northwestern Division Native American Coordinator, serving currently in the dual role position. In May of 2001, Lynda received her M.A. in Counseling Psychology, emphasis in Organizational Psychology from Pacific University in Portland, Oregon. She is a member of the Oregon Mediation Association, and the Oregon State Bar, Indian Law Section.

She currently resides in Portland, Oregon with her husband, Robert, who recently retired from Bonneville Power Administration as the Manager for Resident Fish and Wildlife and now works as a consultant for the Northwest Power Planning Council on fish and wildlife issues.



William "Bill" Mellick:

Tribal Liaison– Walla Walla District

Bill Mellick was the "Native American Liaison" at the Army Corps of Engineers, Walla Walla District. As the district's tribal liaison, Bill's primary duties were to serve as the Executive Office liaison and primary point-of-contact for all issues concerning policy, consultation, and protocol involving Native Americans individuals or tribes. He provided direct support to the District Commander and leadership staff and represented the District at Tribal, interagency, and public meetings. Bill spoke directly for the District Commander and Deputy Commander on all Tribal issues and coordinates related activities throughout NWW's Divisions/Projects for compliance with laws and regulations, which define, trust responsibilities and treaty rights, protection of cultural resources, and wildlife mitigation and fishing.

Bill's work required that he work closely with the Tribes in the Northwest. Those tribes include, but are not limited to the following: The Nez Perce, Shoshone-Bannock, Shoshone-Paiute, Kootenai, Coeur d' Alene, Colville, Umatilla, Yakama, Spokane, Kalispel, Flathead and Wanapum Band.

Bill attended the University of Idaho and Washington State University. He received a Bachelor of Science degree in Agriculture from Washington State University in 1983.

Before coming to work for the Corps of Engineers, Bill worked for the Bureau of Indian Affairs (BIA). He started working for the BIA in January 1986 as a Soil Conservationist in Carnegie, Oklahoma and later in Toppenish, Washington. Just prior to coming to work for Walla Walla District, Bill worked as the Natural Resources Manager and Superintendent for Ute Mountain Ute Agency in Southwest Colorado.

Bill is "Salish" from the Confederated Salish and Kootenai Tribes of the Flathead Reservation, "Middle Spokane" from the Spokane Tribe of the Spokane Indian Reservation and "Black feet" from the Black feet Nation. Bill is enrolled as a Coeur d' Alene from the Coeur d' Alene Tribe of Idaho. Bill lived and went to school on the Coeur d' Alene Reservation. His parents divorced when he was 6 years old and he went to live with his grandparents. Of these grandparents, Bill's grandfather was full-blood Salish and his grandmother was full-blood Nez Perce (Nee-Mee-Poo). He was brought up in the traditional way of life of these Tribes. His activities included pow wows, war dancing, hunting and fishing, church, gathering huckleberries, visiting family, traditional sweats and story telling from the elders. Bill has a vested interest in protecting the Northwest Indian culture and natural resources.

Bill has a wife, Stacy, and two daughters, Christy (10) and Marie (2). They live at Worley Idaho on the Coeur d' Alene Reservation. The family owns a dry farm and ranch on the original allotments that Bill's great great grandfather received in 1875. Bill feels it is important for his children to be brought up in their Indian cultural and be taught the traditional way of life of their people.

Kimberley Oldham was born in Stillwater, Oklahoma, and raised in Norman, Oklahoma. She is a member of Muscogee Nation. Her mother is Winona Simms, a full blooded Muscogee Creek-Yuchi, and her father is Cliff Shilling, a Pawnee-Choctaw Indian. Kimberley was raised within these cultures, as well as her adopted family culture of Kiowa.

Kimberley graduated from Norman High School in May 1987 and attended the University of Oklahoma (OU) the following year on a Shell Oil Company Scholarship. While at OU, Kimberley was a member of the American Indian Science & Engineering Society (AISES) and the American Indian Student Association (AISA). Kimberley served as AISES Chapter President for two years and as an AISA representative. Kimberley received additional scholarships from AISES, Mobil Oil Company, and the Minority Engineering Program while attending OU. She also worked summers as a summer engineer for Mobil Oil Company from 1988 to 1990, for AMOCO Production Company in 1991 and for Texaco in 1992. Kimberley graduated from OU with a B.S. Degree in Mechanical Engineering in May 1993.

Kimberley started working for the Corps of Engineers in November 1993 at Tinker Air Force Base, Oklahoma in military construction. In August 1994, she was transferred to the Tulsa District Office for intern rotational assignments. Assignments included working in Water Control Section during the '95 floods, the HTRW Residents Office, Environmental Design Section, and Programs and Project Management Division. Kimberley worked from December 1995 to August 1998 in Operations Division where she served as a project engineer for 12 lake projects, 5 locks & dams, and 8 powerhouses. While working in Tulsa, Kimberley started graduate work at Oklahoma State University (OSU). She obtained a M.S. Degree in Civil Engineering from OSU in December 1998.

In August of 1998, Kimberley moved to the Kansas City District as a Civil Engineer for Environmental Superfund sites and Formally Used Defense Sites (FUDS). Beginning in August 2000, Kimberley began working for Project Management Division, Planning Formulations as a project manager, planner and civil engineer for water resource studies and projects. She also works a dual assignment as the Native Liaison for the Kansas City District. While working as a Native Liaison for the Corps of Engineers, Kimberley has worked with Tribal Governments throughout the Missouri River Basin for the Missouri River Master Water Control Manual Revised Draft Environmental Impact Statement (RDEIS). Responsibilities included the overall planning, coordinating, evaluating and technical writing for impacts to Tribal trust resources associated with the RDEIS.

Kimberley graduated from the Kansas City District's Leadership Development, Class of 2001. She is currently on the Corps of Engineers' CP-18 Leadership Development Program. As a part of her requirements of the CP-18 Program, Kimberley is currently on a 6-month detail in the Hydropower Analysis Center of Expertise in the Northwestern Division Office, Portland, OR. Kimberley is married to Richard Oldham who is also an engineer for the Corps of Engineers.



Kimberley C. Oldham

Tribal Liaison/ Engineer – Kansas City District



Mary Lee Johns

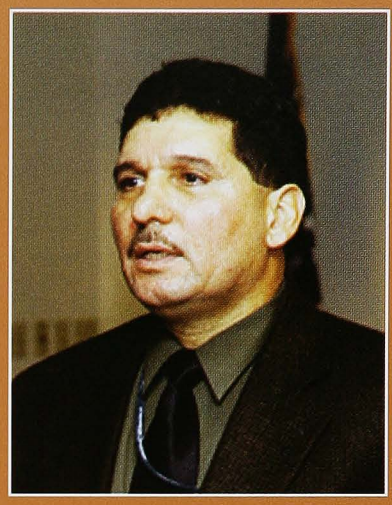
Native American Consultation Specialist – Omaha District

Mary Lee originally began working for the Corps as a consultant on April 30, 2001, and was converted to a full-time position on September 30, 2002. She is responsible for developing, recommending, and coordinating specific Native American tribal consultation plans for projects when requested by project managers. She provides expertise to project development teams regarding tribal organization, issues, history, government processes, treaty rights, federal laws, and tribal protocol. This also includes assuring that the project development teams are in compliance and are aware of the various laws pertaining to Native American cultural resources.

She has worked for the past 30 years in a variety of positions providing services to Native Americans. She has been a tribal health administrator, delivering health services to 7000 members of her tribe. She has worked at the national level as the Native American program associate for the American Friends Service Committee, working as an advocate dealing with issues around treaties, tribal land, and social justice. Before coming to work for the Corps she was the director of Youth & Family Services at the Indian Center in Lincoln, Nebraska.

Mary Lee is a Mniconju and Itazipco Lakota; she is an enrolled member of the Cheyenne River Sioux Tribe located in South Dakota. She was raised on the Cheyenne River Reservation and experienced first-hand the impact Corps projects have had on the lives of Indian people. She was 14 years old when her family was forced to move from the old Cheyenne Agency, located on the Missouri River, to Eagle Butte, South Dakota, because of the flooding caused by the building of the Oahe Dam. She lives within a traditional Lakota extended family referred to as a tiospaye. Her family, the Poor Buffalo Tiospaye is still a very important part of her life and the lives of her three grown children and four grandchildren.

Mary Lee has a B.S. in sociology and a B.A. in human services and has attended the Oglala Lakota College in Rapid City, South Dakota; University of San Francisco; and San Francisco State University. She is a published poet, a traditional Lakota storyteller, a family and tribal historian, and a Native American cross-cultural trainer.



Ismael Caballero

Operations Tribal Liaison – Portland District

Ismael was born in Sunnyside, Washington, in 1950 to a Hispanic farm-worker family. He grew up migrating within Washington State between the Yakima Valley and the Columbia Basin, and also lived for extended periods in California, Texas, and Mexico. He graduated from Warden High School in Eastern Washington in 1969 after changing schools 26 times.

Ismael has a B.S. in forest management from Washington State University and attended the Forest Engineering Institute at Oregon State University. He has worked as a natural resource manager over a 28-year span with the USDA Forest Service, Foster Wheeler Environmental Corporation, and the U.S. Army Corps of Engineers. He worked for the Corps at Walla Walla District as a lead park ranger and is currently a park manager at the Portland District.

Ismael has a long history of participation in the civil rights arena as a cultural diversity program planner, Hispanic employment program manager, cooperative education program recruitment team leader, and commissioner on the Washington State Commission on Hispanic Affairs.

He participated on the Tribal Liaison Team during the development of the Interior Columbia River Basin Ecosystem Management Project DEIS (1994-1996) to provide the 22 federally recognized tribes within the project planning area the opportunity to consult on a government-to-government basis on the issues affecting their treaty and trust resources.

Ismael's primary duties as the operations tribal liaison, Portland District, are to provide support to the division tribal liaison, the Commander, and the Corporate Leadership Team. He serves as a point-of-contact for operations issues concerning policy, consultation, and protocol involving Native Americans individuals or tribes within the civil works and regulatory boundaries of the Portland District.

Ismael has been happily married to Marilu going on 30 years and has four children and three grandchildren. They live in the Salmon Creek area of Vancouver, Washington, where they pursue fishing, gardening, and going on leisurely walks.



Georgeie Reynolds, Ph.D.

Corps Tribal Nations Program–Headquarters

Georgeie Reynolds grew up in New York State and went to college in Washington, D.C., at George Washington University. The lure of anthropology and exotic places drew her to Alaska, where she worked in the summers while in graduate school. She became the Alaska District Corps of Engineers archeologist in 1984 and held that position until 1999. In the meantime, she finished her Ph.D. in anthropology from the State University of New York at Binghamton in 1993.

Reynolds left Alaska in 1999 to come to Corps Headquarters and to reconnect with family and friends back east. She worked in the Executive Office of the Chief of Engineers in Congressional Affairs three years before being appointed the Corps' tribal liaison in April 2003. Reynolds brings to the position experience gained in Alaska working all over the state, as well as enthusiasm and a problem solving orientation. She knows the position is a demanding one that will send her to all parts of the United States, and welcomes the challenge. The fundamental goal of the Tribal Nations Program is to bring tribes to the table as equal partners. In this way, the Corps can fulfill its mission areas and trust responsibilities at the same time. To do this, Georgeie's immediate goals include meeting as many tribes and individuals as possible, identifying herself as a reliable contact at Headquarters, and giving the Corps Tribal Nations Program voice and legitimacy.

Interviewee: Col. Richard W. Hobernicht, Portland District Commander

By Lisa Mighetto
September 28, 2004
Portland, Oregon

MIGHETTO: Good afternoon, Colonel Hobernicht. Let's start out talking about your background. Where were you educated, and where did you receive your training?

HOBERNICHT: I received my undergraduate degree from Black Hills State University in Business Administration, and I was commissioned . . .

MIGHETTO: We were talking about how you got started in your military career. Did you always want a career in the military?

HOBERNICHT: No, it was by accident really. I was working my way through college, and one of my friends said, "If you join the South Dakota National Guard, they'll pay half your tuition." So I joined - I started off as a private in the South Dakota National Guard in an engineering unit. And then I was approached by an ROTC instructor while I was going to college and he said, you know, "Why don't you switch over from the South Dakota National Guard to the ROTC unit," and that's what I did. I switched over to ROTC when I was in college.

MIGHETTO: Was this in the late seventies?

HOBERNICHT: This was in - let's see, I switched over in 1977, so that's how I got in the Army. I didn't plan on going in the Army. And then when I got commissioned I wanted to be an Armor officer. I thought that would be the greatest thing to be in tanks. But because of my grades, I think, they put me in as an engineer, even though I didn't have an engineering degree.

From there I went off to Fort Belvoir, Virginia. I received training, the Engineer Officer Basic Course, and then from there I went off to Fort Leonard Wood, Missouri. That was my first assignment as an engineer. And while I was there, I received my first Master's degree in Public Administration. So I got a Master's degree in Public Administration. Again, I wasn't thinking of staying past four years.

"I went to be the executive officer to the Assistant Secretary of the Army for Civil Works. I was there when the Pentagon was hit..."

But then I decided I liked it, and I stayed and continued on various assignments throughout the world. I was stationed at - let's see, my next assignment after Fort Leonard Wood was as a recruiting company commander in Altoona, Pennsylvania. So I did that for two years in Altoona.

From there I went to Korea, where I did - I was the civil engineer for the 2nd Engineer Group in Seoul, Korea. I was there for a year. Then the Army decided to send me to Syracuse University, where I received a Masters in Business Administration with the assistant comptrollership. And then from there I was sent to Hawaii where I worked in the comptrollership field.

Then Desert Shield and Desert Storm came up; so I was deployed to Iraq with the 16th Engineers, 1st Armored Division, where I served with them, and then back to Hawaii, then off to Command General Staff College.

MIGHETTO: Was this about the early 1990s now?

HOBERNICHT: Yes, now we're up to about the early 1990s. From there I went back to Fort Leonard Wood and served as an executive officer and an operations officer. I was a major at the time. And then from there I went to Germany, where I worked for European Command, which is a joint command. There I got to work with - it was a kind of an interesting job. I got to work with the former Soviet Union countries - Hungary, Slovenia, Romania, Bulgaria. What we were doing was trying to get their military structure set up so they could join NATO. So that was an interesting tour.

From there I went to Hawaii, where I was the Commander of the 84th Engineer Battalion. I served there for two years. From there I went to the Pentagon. I served in the Pentagon, was there-

MIGHETTO: Were you the executive officer-

HOBERNICHT: I was an executive officer in the -well, it's now called the G-3. At the time it was called the Deputy Chief of Staff for Operations.

From there I went to the National War College and I picked up my third Master's in National Security Strategy. From there I went to be the executive officer to the Assistant Secretary of the Army for Civil Works. While I was there - I was there when the Pentagon was hit, so I went through that. Interesting time. They moved the office four times - the Office of the Assistant Secretary of the Army for Civil Works. They moved the office four times while I was there. Since our space was destroyed, we moved to temporary space, temporary space, temporary space, and then finally to a permanent space.

MIGHETTO: Where were you when the plane hit? Were you in the building?

HOBERNICHT: We were in the building. The office was located on the - they call it the E-ring, which was the outside ring, and we were located there, not too far from Ground Zero. So we were on the third floor, and of course, the plane hit on the - on the first floor, and we were a ways, but our office space was damaged. From there I came here.

MIGHETTO: So your involvement with the Corps started when you came here.

HOBERNICHT: That's correct. So 22 years - about the 22-year mark of my service, 22 or 23, that's when I became involved with the Army Corps of Engineers.

MIGHETTO: And that was in 2002?

HOBERNICHT: 2002.

MIGHETTO: And as a District Commander, you're involved with the Tribal Liaison Program.

HOBERNICHT: Yes, I am.

MIGHETTO: Can you describe your responsibilities regarding the Tribal Liaison Program? What's the role of the commander?

HOBERNICHT: Well, we have nation-to-nation responsibility, so I represent the nation in dealing with the federally recognized tribes. So when we need to have nation-to-nation consultation, I represent the United States. So what I do is if an issue arises that requires consultation, then I'm the one that represents the other one.

MIGHETTO: So is it when an issue arises, or do you meet on a routine basis?

HOBERNICHT: Oh, yes. Well, we have, with Lynda Walker, our Native American Coordinator, we've set up meetings where we can discuss things because if we - I think the key is communication. If we communicate issues and get them resolved at a lower level, then we never have to go to like a nation-to-nation situation. So I think the key is the communication. It's one of the things that I've learned is that if you can resolve - or not resolve, just get people talking at the lower staff level, and then a lot of the issues will never even rise to my level. And we've had good examples.

I know last year I wanted to go out to the Umatilla where they have the Native American training, like a boot camp, and I was scheduled to go, but unfortunately, I was deployed to Iraq at the

"...we have nation-to-nation responsibility, so I represent the nation in dealing with the federally recognized tribes."

time. But I had planned on going and just talking to the people that attended. It was nice because they got to deal with their counterparts, with the Umatilla and some of the other tribes, and just got to build relationships at that one-on-one level, so if any issue did arise, they could feel very comfortable picking up the phone and going, 'Hi, this is Joe and I've got this issue here.' They'd say, 'Oh, yeah, how are you doing?' They'd laugh a little bit about what happened at the training, and then go ahead and solve the issue or whatever over the phone.

MIGHETTO: Because you would already have that rapport and camaraderie?

HOBERNICHT: Yes. You get to know people at a different level, rather than, you know, hey, we're with the Corps of Engineers and we're with the tribe - build that relationship. So I think that's the key.

MIGHETTO: So you missed that boot camp. Was there anything like that before?

HOBERNICHT: No, that was going to be the first one. I met and talked with - my first experience actually was driving up with General Fastabend, and we met with the Yakama. That was a very formal setting.

MIGHETTO: When was that?

HOBERNICHT: That was like in the first week I was in command. We went up with - let's see, it was General Fastabend, Colonel Kertis, and I think the Deputy out of Seattle. And we went up there and it was a very formal meeting.

MIGHETTO: What was the issue?

HOBERNICHT: The issues were basically they thought that we were not consulting with the Yakama correctly, so they wanted to have a nation-to-nation consultation of meetings. They wanted to meet with the General.

MIGHETTO: And you had just arrived in Portland.

HOBERNICHT: I had just arrived. . . .

MIGHETTO: So this was all new to you.

HOBERNICHT: It was new to me, but the lesson learned was that you have to treat all the federally recognized tribes as a nation. So you

Ceremony to dedicate the petroglyphs at Horsethief Lake Park, WA.





need to deal with them, as what some said, not as a customer but as somebody who has status even above other customers because of the treaties that were signed.

MIGHETTO: But you mentioned this was a very formal meeting. What did you do in the meeting?

HOBERNICHT: I basically just listened. The General stood up - the General was asked questions, and he answered the questions to the best of his ability. I just sat back and observed.

Moving the petroglyphs from the Dalles Dam to their new site at Horsethief Lake Park.



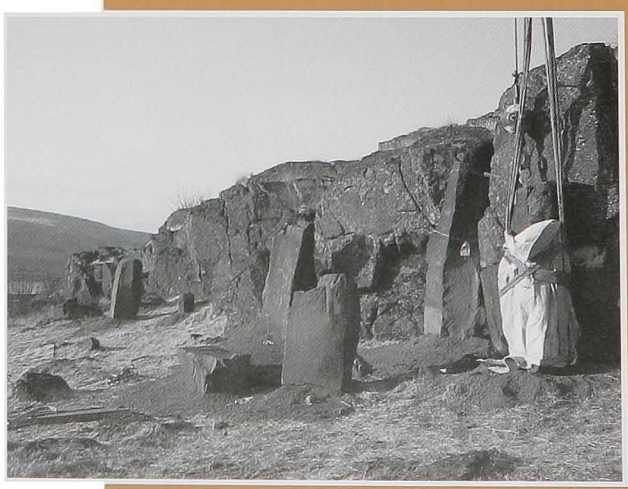
Visitors at the park.











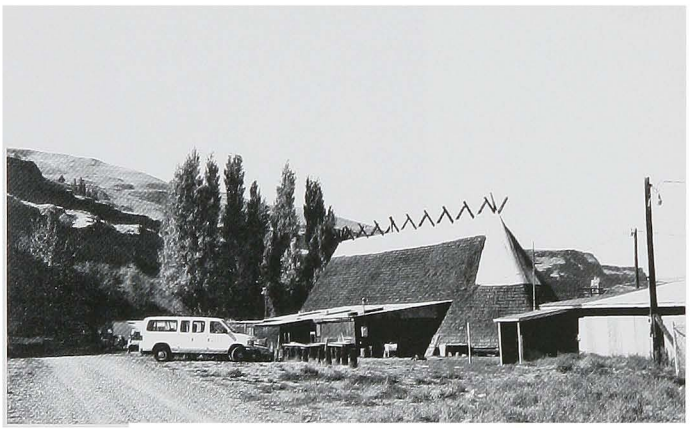
MIGHETTO: So you didn't have much interaction.

HOBERNICHT: No, I didn't have any. Nobody asked me any questions, really.

MIGHETTO: Were there any subsequent meetings with the Yakama or any other tribes where you did have more interaction?

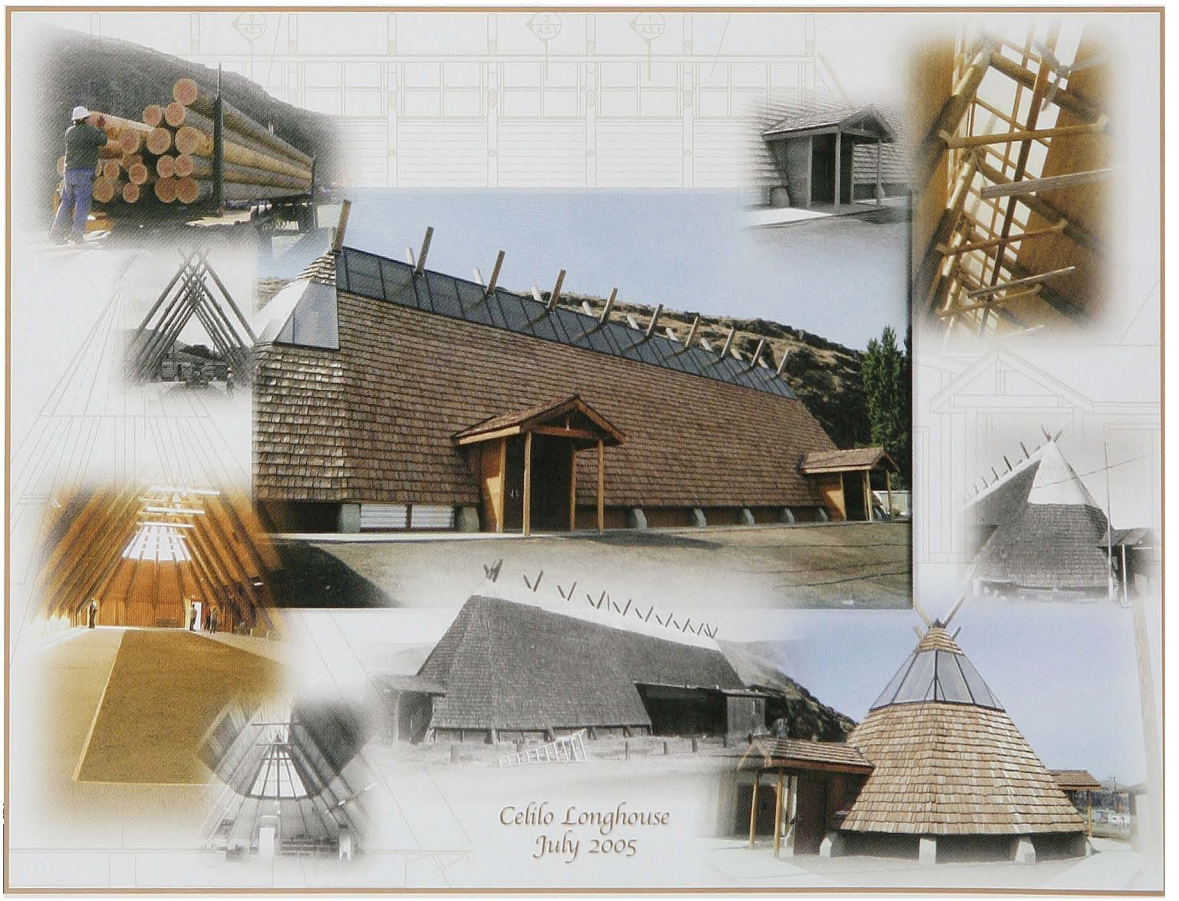
HOBERNICHT: Well, we did have some meetings. I've gone out and talked to the Umatilla, basically the same thing. Communications is usually they just want to know what's going on, and if we were going to do something, they'd like to know beforehand. Or if there is a question about policies and procedures, they would just like to know has there been a change to policies, or has there been a change to procedure. But again, the bottom line, I think, is you just need to talk to those federally recognized tribes. Just keep the communication going.

MIGHETTO: It seems like you have worked all over the world, in the Middle East, and Asia,





Old Long House at Celilo Village and the new construction that was completed in 2005.



and Europe. Has that helped you, do you think, in dealing with another culture?

HOBERNICHT: Well, yes, but it all gets back to, you know, the common thing is people just wanted to be treated - you treat people like you want to be treated, and basically the Golden Rule, and what they're really after, anybody is after is information if you're going to be making decisions that have an impact on their land, or something that has an impact on maybe a species, like salmon. They just want to know what the process is, how can they influence the process, make sure we consult with them, let them know what's going on.

MIGHETTO: And so the meetings are part of this consultation of letting them know what's going on?

HOBERNICHT: Well, that can be done in many forums. Normally, before we do something, we send a letter out. If we're going to take some kind of action, or do something, or contemplate something, or change something, just to let them know what we're going to do. For instance, moving the petroglyph rocks that we had in The Dalles over to the Horsethief Lake Park, and just making sure that all the recognized tribes that had an interest in this had a say in how it was done. It's something that we just have to do, and I don't know if you can over-communicate or what, but just let everybody know this is what we plan on doing. I mean down to the - these are the dates that we plan on moving, this is how we're going to move them, this is the equipment that we're using, do we have them in the right order, is this the right location.

MIGHETTO: So there is input.

HOBERNICHT: Yes. Because we don't know.

MIGHETTO: I interviewed General Fastabend several years ago, and as I recall, he talked a lot about his interaction with the tribes. Did he give you advice?

HOBERNICHT: The only advice he gave me was, you know, basically again the Golden Rule - treat people like you would like to be treated. And as a decision maker, as a commander, I'd like to have information if people are doing something that has an impact to the District. So that's the basic guidance he gave me.

MIGHETTO: Did the importance of the tribes out here surprise you, or were you prepared for it?

HOBERNICHT: No, because I grew up in South Dakota. So I had a lot of interaction with the tribes in that area. I knew the importance, the different standing based upon the treaty. So they had the treaty rights.

MIGHETTO: You mentioned earlier that you get involved when an issue rises to your level. Are there specific issues? You mentioned the petroglyphs --

HOBERNICHT: Well, you know, the other one will be Celilo Village. We want to make sure we do that right, again, by getting all the input that you can get.

MIGHETTO: What's happening at Celilo Village?

HOBERNICHT: Well, we're going to take out or remove the - basically upgrading Celilo Village. We're putting in new houses, and I can't remember all the specifics - new water system, things that are basically upgrading Celilo Village.

MIGHETTO: And are other tribes concerned because of the potential disturbance?

HOBERNICHT: Well, it's just that they want to make sure we do it right, you know, the cultural significance to the number of nations out there and they just want to be informed, so if they see somebody out there moving dirt, that they know the time line, and that they've seen the plans and specifications, so if somebody asks them, their decision-maker, I'd say the Umatilla or the Yakama, and they sit on the council, then





Drying sheds, fish racks, camp sites, and docks were constructed at in-lieu treaty fishing sites along the Columbia River by a Native American firm.





if somebody came up to them and said, 'Hey, I was driving by Celilo Village and I saw something going on,' that they would go, 'Oh, yes, we know. We were at the meeting.' You know, something simple like that. Yeah, we know, and here's - if you want to see a copy of the plans, here's the plan, and here's the time line, and even what I would expect our project managers even to do, you know, in-process reviews as we go through the process of rebuilding Celilo. So it's not just, you know, the up front piece, but also giving progress reports as we go through the whole project.

MIGHETTO: And will there be opportunities for them to give input?

HOBERNICHT: Yes. The project manager is getting input from- has to have input. It's their village.

MIGHETTO: How much interaction do you have with the tribal liaison?

HOBERNICHT: Well, I have a lot of input with Lynda. Lynda is my key advisor on what's going on out in Indian country. She keeps me abreast of what's going on. You know, if there's any issues

that come up, she'll come in, or if something great happens, or if there's changes in the structure of council at one of the tribes, if they're going to do a - there may be a change of leadership. It could be a sudden change or it could be a normal change through the election process. So that's how she does that, and then she prepares me for meetings so I know of issues that may come up. And we also have some good things like the reburial or repatriation out at Umatilla. That was a very positive event.

MIGHETTO: And that was about a year ago?

HOBERNICHT: That was about a year ago... and I attended, along with some other federal agencies that were there.

MIGHETTO: And what made it a positive event, in your estimation?

HOBERNICHT: Well, you know, that's a relative term. But it was something that the tribes had been working hard to take some of the remains of the dead in other locations, and to basically bring them home. So I guess positive would be a relative term. To them, you know, to the tribe it would be about time you did this, and there was nothing positive. It was just the right thing to do.

MIGHETTO: Can you assess - I realize that the tribes are all different, but their attitude toward the Corps. Can it be generalized, or does it vary too much?

HOBERNICHT: I think it varies. I think each tribe is different. They have their own structure, their own personalities.

MIGHETTO: Have you seen any changes since you've been here?

HOBERNICHT: Well, maybe it's just because I've been here. I think that we've improved just in communications. I was out at the Dalles this week - maybe it was last week. Must have been last week - and one of the tribal members was giving a class on artifacts, and with the class at the Dalles, which was one of our projects, they were using the classroom and they brought in people not just from the Corps but also from some state agencies, county agencies, and just, you know, things to look for, what some of the artifacts in the area look like, and our responsibilities- our roles and responsibilities if the sites found or identified, you know, what are our requirements. So it was a good, educational class. So the more we do of those, the better off we are.

The other thing that we did - I think it was February of my first year, and it was something that - gosh. It wasn't a lot of District input, but it was basically business opportunities. So kind of like what does the Corps do? What kind of projects do we have? And they even talked about opportunities for firms, the tribal firms to get work with the Corps of Engineers. I thought that was a good, positive step, too, because we're always looking for opportunities to have those kinds of firms form partnerships that work with the Corps.

MIGHETTO: And did that result in more tribal work?

HOBERNICHT: Well, most of our fishing sites were constructed by a Native American firm. They did a great work. So I don't know if I have the metric that says it's improved or, you know, because everything is kind of relative to the amount of work. But I thought it was a good, positive step to at least say here's the information. So I'd like to see more of those. But I like the educational piece. The more we can meet where we're not discussing something, or we don't have a contentious issue, that we can talk about things that we should do before we come to this contentious issue and build those relationships, that we can solve these problems. They should be solved before they reach the contentious stage, but if they do they can be solved, you know, fairly easily.

Of course, when you get there, though, it's all business and that's one thing I've learned is that when you get to the consultation, it's business.

MIGHETTO: What you're saying is you do some work up front before it gets to that stage.

HOBERNICHT: Yes. That will help.

MIGHETTO: Like the boot camp.

HOBERNICHT: Oh, yes. Definitely. If we have it again in May, I hope to go.

MIGHETTO: Will it be at Umatilla again?

HOBERNICHT: I don't know. I don't know. I have to get with the folks and see if it's still going to be at that location or not.

MIGHETTO: What do you think is the biggest challenge facing the tribal liaison program in the Portland District?

HOBERNICHT: I don't really see a - I think the biggest challenge now is going to be find somebody to fill, you know, Lynda's position. Lynda has done great work just in setting the procedures and policies in place, and she's just a wealth of information. And she still does long-term relationships. They have the trust.

MIGHETTO: And you rely on her for the information that you need, right?

HOBERNICHT: Yes. And she probably solves some of the issues that I'll never even see, because that's what she does, and they trust her to solve those issues at that level.

MIGHETTO: So she will be replaced? Her position will be replaced?

HOBERNICHT: Yes, we're going out for hiring action to replace her. But she'll be missed.

MIGHETTO: Well, is there anything that you would like to add, other significant individuals besides Lynda that you've worked with?

HOBERNICHT: No, everybody I've talked to, though, - there's Jeff Van Pelt out at Umatilla - I really respect him. He's a wealth of information. Don Sampson. He's helped me a lot. Just again, you know, when I first came here in this office Jeff came up and basically welcomed me to the Northwest, and Don came in and welcomed me to the Northwest, and I learned a little bit more about Don, you know. Our kids are about the same age. He was working in this area, and I was back out at Umatilla. But if I see him, at least I can say hi. But that's about it. It's all about communication.

MIGHETTO: Okay, is there anything you would like to add about the Native American Liaison Program?

HOBERNICHT: No. It's a very important program. We need to work with the tribes on everything we do.

MIGHETTO: Okay, thank you.

HOBERNICHT: Sure.

Biography

Richard W. Hobernicht was commissioned a Second Lieutenant in the Corps of Engineers following graduation from Black Hills State University in 1979.

As a company grade officer, Col. Hobernicht served in a variety of command and staff assignments at Fort Leonard Wood, Missouri; Altoona, Pennsylvania; Yong San, South Korea; Fort Shafter, Hawaii and Desert Storm.

After attending graduate school and Command and General Staff College, Col. Hobernicht served as the Executive Officer and Operations Officer for the 577th Engineer Battalion at Fort Leonard Wood, Missouri from 1992 to 1994. From 1994 to 1997, he was the Chief of Programs Branch, J5, United States European Command, Patch Barracks, Germany. From 1997 to 1999, Col. Hobernicht commanded the 84th Engineer Combat Battalion (Heavy) in Schofield Barracks, Hawaii where his battalion supported the Commander in Chief Pacific's Theater Engagement Strategy. His battalion successfully completed engineering missions in Mongolia, Bangladesh, Tonga, Kosrae, Thailand, Pohnpei, Marshall Islands, and Alaska. In July 2001, Col. Hobernicht assumed the duties of Executive Officer to the Assistant Secretary of the Army for Civil Works.

Col. Hobernicht earned a bachelor's degree in business from Black Hills State University, a Master's degree in public administration from Webster University, a master's degree in business administration from Syracuse University, and a master's degree in national security strategy from the National Defense University. His military education includes the Engineer Officer Basic and Advanced Courses, Combined Arms Services Staff School, Command and General Staff College, and the National War College.

His awards and decorations include the Bronze Star, Defense Meritorious Service Medal, the Meritorious Service Medal with silver oak leaf cluster (six awards), the Army Commendation Medal with oak leaf cluster (two awards), the Army Achievement Medal with oak leaf cluster (two awards), the National Defense Service Medal, the Armed Forces Expeditionary Medal, the Southwest Asia Service Medal with two battle stars, the Armed Forces Service Medal, the Army Service Ribbon, the Overseas Service Ribbon with numeral 3, the Kuwait Liberation Medal (Kingdom of Saudi Arabia), the Kuwait Liberation Medal (Government of Kuwait), the Joint Meritorious Unit Award, the Meritorious Unit Award, the Army Superior Unit Award, and the Parachute Badge.

Col. Hobernicht is married to Sheila Hazzard Hobernicht from Arlington, Virginia. He has four children: Robert, Susan, Sarah, and Michael.



COL. Richard W. Hobernicht, USA (retired)

Former Commander, US Army Corps of Engineers - Portland District



Interviewee: Jennifer Richman

By Lisa Mighetto
Portland, Oregon
26 July 2005

MIGHETTO: Good morning, Jennifer. I suggest that we start out by talking about your background. Where are you from and where did you get your education?

RICHMAN: I'm from California originally, born and raised in the Bay area, and then went to undergraduate school in Davis, California. My major was anthropology with a minor in American History with Native American Studies emphasis. After that, I went to graduate school in Australia in archaeology and was there for three years and got a masters. At that point I worked in the field of archaeology for about three years in Sacramento with a contract firm associated with the University, so it was mainly teaching graduate students there about archaeological field methods and working in laboratories, writing reports, and that sort of thing.

MIGHETTO: Was this at UC Davis?

RICHMAN: This was at Sacramento State University. Then I decided to go to law school in 1999, and went to George Washington University in D.C. and graduated in 2002 and got this job at the Corps of Engineers in Portland.

MIGHETTO: How did you get interested in archaeology and anthropology?

RICHMAN: In fourth grade in California, one of the things they teach you is about Native Americans and native Californians and we spent a week out at a camp, learning about teepees and sweat lodges and doing things. And I was fascinated by the culture, and started getting *National Geographic* and expanding the scope of that. And Indiana Jones is in there, as well! So it all came together and that's what I wanted to do!

MIGHETTO: Why Australia?

RICHMAN: In part because I did coastal archaeology and if I stayed in California, I would be one of hundreds of archaeologists working along the coast. In Australia, I was the only academic archaeologist in the entire state of Victoria, where I was working. So it gave me a lot more

opportunity to be involved at a higher level of academia. I could kind of do what I wanted and not step on other peoples' toes. It ended up being interesting, as well, because of all the aboriginal communities there and being able to work with a lot of indigenous peoples in Australia. But I wasn't able to get a job there when I finished, so came back.

MIGHETTO: And you got your Masters there? When was that?

RICHMAN: I finished my thesis in 1996, but then all the review process and everything took another year, so I got my degree in 1997. But I was already back in the States by that point.

MIGHETTO: Why did you go to law school?

RICHMAN: In part, when I was in Australia, the department I was in was involved in a large lawsuit that went up to the Supreme Court of Australia that involved the repatriation of non-skeletal remains there, just stone tools and stuff, that the Tasmanian Aboriginal Corporation wanted repatriated. The department wanted to keep it and study it. It ended up being a huge battle. Ultimately, the Tasmanian Aboriginal Corporation won the case.

MIGHETTO: I remember that.

RICHMAN: And so I was doing other work. I wasn't actively involved, but it was very intriguing to me to kind of look at who owns the past, what sort of issues there are. So that, coupled with my interest in archaeology and anthropology and how fulfilling it is in a lot of respects – it's kind of knowledge for knowledge's sake –I was looking to do something that might have more of an immediate impact. And then my health wasn't great for a little bit, so I thought, well, I can't go into the field as much as I would like, and I'm kind of interested in these other pursuits, so I decided to apply to law school and give it a go.

MIGHETTO: Did you specialize in tribal law?

RICHMAN: No, I specialized in environmental law and George Washington doesn't have a good federal Indian law program. They have a couple of classes and that's about it. But I did some of my internships and summer employment with a focus on cultural resources and Indian law.

MIGHETTO: Did you say you started this job in 2002?

RICHMAN: 2002.

MIGHETTO: So you came back to Portland. Did you come to Portland for this job?

RICHMAN: I came to Portland for this job. I'd never been in Oregon, really, before I moved here.

MIGHETTO: Did you like it?

RICHMAN: I love it! Yes.

MIGHETTO: So you've been here ever since in the Office of Counsel?

RICHMAN: Yes. I knew in law school that I wanted to get back to the west somewhere, so I was only looking at jobs basically from Denver, west. And the Corps of Engineers had a program that they developed for attorneys, new attorneys just starting out. It's called their Honors Program. So I applied to that and you work with the Corps to place you someplace. This office had the Kennewick Man legislation, and so with my background they thought I'd be good for that, so pulled me in.

MIGHETTO: So was this sort of an internship –

RICHMAN: No.

MIGHETTO: – or was this actually a job when it started?

RICHMAN: Yes.

MIGHETTO: So what's your title, officially?

RICHMAN: Assistant Division Counsel.

MIGHETTO: Okay. And do you specialize only in tribal affairs, or do you do other things, too?

RICHMAN: I do other things as well. So I do not do all of the Indian law that comes along, because most of the projects in this Division involve some sort of tribal component to them, so the other attorneys also do some Indian law. I do the most, and then I do most of the cultural resources issues that come along. But then I also do environmental law, contracting, fiscal law, whatever else happens to come up. But probably eighty percent of my time is on cultural resources and Indian law.

MIGHETTO: And who did that before you got here? I interviewed Rebecca Ransom earlier.

RICHMAN: Oh, you did? Okay. Yes, she retired about three or four months after I started. And I think that was probably - she used to be the Indian law specialist for the entire Corps of Engineers. So she was sort of the go-to person for everyone around the country on tribal issues. And so I think she probably knew that she was leaving when she interviewed me for my job, and thought with that background, I couldn't take her place but would certainly have some of that ability as well.

MIGHETTO: And do you work all over the nation?

RICHMAN: No, the way that it's set up, although we're supposed to be this national law firm that could theoretically work all over the nation, pretty much I just work in the Northwestern Division. So both the Missouri River and the Columbia River systems.

MIGHETTO: That's an extensive area!

RICHMAN: It is an extensive area. And I occasionally get calls from other attorneys or other people around the country with questions, but I'm not actively involved in that. I do teach Indian law for the Corps of Engineers, sponsored by different Districts; I've started doing that, and cultural resources law.

MIGHETTO: What are you teaching?

RICHMAN: Two different sets of things. One is called something like the Native American Cultural Communications course. Originally it was a Department of Defense course, but people were suggesting that perhaps it was a little too broad of a scope because it dealt a lot with installations and that sort of thing. So people suggested having the class for Corps of Engineers.

There have been two of them so far. I've taught one, along with Georgeie Reynolds and Chip Smith, who's at the ASA's office, and Jim Van Ness, who's the Associate General Counsel in the Office of the Deputy General Counsel (Environment & Installations) for the Department of Defense. He helped develop the Department of Defense Native American policy. He wants to not do it anymore, so I was brought on to take his place on that. And so it's Chip, Georgeie, and I. We did one in Memphis a few months ago. We're doing one in Albuquerque in September or October. And then it's going to be twice a year in different districts that do a lot of tribal work and have an interest. And so anyone within the District who wants to take the course can.

And then the second class is for planning associates; I don't really know what they all do - the biologists and hydrologists who plan different projects. And they have a one-year-long course where they have ten segments where they go around and learn more about the Corps of Engineers over the course of the year. And there's one on cultural resources and Indian issues that's held every year in St. Louis. I just got asked to teach some of that, on different parts of cultural resources law, consultation with tribes, and that sort of thing.

MIGHETTO: Are these courses like ten weeks long, or are they -

RICHMAN: Oh no, they're short. The planning one is a week long, so the part that I

The Ninth Circuit in April 2004 said the remains aren't Native American; they're not culturally affiliated. So pursuant to the 2002 court order, the scientists should be allowed to study the remains subject to reasonable terms and conditions...

would teach is probably no more than a day total, scattered throughout that. And then the other one is a two-and-a-half-day course.

MIGHETTO: Do you work with the Omaha District?

RICHMAN: Yes. Some directly, some just through association with the division liaison and then her interaction with the district; I sometimes get involved that way. But that's with all five of the districts within that division. Less face-to-face, necessarily, because they have their own attorneys in each Office of Counsel, but often they'll come to me with specific questions on the program as a whole because I'm at the division to kind of oversee and coordinate that way.

MIGHETTO: And you work with the tribal liaisons?

RICHMAN: Yes.

MIGHETTO: Can you describe that work?

RICHMAN: When Lynda Walker was the division liaison, she and I became pretty close and worked very closely together, and the same has happened since Direlle Calica has taken over for her in the last few months. We work tandem on different Indian issues, so if I'm working on something in Office of Counsel that involves Indian issues, I call one of the tribal liaisons to get that perspective and feedback on it. And likewise, things that they're working on, I am involved in. I try to go to some of their meetings, when they have regional meetings, and to be aware of what's going on and what sort of issues are coming up, and give advice and counsel where I can and when they want me to.

MIGHETTO: Have you attended the retreat in Umatilla?

RICHMAN: Yes, I have done that. That's more of a – not just for tribal liaisons – they sort of sponsor the Umatilla training, but they're not the ones who need the training; it's usually everyone else within the District. So I did it a little over a year ago now, did the training with some of the Portland District people. And Lynda was there, but it was mostly people who work within the District who have interaction with tribes, to give them a better perspective of tribal ideas and thoughts and processes.

MIGHETTO: It sounds like a lot of what you do is consulting. Is that true? And advising, as opposed to just reacting to litigation that comes up. Is that an accurate –

RICHMAN: Yes, a lot of it is. Other than, like, the Kennewick Man litigation, and then I have another litigation matter that's environmental law, most of what I do is counseling and advice and policy stuff.

MIGHETTO: What are you doing on Kennewick Man? Can you talk about it?

RICHMAN: Yes, mostly now it's moved into a phase where the scientists won, and the scientists won the rights to study the remains because the remains are not Native American –

MIGHETTO: That was just a recent decision, right?

RICHMAN: 2004. The Ninth Circuit in April 2004 said the remains aren't Native American; they're not culturally affiliated. So pursuant to the 2002 court order, the scientists should be allowed

Debate over Kennewick Man's Remains Now with Lawmakers



An aerial view shows the area of Columbia Park where Kennewick Man was found in July 1996.
photo by Bob Brawdy

Last updated Friday, July 29th, 2005

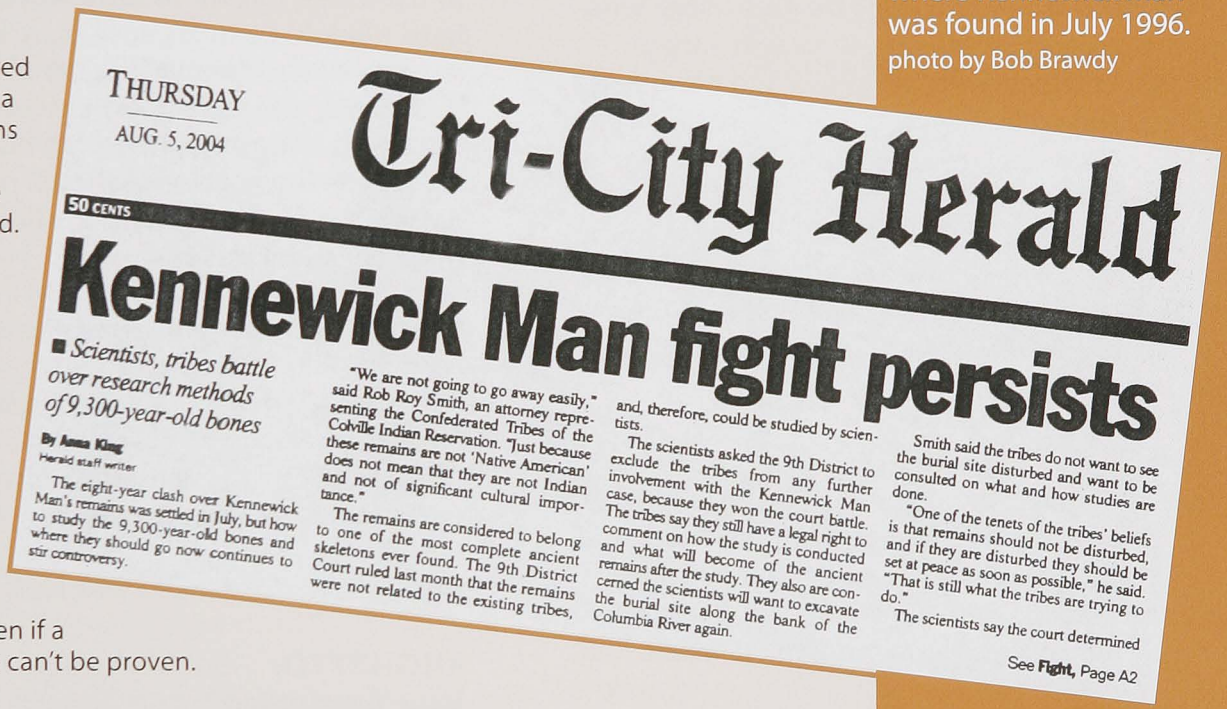
By Les Blumenthal, Herald /Washington, D.C., bureau

WASHINGTON -- Though his 9,300-year-old remains rest in a Seattle museum, Kennewick Man is at the center of a debate 3,000 miles away over a two-word amendment to a Senate bill that has sparked sharp controversy between the nation's Indian tribes and parts of the scientific community.

At a Senate Indian Affairs Committee hearing Thursday, tribal representatives laid claim to ancient remains such as those of Kennewick Man, while scientists insisted they needed to study such remains if they are ever to understand the earliest inhabitants of North America.

The committee already had approved the amendment to a technical corrections bill, but it was stripped out before the full Senate acted.

The amendment to the Native American Graves Protection and Repatriation Act would reverse a federal appeals court order and ensure federally recognized tribes could claim ancient remains even if a direct link to a tribe can't be proven.



THURSDAY
AUG. 5, 2004

Tri-City Herald

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Kennewick Man fight persists

■ *Scientists, tribes battle over research methods of 9,300-year-old bones*

By Anna King
Herald staff writer

The eight-year clash over Kennewick Man's remains was settled in July, but how to study the 9,300-year-old bones and where they should go now continues to stir controversy.

"We are not going to go away easily," said Rob Roy Smith, an attorney representing the Confederated Tribes of the Colville Indian Reservation. "Just because these remains are not 'Native American' does not mean that they are not Indian and not of significant cultural importance."

The remains are considered to belong to one of the most complete ancient skeletons ever found. The 9th District Court ruled last month that the remains were not related to the existing tribes, and, therefore, could be studied by scientists.

The scientists asked the 9th District to exclude the tribes from any further involvement with the Kennewick Man case, because they won the court battle. The tribes say they still have a legal right to comment on how the study is conducted and what will become of the ancient remains after the study. They also are concerned the scientists will want to excavate the burial site along the bank of the Columbia River again.

Smith said the tribes do not want to see the burial site disturbed and want to be consulted on what and how studies are done.

"One of the tenets of the tribes' beliefs is that remains should not be disturbed, and if they are disturbed they should be set at peace as soon as possible," he said. "That is still what the tribes are trying to do."

The scientists say the court determined

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"It doesn't matter if it is two words or 100 words. Words have meaning," said North Dakota Sen. Byron Dorgan, the committee's top Democrat. "This is a very emotional issue and a spiritual issue. It is not an easy issue to deal with."

The dispute dates to 1996, when two men stumbled upon a skeleton along the banks of the Columbia River while attending the Columbia Cup hydroplane races in Kennewick. The Army Corps of Engineers laid claim to the skeleton, originally thought to be that of a white settler, and planned to turn it over to local tribes. The Umatilla, Yakama, Nez Perce and Colville Tribes wanted to bury the bones before they could be studied.

But scientists filed suit, insisting the remains, dubbed Kennewick Man, could not be linked to any of the tribes. Initial tests showed the skeleton was 9,300 years old, and some scientists suggested that rather than resembling Native Americans, the skeleton was more like the prehistoric Jomon of Japan or Polynesians or Caucasians.

A federal judge in Portland and the 9th U.S. Circuit Court of Appeals agreed with the scientists, who recently spent 10 days examining Kennewick Man at the Burke Museum at the University of Washington. Their report is due in October.

to study the remains subject to reasonable terms and conditions, as would be placed under any other archaeological collection. And so we're viewing the remains as part of our collections, more broadly - and granted, this is a very unique collection. And our responsibility under a separate set of regulations that sort of look at the curation of archaeological collection dictate that we protect and preserve those remains to the extent possible. So a lot of what we've been doing is working with scientists to limit how much they handle the remains, how much they do things that might be destructive to the remains.

So a lot of it is outside the scope of tribal anything at this point. Except that the tribes who were involved in the litigation are still - they intervened for purposes of appeal and became a party, but then when we lost, they were no longer a party. So now they're trying to intervene for having a seat at the table for the study plan and then anything that happens in the future with the remains and also with the site where the remains were found. And that's been the appeal to the Ninth Circuit because that was denied as well at the trial court level.

So there's a little bit of interaction there, but not like the early days before I got here, where the Corps was very much aligned with the tribes and had read the statute to require us to repatriate it to them and we were very much on the same side of things. Now, it's sort of moved where it's a little more contentious with the tribes because we're not in a position where we can sit down and consult or discuss the terms and conditions that we're placing on the study, because the court had said the remains were not Native American. So there's no basis to really involve them. So it's a little problematic because it's counter to what our relationship with the tribes should be, or what we would like it to be.

MIGHETTO: Well, how do you handle that contentiousness? You're an attorney, and used to litigation, and sometimes litigation brings sort of a complicated position.

RICHMAN: But it's hard, because I wouldn't necessarily personally be opposed to sitting down and discussing any of what's happening with Kennewick Man with the tribes, but on a personal note, I kind of agree with not all of the court's conclusions - I think that the court was wrong in that I do think that the remains are probably Native American as defined by the statute - but I don't necessarily think that they should have been returned to these tribes; I don't think that they were necessarily culturally affiliated. But that's not the position that the Corps of Engineers or the Department of Interior took.

But I wouldn't mind sitting down and talking to the tribes, but we're not allowed, and so it's a hard place to be in because there's no basis for us to sit down. And I think the tribes understand it; certainly the tribal attorneys understand that, but it still is hard because then the position of my clients is not necessarily the position that we have to take anyway, which is not necessarily my position, so it kind of -

MIGHETTO: - gets complicated!

RICHMAN: Yes, it's a little confusing.

MIGHETTO: Has it affected your relations with the tribes in other areas?

RICHMAN: No, ...

MIGHETTO: So they're able to separate this issue from others?

RICHMAN: Yes, to the extent that they know the different things that I'm working on, I don't think it really matters. And I think that's important; as involved as I am in the Tribal Liaison Program, I also am not a tribal liaison. So I don't spend nearly as much time in Indian Country as they do. I could count the times that I've really been at consultation meetings and sitting down with the tribes on different issues.

So it's more that I do a lot of things behind the scenes rather than with the tribes themselves, which I'm fine with, and in part because the way that my role is for the agency and I represent the

agency and that's not necessarily the position that the tribal liaisons should be taking. Their role is more to understand what the tribes' position on things are, talk to them, get a feel for it, relay what the Corps' position is, but more of a go-between, a liaison. Whereas mine is to represent the Corps of Engineers' position, which is often counter to tribal position just based on what our authorities are and what we are able to do or not do, and that kind of thing. But to the extent that I can, I try to work ways where we can have good partnerships with the tribes and that kind of thing.

MIGHETTO: You've been here three years –

RICHMAN: Almost – not quite!

MIGHETTO: Some of the people that I've interviewed have been here for many years and I was able to ask them how the program developed over time. Has it developed since you've been here? Have there been changes?

RICHMAN: There haven't been that many changes except for big ones, like Lynda Walker's leaving, and now there's beginning to be a change, I think, in Portland District where Direlle Calica, the new tribal liaison, will be coming to the division full time, whereas Lynda Walker, and Direlle up to this point, was division part-time, district part-time.

MIGHETTO: And two offices, too, so they went back and forth.

RICHMAN: Yes, and starting October, Direlle will be here full-time. That will be a change; I think an important one. But then it's a little unclear what will happen with the Portland District position. But otherwise, by the time I started, Lynda had the program fairly well developed and running smoothly. I haven't seen that many changes.

MIGHETTO: And you knew when you came here that you would be working with the liaisons, right?

RICHMAN: I didn't know there were liaisons at all. I knew I'd be working doing Indian law and cultural resources law, but I didn't realize that we had a position that interacted through that interface.

I'm not a tribal liaison... My job is to represent the Corps of Engineers' position, which is often counter to tribal position just based on what our authorities are and what we are able to do or not do, and that kind of thing.

But to the extent that I can, I try to work ways where we can have good partnerships with the tribes...

MIGHETTO: Was there anything else that was surprising when you got here? You knew about Kennewick Man, right? You mentioned that was one of the attractions for you?

RICHMAN: Yes, that was one of the attractions. No; if anything on the tribal side of what - I don't know if "surprising" is the right word - but maybe it's just how much in the Northwest in particular, and on the Missouri, including the Missouri, but in this area whatever the Corps of Engineers does has an effect and a relationship to tribal interests. I didn't realize that it would be so pervasive, in everything that the agency does.

MIGHETTO: Are you involved much in projects?

RICHMAN: Projects, like in the Corps sense of the word?

MIGHETTO: Correct.

RICHMAN: Like the different dams, and that kind of thing?

MIGHETTO: Right, and actions that they take that the tribes need to be consulted with.

RICHMAN: Some. I do a lot of work with the Federal Columbia River Power System [FCRPS] Cultural Resources subgroup. They are a group primarily of archaeologists from the Bureau of Reclamation, Bonneville Power, and the Corps of Engineers, who run the cultural resources program for the whole FCRPS operational system. Bonneville, because of their obligations under some of those different laws, has a direct funding agreement with the Corps of Engineers where they fund a lot of our work and then are involved in its execution. So, for cultural resources, they have a set amount of money that each year they give to the Bureau of Reclamation and the Corps of Engineers.

So there are these different work groups that are set up around the region. The Wanapakootkoot is the one here in Portland District; Payos kooskootque in Walla Walla, and then there are three up in Seattle District. And then the Bureau of Reclamation has one for each of their projects. And those groups help to share information and prioritize work that's being done. So I get involved in that quite a bit, advising the subcommittee.

I do less of the interaction with the tribes, again; it's kind of the same thing where I'm more behind the scenes and I do work with the archaeologists for each of the three agencies and help review documents that they're sending out or sharing with the different work groups. They're developing programmatic agreements and different rules of engagement for how the work groups are supposed to work, like charters for those groups and that kind of thing. So I do all of that review as well.

MIGHETTO: Is Bert Rader involved in that?

RICHMAN: On again, off again. He was involved a little bit in the Wanapakootkoot thing, and now I think he's doing other stuff for the district. The division level archaeologist for the Corps is Gail Celmer. She's at the Portland District but she's division; she does all three of the districts in the area and is the primary Corps contact in the FCRPS program as an archaeologist who's involved with the district archaeologist and their work groups.

MIGHETTO: And Bert is Portland District?

RICHMAN: Not any more. Now I think it's Mike Martin who's doing that.

MIGHETTO: You mentioned that you're involved in environmental litigation. Can you talk about that?

RICHMAN: Yes. The main case that I'm working on is the Snake River dredging, navigation maintenance work. And it's a National Environmental Policy Act [NEPA] and an Endangered Species Act case. National Wildlife Federation sued us and then they've gotten two preliminary injunctions stopping us from dredging in the Snake River. I'm now the primary Corps attorney, but worked a lot with the Walla

Walla office counsel as well, who is as active in the litigation, probably even more than I am. And then the Department of Justice, of course. A lot of NEPA, a lot of Endangered Species Act, Clean Water Act ...

MIGHETTO: Was it expected for you that the Endangered Species issues would be so prominent when you got here? You knew that?

RICHMAN: Oh, yes! And I did environmental law in law school. And I wish I was doing even more of the environmental law, because now everyone sort of sees me as "Kennewick Girl" - that's what I do. Well, yes, but I can do other things as well!

MIGHETTO: How many attorneys are in the Office of Counsel?

RICHMAN: There are four of us.

MIGHETTO: And has that remained fairly steady over time ...

RICHMAN: Yes.

MIGHETTO: Or has it increased?

RICHMAN: Unfortunately, no. When Becky left, her position was filled ... took a little bit of time, I think it took six months and then her position was filled.

MIGHETTO: Rebecca?

RICHMAN: Yes.

MIGHETTO: Have the number of law students increased or decreased over time, or is there a pattern?

RICHMAN: It's much more contentious now than it was ten years ago, I think, here, and regional, and complicated litigation. Whereas I think before the passage of the Endangered Species Act, there were still lawsuits, because there was still the National Environmental Policy Act and the Clean Water Act and other laws. But now, the non-profit organizations in particular have gotten much more sophisticated, much more complicated, have much more ability to bring these large, complicated lawsuits. So they become more regional and focused. So this office, I think, has become much busier in the last ten years or so.

MIGHETTO: Do you see any sign of that slowing down?

RICHMAN: No.

MIGHETTO: Can you describe a typical day for you? Is there such a thing?

RICHMAN: No, they vary a lot. I travel a fair amount, and even that tends to vary. The last three or four months, I've been traveling almost exclusively to Seattle and Walla Walla; I drive those.

MIGHETTO: So just environmental litigation?

RICHMAN: Environmental litigation for Kennewick Man, for cultural resources advising on stuff, for a bunch of different things. But it's just been to those two places. And now I'm home for a month or two, and then I'm going to be flying to Albuquerque and St. Louis, for the classes, and to D.C.; I tend to go there a couple times a year for meetings. Usually Omaha or South Dakota come in there somewhere; I haven't gone there in a while for Missouri River things. So it's a fair amount of travel. But when I'm here, it's hit and miss. It seems like I rarely ...

MIGHETTO: ... work on one thing at a time?

RICHMAN: Yes, it's much more hectic, sometimes more than others, but this week I'm the only person in the office this week; everyone else is out, so then everything comes to me. Yesterday, and so far today, it's just been "boom, boom, boom," one thing after another. And it's fun; that's exciting, but it would be nice to ... there are things that I want to do, and things that I want to write for work, and then also some personal stuff. I never have time to just sit down and have a block of time to do anything.

MIGHETTO: What's the most challenging thing about your job?

RICHMAN: Probably having to come up with an articulate position on something without having the confidence that what I'm saying is correct all the time. You don't always have the opportunity to go and check and do the research and be really sure of the answer or the advice that you're providing to your client. In my case, the client is also often the General, and things happen quickly and you're supposed to be giving him advice and you don't know. I've gotten better at it, because you have to quickly learn what's reasonable or what's not, and have a good sense for it, but still, I think that's probably the most challenging is thinking on your feet. I'm more of a person who likes to sit back and ponder it a while, do some research, think about it, write something up, and I could be much more articulate and eloquent in writing that I can in speech. That's been hard.

MIGHETTO: Do you have people to help you? Do you have researchers that help you?

RICHMAN: No.

MIGHETTO: So you have to do it all?

RICHMAN: Yes. We have an administrative assistant but he doesn't do legal stuff at all. He just files and …

MIGHETTO: Do you ever hire outside consultants?

RICHMAN: Like outside paralegals and that kind of thing? No, our office really doesn't. We sometimes get help if we have a large litigation and we have to do large administrative records; sometimes we get outside help putting that together.

MIGHETTO: But on Kennewick Man, you must have had –

RICHMAN: Not since I've started. All the things that have come up since I've started, which included the appeal – I worked on the appeal – all the attorney's fees litigation that was derived from that, I do all that research. You're working with Department of Justice and you work, on that case, also with the U.S. Attorney's Office, so there are people out there to help you; it's not just me doing it. But to the extent that the Corps is doing research, you just do it yourself.

MIGHETTO: Do you tend to work with the same attorneys at the Department of Justice?

RICHMAN: No, each case is different. And then even within cases – like with Kennewick Man, litigation has been going on eight years, but we're on our sixth Justice attorney.

MIGHETTO: What do you like best about your job?

RICHMAN: I think the responsibility and the challenges of it. If I were to work at a law firm, I would never have the responsibility that I have here, and the diversity of issues that I work with. And I like the people that I work with. And I love that this is probably the only job in the country where I can spend a large portion of my time doing archaeology law and Indian issues – I think that's great. There are definitely other attorney positions that work with tribal issues, but the cultural resources stuff is more unique and more difficult to find jobs that allow you to really do that. That's what I love.

MIGHETTO: Do you ever miss fieldwork?

RICHMAN: Very, very, very much! I keep trying to talk my old boss into letting me come dig– and he just doesn't see why I'd want to do this for my vacation – but I keep saying, "Look, if you have a really cool project, let me know and I'll come down and I would love to do it!"

MIGHETTO: Would that be in California?

RICHMAN: Yes, he works in – we worked primarily in the Mojave, so out by Joshua Tree and in Nevada, and on the eastern side of the Sierras, gorgeous country.

MIGHETTO: Oh yes, I grew up there!

RICHMAN: It's great! Particularly the eastern Sierra for me, is where – I love it over there, and he just doesn't understand; "Why would you want to do that?" Because I want to dig a hole! How nice to spend the week not having to think, and just dig!

MIGHETTO: Is there anything that you wish you'd known when you started?

RICHMAN: No; probably, but … no, I can't think of anything.

MIGHETTO: As I'm writing this history of the Tribal Liaison Program, are there significant individuals that I should be sure to include that you've worked with?

RICHMAN: You've probably got – I think Georgeie and Chip are both important. Georgeie's new to her position up at Headquarters in the last year or two, but Chip Smith, I think, has been very instrumental nationwide with the program. So he would be good. Direlle would be useful, because she's the newest face to it and has an interesting background, too. She just graduated law school at Lewis and Clark, and she's from the Warm Springs Reservation, so she provides a great new face to the job. She's as good as Lynda was, I think; different, they have different approaches to things. And Direlle is certainly still learning. It's only been a few months, but she would be good. … Becky …

MIGHETTO: Becky Ransom?

RICHMAN: Yes.

MIGHETTO: Is this a fairly new thing for the Corps, this combination of being versed in tribal issues and archaeology and law? You just mentioned that Direlle has a law degree too; that's kind of interesting.

RICHMAN: Yes, and in this position she's not allowed to work as an attorney, so she can't give legal advice and that kind of thing, but the fact that she has a good understanding of Indian law, and probably more so than I do because she has so much to back it up from; she grew up in that environment and so she understands reservations and jurisdictions

Cultural resources that derive out of the Tribal Liaison Program are our responsibility and we can do that well; we have the expertise and capability and we may as well excel in that as much as we excel at building dams...

I think that the Tribal Liaison Program is amazing and it's a little undervalued, I think, within the Corps of Engineers broadly and even within this division, which is too bad...

It should be first and foremost – the amount of issues that come up, it should be much more important and valued than it is.

and tribal courts and all that so much better than I do just reading it.

MIGHETTO: And Lewis and Clark –

RICHMAN: And then she went to Lewis and Clark, which has such a strong program. And that's pretty unique. She doesn't do cultural resources law at all, so she doesn't have that specialty. Yes, I think it is pretty new for the cultural resources end of it, which is more my first love or the thing that I'm much stronger in. It's very unique in the country, no matter what agency you're in. There is such a small group; we pretty much know everybody who's working, where they combine the two. And there's probably ten of us nationwide, maximum, who have both an archaeology degree/anthropology degree, and a law degree and are working in cultural resources law.

MIGHETTO: How many in this position? Just you two? Direlle and you?

RICHMAN: Well, she doesn't have an archaeology background – I'm thinking more of the archaeology/law combination. There are plenty of people who have a background in something and then go into law school. And the tribal stuff, I think there's a fair amount; not so much in the Corps of Engineers, but more broadly, there are a lot of people with either a tribal background or relationships with tribes who go on to do law. But in the Corps, no; in our division, no one else.

MIGHETTO: Because I have interviewed a lot of people and this is the first that I have heard of all of this. It's interesting.

RICHMAN: Yes.

MIGHETTO: Do you work in Alaska at all? Or is that the Pacific...

RICHMAN: That's the Pacific Ocean Division. So no. I have heard that – and I can't remember if it's both – I always put it in my mind that not long before I came it used to be the Missouri River Division and the North Pacific Division, and when it was the North Pacific Division I know we had Alaska but I think we had Honolulu, too?

MIGHETTO: Well, you definitely had Alaska.

RICHMAN: Yes. But I keep saying that they gave up Anchorage and Honolulu for Omaha and Kansas City! Nothing against Omaha and Kansas City, but ...

MIGHETTO: There's a lot of cultural resources work in the Missouri River – but it's not Honolulu!

RICHMAN: It's not Honolulu!

MIGHETTO: Well, is there anything that you'd like to add that we didn't cover?

RICHMAN: I don't think so. I think that the Tribal Liaison Program is amazing and it's a little undervalued, I think, within the Corps of Engineers broadly and even within this division,

which is too bad. Often, people don't - even when they work directly with the liaison, they don't necessarily see the value added because they're not seeing what it would be like to not have them. So it's not appreciated as much and people don't often view it as part of our mission to deal with this kind of stuff. It should be first and foremost - the amount of issues that come up, it should be much more important and valued than it is.

MIGHETTO: How is that lack of value manifested? Do you mean in terms of funding, or just in terms of getting people to take them seriously and meet with them?

RICHMAN: Some of it is funding; like with Portland District, the idea that they don't need a full-time position on it.

MIGHETTO: Oh, the half-and-half thing.

RICHMAN: Yes. And so now that Direlle is coming here full-time, they're still sort of grappling with what to do with the Portland District office, and they could certainly have a full-time liaison there. There's plenty of work, but people don't think that the liaisons do that much. And they're extraordinarily busy. And like in Kansas City, they have a three-person matrix doing it, and they're all busy. There are some districts, like New England District has a tribal liaison in Boston. Well, you wouldn't think that that's necessary, but he spends - it's not a full-time position, but he does a lot of stuff with tribal issues there. So if he has to do a lot in Boston, you can just imagine Portland!

MIGHETTO: That's an interesting point, to try to speculate what it would be like without them, how things might be different.

RICHMAN: Yes, and I think we'd get in more and more trouble!

MIGHETTO: Litigation-wise?

RICHMAN: Litigation-wise, and just sort of relationship-wise, with the tribes in the area. I think that the liaisons provide a really good bridge between the cultures and just between the different individuals. It's a very important program.

MIGHETTO: Is there anything else?

RICHMAN: I can't think of anything.

MIGHETTO: Well, thank you very much!

RICHMAN: Thank you!

MIGHETTO: This is sort of a postscript - we were talking about General Grisoli, who just left the division, and Jennifer's perception of him. Did you want to summarize what you talked about?

RICHMAN: Yes, I was just commenting on the idea that the Corps of Engineers - we were talking about the Corps of Engineers' undervaluing of the Tribal Liaison Program and how it's not necessarily viewed as part of the mission of the Corps of Engineers, yet it comes up in everything we do. So some of the leaders, like Grisoli, understand that and he was able to work within that framework and understood the value of the relationships with the tribes and the importance of bridging that.

And then some of the other commanders or deputy commanders don't understand, one, that we have responsibilities both as a government to deal with other governments like tribes and have that sort of relationship with the tribes, but also that we're good at it, and we're good at cultural resources stuff and that it's a direct result of things that are directly in our mission, like operating the system. Cultural resources that derive out of that operation are our responsibility and we can do that well; we have the expertise and capability and we may as well excel in that as much as we excel at building dams or whatever.

That was my comment.

MIGHETTO: Thank you very much!

Biography



Jennifer Richman

Assistant Division Counsel - Northwestern Division

Jennifer started this position in 2002 after graduating from George Washington University School of Law. Prior to law school, she worked as an archaeologist for ten years, receiving her BA in Anthropology from UC Davis and her MA in Archaeology from LaTrobe University in Australia. She worked as a contract archaeologist while completing these degrees and as Senior Staff Archaeologist at California State University, Sacramento's Archaeological Research Center. Most of archaeological field experience has been in the western Great Basin, coastal California, and coastal southeastern Australia, but has also taken her to Italy, England, and Outback Australia. An interest in historic preservation and repatriation issues led her to pursue a law degree.

While in law school she worked for the National Trust for Historic Preservation, the U.S. Department of Justice's Environmental Resources Division, and the California Attorney Generals' Office. Jennifer's current position focuses primarily on cultural resources, Indian law, and environmental law issues.

Skiing, hiking, reading, and cooking keep Jennifer busy when she's not working.

Interviewee: Chip Smith

By Lisa Mighetto
Via Telephone from Seattle, Washington
21 June 2005

MIGHETTO: Well, hello, thank you for calling. It's nice to meet you over the phone.

SMITH: Yes!

MIGHETTO: Did I mention to you that this interview would be taped and transcribed?

SMITH: Right.

MIGHETTO: Okay. Shall we get started, then?

SMITH: Okay.

MIGHETTO: Okay, this is the interview with Chip Smith, June 21, 2005, by Lisa Mighetto. I thought we could start out by having you describe yourself briefly. That is, how long have you worked for the Corps in your current position? And what is your current position?

SMITH: All right. I might actually give you a bit more than that for perspective. I was teaching at Illinois State University back in the late 1970s and somebody said, "Do you want a job with the Army Corps of Engineers?" I didn't know who the Corps was, but I did apply and get the job and I spent 1981 until about 1990 working in the Rock Island District as a District archaeologist and project manager and ultimately as Assistant Chief of the Planning Division. Then I moved to the Corps headquarters in Washington, D.C., in about 1990 and worked there for four or five years, basically doing what we called quality control review of project reports for new water resources projects all around the country. In 1996 I came to my current position with the Office of the Assistant Secretary of the Army for Civil Works. My title is Assistant for Environment, Tribal, and Regulatory Affairs.

When I interviewed for that job back in 1996, Assistant Secretary Martin H. Lancaster said that he was looking for somebody who could work with Indian nations. He had some experience as a congressman in North Carolina and as he looked around, he said, "You know, I think the Army is probably starting to do a pretty good job in the area called

historic preservation (being primarily either archaeology or taking care of historic buildings), but where are the Indians in the mix? I don't see them anywhere and I don't see the Army doing anything to address their needs. Particularly since we have a long history—the Army and Indian nations—probably close to 200 years in relationships, of course, that have not always been that great." And so I told the Assistant Secretary that I'd be very happy and honored to try to establish an Indian Affairs Program for the Army Corps of Engineers.

MIGHETTO: This was in 1996?

SMITH: This was in 1996.

MIGHETTO: Okay.

SMITH: We didn't have a program at all. We had archaeologists spread out among the districts—we have 38 districts in the Corps. But we didn't have formal, trained, dedicated (meaning working with tribes was a formal part of their job), what I would call tribal liaisons in place. We had a couple of good people who tried to do it sort of as a collateral duty and I believe that there were two formally designated tribal liaisons, Lynda Walker (Northwestern Division) and David Vader (Omaha District).

MIGHETTO: Did you do it at the Rock Island District?

SMITH: I did primarily historic preservation. I did work with the Sauk/Fox in Iowa a bit, but I didn't have a lot of experience working with tribes at all.

MIGHETTO: And you taught archaeology at Illinois State?

SMITH: Yes.

MIGHETTO: Okay.

SMITH: And my job is an interesting one, now that I've been here since 1996. We're a small office of about twelve people and our job is to oversee the Army Corps of Engineers civil works activities. By that, I mean all the water resources projects —the lakes, the rivers, the dams, hydropower, beaches, you name it. That means we're responsible for overseeing the work of some 36,000 people in 38 district offices, and then there's also the Corps headquarters. It is a challenging job and humbling. I do all the work that's environmental, tribal, or regulatory (involving protection of aquatic resources). These mission areas kind of fit together nicely, since most Indian nations that I've worked with seem to view cultural and natural and environmental things as fitting together and being integrated.

MIGHETTO: So this program was Assistant Secretary Lancaster's idea?

SMITH: Yes.

MIGHETTO: And you were the first to start putting it together?

SMITH: For a national program, that's right.

MIGHETTO: Okay.

SMITH: And so, very quickly, what I did is I looked around for help! And I found a couple of good people in the field. One was David Vader from the Omaha District; maybe you've heard of him in other interviews?

MIGHETTO: Yes.

SMITH: Another guy, Johnny Duplantis, in Alaska; and a couple of years down the road I think I ran into Lynda Walker, then Kimberley Oldham, and I guess over the years I found people that either were doing the work or were Native American and interested in doing the work. And I guess the bottom line is now about eight years later, you know back in 1996 we just had a couple of good souls trying to do this, but now we have tribal liaisons as formally designated positions in six or eight districts, the "hot spots" around the country. That's what they do full time. And many of them are Native American. We also have points of contact [POCs] in all the other districts; people who are

accountable for working with Indian nations and this POC responsibility is often in their job descriptions I believe. The reason we have POCs in those districts is that there just isn't enough work to warrant a full-time person. But we at least have somebody accountable, and they can reach out to the other experts in the country and get help.

MIGHETTO: How did you decide which were the "hot spots"—because that's where you did have enough work to warrant a full-time position?

SMITH: Well, it was by how many "squeaks" we heard. I was only in this job a few years and I was in contact with some eighty tribes. And it didn't take long for me to figure out by putting dots on a map where the problems were. Because typically, they weren't coming to me to say, "Gosh, we love the Army Corps of Engineers! Everything's great!" They were coming to me with an issue, whether it was site protection or vandalism, or drought or not enough water or habitat, or for the Corps to return "taken" land, or co-management, all these kinds of issues.

So quickly I figured out that the Missouri River Basin, with thousands of shoreline miles and thousands of archaeological sites was a hot spot—I think six tribes are located right on the river, within the project boundary. Their reservations are part of the federal project, called the Missouri River Pick-Sloan Project, and the Fort Peck Project. Six huge reservoirs. And so with those tribes being located there—all of them, of course, we displaced back in the 1950s and 1960s; at the direction of Congress and in accordance with direction provided by the Bureau of Indian Affairs the Corps moved them out of the bottomlands and put them up in the uplands. There are a lot of—how should I say it—tensions there because the elders still remember the Corps coming in and moving them out of their bottomlands. And the current people are looking around, seeing their sacred sites and archaeological sites being eroded and vandalized because of these lakes. Figuring out how to get an agency like the Corps of Engineers, who acted in a very bureaucratic and military fashion, to actually step back, listen, and consult—it's been very challenging.

It's the same thing in the Northwest, with the salmon. Some of the dams are Bonneville Power

So quickly I figured out that the Missouri River Basin, with thousands of shoreline miles and thousands of archaeological sites was a hot spot...

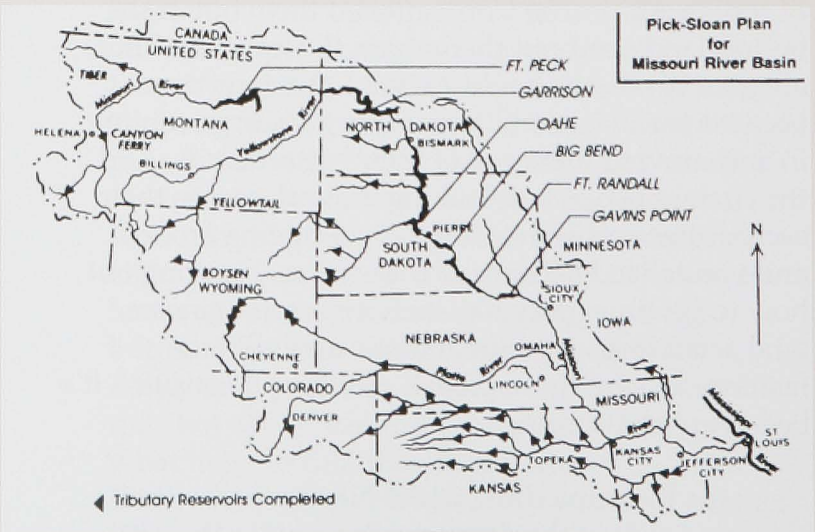
Pick-Sloan Plan

After the disastrous flooding of the Missouri River in 1943, which forced residents of Omaha, Nebraska to navigate their city by boat, the U.S. Army Corps of Engineers and the Department of the Interior Bureau of Reclamation began making plans to build a series of dams and levees to regulate the flow of the river.[1] In 1944, these two agencies developed the Pick-Sloan Plan, formerly called the Missouri River Basin Project, and later named for Colonel Lewis A. Pick of the Corps of Engineers and William Glenn Sloan of the Bureau of Reclamation. These two men were assigned to implementing this river reconstruction task. Pick's plan emphasized flood control and navigation for barges and boats, whereas Sloan's plan focused on irrigation, hydroelectric power, fish and wildlife habitat, and recreation. The Pick-Sloan Plan, which was authorized in Congress by the Flood Control Act of December 22, 1944, represented a compromise of the two agencies' proposed projects and called for almost 100 reservoirs to be built on the Missouri River and its tributaries with hundreds of miles of levies and floodwalls throughout the basin. The intended beneficial uses of the water resources in the Missouri River Basin included flood control, aids to navigation, irrigation, supplemental water supply, power generation, municipal and industrial water supplies, stream-pollution abatement, sediment control, preservation and enhancement of fish and wildlife, and creation of recreation opportunities. Passage of the Plan has resulted in alteration of the river, including the creation of more than fifty new dams and lakes on the Missouri and the rivers flowing into it.[2]

The Pick-Sloan Plan did not proceed without conflict, however, the disruption of tribal lands has been a controversial issue associated with its development. The Corps' and Bureau of Reclamation's Missouri River alteration plans ultimately affected twenty-three different reservations. The Corps built five projects that destroyed over 550 square miles of tribal territory in North and South Dakota, dislocating more than 900 Indian families. Five Sioux reservations – Standing Rock, Cheyenne River, Yankton, Crow Creek, and Lower Brule – sustained the bulk of this damage.[3] Native Americans have lost more than 350,000 acres of farmland due to the damming and channelization of the river. After the creation of the Garrison Dam in North Dakota in 1953, for example, a newly constructed reservoir inundated nearly 85 percent of the Mandan Indians' lands and several of their homes.[4] Other tribes were adversely affected by the Bureau of Reclamation's tributary projects, including the Chippewas in North Dakota, the Shoshones and Arapahos in Wyoming, and Crows, Blackfeet, Crees, Chippewas, Sioux, and Assiniboines in Montana.[5]

In the 1950s and 1960s, these people were displaced from their native bottomlands to the uplands. "There are a lot of tensions there because the elders still remember the Corps coming in and moving them out of their bottomlands," recalled Chip Smith, Assistant for Environmental, Tribal and Regulatory Affairs for the Office of the Assistant Secretary of the Army (Civil Works), "And the current people are looking around, seeing their sacred sites and archaeological sites being eroded and vandalized because of these lakes. And figuring out how to get an agency like the Corps of Engineers to step back, listen, and consult—it's been very challenging."[6] While the Pick-Sloan Plan has generally improved flood protection in the Missouri River Basin, many argue that the benefits of flood control are outweighed by the damages that Native Americans have sustained in order to make these projects possible. Some critics of the Plan claim that Indians suffered greater losses from the human-caused inundations than they would have from natural flooding in their region.[7]

[1] *"The Missouri: A Journey with Stephen Ambrose,"* The History Channel, *http://www.historychannel.com/classroom/missouri/impact.html* (accessed July 5, 2005).
[2] Bill Ganzel, *"Farming in the 1940s," Wessels Living History Farm, York, Nebraska, http://www.livinghistoryfarm.org/farminginthe40s/water_13.html* (accessed July 5, 2005).
[3] Michael L. Lawson, *Dammed Indians: The Pick-Sloan Plan and the Missouri River Sioux, 1944-1980* (Norman: University of Oklahoma Press, 1982), 28.
[4] *"The Missouri: A Journey with Stephen Ambrose,"* The History Channel, *http://www.historychannel.com/classroom/missouri/impact.html* (accessed July 5, 2005).
[5] Lawson, *Dammed Indians*, 29.
[6] Chip Smith, telephone interview by Lisa Mighetto, June 21, 2005.
[7] Lawson, *Dammed Indians*, 183.



Missouri River Master Manual

The Missouri River Master Manual (MRMM) is the guide that the U.S. Army Corps of Engineers uses to operate six dams and reservoirs on the Missouri River in eastern Montana and the Dakotas. The original manual was published in December 1960 and revised versions have been created in 1975 and 1979. The existing MRMM establishes guidelines for operation of the mainstem reservoir system for the multiple project purposes of flood control, hydropower, water supply, water quality, irrigation, navigation, recreation, and fish and wildlife.

In November 1989, the Corps initiated a review and update of the MRMM and published a draft environmental impact statement in 1994. Thirty federally recognized American Indian tribes inhabit the Missouri River basin and thirteen reservations are located on the mainstem of the river. The tribes are independent sovereign nations and the Corps has a trust responsibility to them. Water levels in the Missouri River and releases from the reservoirs determine how much irrigation water will be available for agricultural uses to many tribes within the basin. Many other purposes of the reservations, from economic development to fish and recreation, depend on Corps management of the dams and reservoirs. In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a Final Environmental Impact Statement (FEIS) has been prepared to evaluate the environmental effects of a Preferred Alternative (PA) Water Control Plan for the Corps' maintenance of the Missouri River dams and reservoirs. The FEIS, which includes a Tribal Appendix, identifies consequences for tribes resulting from changes in the operation of the mainstem reservoir system. Consultation with basin tribes on the review and update of the MRMM continues throughout the NEPA process as the Corps meets its tribal responsibilities.

During the MRMM review and update process, however, draft manuals provoked criticism from tribes all along the Missouri River basin. Tribal representatives have insisted that Indians have not been addressed adequately in the manual. In the Corps' management plans for the river, tribes believe the agency has ignored their reserved water rights. While the Corps recognizes tribal sovereignty and rights, the agency utilizes the MRMM for the management of quantified water rights, and most of the basin tribes have declined to measure water use to determine their needed amount. In 2004, revisions to the manual included new drought conservation measures to save water in the reservoirs earlier during a drought than under the previous plan. The procedures also regulate water storage in the three biggest reservoirs to benefit both endangered species and game fish.

Sources:

U.S. Environmental Protection Agency, Federal Register Environmental Documents, "Availability of the Final Environmental Impact Statement for the Missouri River Master Water Control Manual Review and Update," *http://www.epa.gov/fedrgstr/EPA-IMPACT/2004/March/Day-05/i4879.htm* (accessed July 7, 2005).

Jerry Reynolds, "Analysis: Missouri River reservoir manual comes under fire," *Indian Country Today*, online version, October 28, 2003, *http://www.indiancountry.com/content.cfm?id=1067367401* (accessed July 7, 2005).



The Pick-Sloan Plan as presented to *Nebraska Farmer* readers.

dams and other peoples' dams, but there are a couple of Corps of Engineers' dams, too. But we disrupted fish runs; we displaced people from their usual and customary fishing areas. So with the Colvilles and the Umatillas and several other tribes—the Corps has extensive relationships, and interacts almost on a daily basis.

In Florida, when we were told by Congress back in the 1970s to, for example, straighten the Kissimmee River and drain a major part of the Everglades—well, we affected the Seminole and Miccosukee tribes and their way of life. And now, you probably don't even know this, but Congress authorized the Corps maybe five years ago to go back and rebend the river and put the water back right, and restore the Everglades. Well, that's going to affect the Seminoles and Miccosukee again. So those are the places where we wanted to make sure we had full-time tribal liaisons. There are a couple of others, but those are the big ones.

MIGHETTO: And you knew this and you designated them in the mid- to late 1990s, then?

SMITH: I would say starting in the mid- to late 1990s. And there's been some turnover, so there have been some that have been designated since. Lynda Walker retired and I understand someone has come in behind her who's a formal liaison. So that's something we'll just have to continue to do.

I guess, when I look at your question here, "What attracted me to this work?"—it's sort of a philosophical thing. When I started out as a kid in graduate school and then teaching at Illinois State, I really liked archaeology and it's what I wanted to do. I thought it was just a really fantastic career, very interesting, challenging, it was indoors/outdoors, intellectual, physical, and all those things, but after doing it for about a decade, it just occurred to me that, when I looked around, there weren't any Indian people doing the work, at least that I ran into. It was all non-Indian people sitting around in universities trying to figure out what all of the stuff that was being excavated meant. And so when an opportunity came up to basically walk away from artifacts and digging things up to working with people, I found that a really interesting and challenging opportunity, and I had no problem doing it.

MIGHETTO: Is that why you went to work for the Corps? Because you said you hadn't heard of the Corps.

SMITH: Right. Initially, I went to work for the Corps to do archaeology, because I knew I'd have five states and about a three million dollar budget, and I could do a lot of archaeology. I could protect a lot of resources; I could do a lot of research. I had this vision of getting universities to cooperate and work together. We used to fight and squabble all the time, and not share data. And I worked hard to put together interdisciplinary research teams. I'd get a soil guy from one university and a seed person from another university, and a dart point person from another university, and put them all together and have them work together and produce a better product. And that was great, but like I say, after about ten years it just occurred to me that there was more. And there were plenty of archaeologists in the world and I certainly wasn't a famous one, so I thought the transition of moving from artifacts to people was a good one. And it was definitely one where we had a deficit in the Army.

MIGHETTO: Did you find the Corps generally supportive of this, or did it vary depending on whom you were dealing with?

SMITH: It varied. It was mixed. There are people here and there across the country—and I'm going back in time now to 1996—who were supportive. There were many people who were not only non-supportive but impediments. And then there were a bunch of people, actually the majority in the middle, who just said, "Well, I don't care. It doesn't affect me," you know.

MIGHETTO: Well, this was new, right? You mentioned that the Corps has had relations with tribes for centuries, but this kind of formal program was new.

SMITH: Absolutely new. So we've been working, and are still working, to try to change the culture of the Corps and the mindset of the Corps. It only took me about two years to figure out that we needed to do this and that I would need a lot of help in the process. Here's the situation that I was faced with. I was up here at the top in the Pentagon, trying to figure out how to get this program going. I had the Vaders, the Walkers, and the Oldhams in the field, begging for support and help. And then in between, I had all this leadership bureaucracy, which served as an impediment. There was nobody in the Division offices for the most part, except maybe Peg O'Brien back in those days, who was supportive and we didn't have a person in the Corps Headquarters who was responsible in their job description for working with Indian people. So it was a low priority. We had an archaeologist, but archaeologists aren't always the best people to work with Native Americans. I'm not saying they can't; some can, but some can't.

So the biggest challenge for me was figuring out how to educate people, how to build support with colonel commanders in districts, and then work with the leadership at the Corps Headquarters to get a dedicated position, which we now have—Dr. Georgeie Reynolds—to serve as a nexus, so we have a link from District to Division to Headquarters to me. And there isn't this disconnect. You know, when you're in the Army, believe it or not, there's a protocol, and it may sound kind of funny, but you know, I'm not supposed to really pick up the phone and call Lynda Walker or Dave Vader necessarily in the District. I'm supposed to work through the Corps Headquarters and vice-versa. They're supposed to work back up through the chain. But there are a lot of blocks, there's a lot of filtering that goes on, and I needed to fix that first.

MIGHETTO: How did you fix that?

SMITH: Every time I went to a District, I'd talk to the commander and the staff and just try to do my talk, and try to educate them about the need to consult with Indian nations, to consider the effects of the things that we do, that we permit or that we license, on their lands, resources, and rights, and that they needed to assign somebody to start doing this kind of work. A people person, you know, not necessarily a scientist but a people person. And I drafted—it took me three times drafting proposals and asking the Corps Headquarters to hire somebody before it finally happened. And I'm not sure what got it over the goal line that time; maybe I just wore them out; maybe it was because the Senate Committee on Indian Affairs was holding hearings and asking why there wasn't a full time tribal liaison at Corps Headquarters!

MIGHETTO: So you were persistent!

SMITH: I had two assistant secretaries that signed memos directing that it be done, but then the bureaucrats got hold of it, and there were personnel issues, and there were funding issues—there was always something. And the senior leaders frankly just thought it was not something we needed. Their thinking was, "Where's the bang for the buck? How do we get projects out of this?" And that's what the Corps is about—projects.

And what I had to try to tell them is that, we might get some projects but I'm not counting on a lot of projects, because most Indian communities are not particularly wealthy and they can't afford to cost-share with us to build projects. But we have a federal trust responsibility and our projects affect them. We have issues all the time, and we're spending a ton of money fighting issues when, if we have a dedicated position at Headquarters with leadership and empower people all the way up and down the chain of command, we can avoid the costs of conflict and instead, have opportunity costs of progress.

MIGHETTO: And better relations for smoother projects, right?

SMITH: Absolutely. And build those relationships in advance. Don't think you're going to go out on the reservation one day with an hour agenda and hope to get the response, "Yes, go ahead and put that pipeline across the reservation." It's not going to happen that way in

most cases. Relationships must be built. Tribal Councils need to weigh in, and Chairs must be briefed by their staff before making decisions.

MIGHETTO: Did you find you had to spend some time talking about the different cultures? You just mentioned that you can't go in for an hour and say, "Okay, this is what we're going to do" and then expect that it's going to be accepted.

SMITH: Yes, exactly. We had to tell people how to sit alongside—you know, commanders are used to coming in and sitting the head of the table and dominating, and so are project managers. That's how they're trained. And we have to tell them that they need to sit in the back, they need to sit alongside the wall, they need to just be cool, be quiet, don't say anything, just listen, unless they truly are engaged by the council or whomever we are meeting with.

And that it's very important that you understand that you might not even get to the issue you want to talk about in a particular meeting. You might talk about weather, crops, baseball, drought; who knows what might come up? You may have to sit and listen to stories about where the tribe came from and its beliefs, how the nation was created, about Mother River, the Missouri River, or whatever. And that talk might go on for quite a long time. But what it is, is an education in the perspective that you have to have, and try to understand so that some day, at some point, hopefully you can talk about other things.

MIGHETTO: Did you get much feedback from the commanders after they would go to these meetings? Did they say, "Yes, you were right—that really helped"?

SMITH: I would say that ninety-nine percent of them, that's exactly what they did. Every once in a while you'd get one who just didn't get it for some reason. But most of them came out breathing a sigh of relief, saying "Thank goodness, my tribal liaison or my POC or you, Mr. Smith, told me ahead of time, because you kept me out of a real trap."

MIGHETTO: So it worked.

SMITH: It's working. We have a ways to go. We have developed a training program here, Dr. Georgeie Reynolds and myself, along with Jennifer Richmond in Northwestern Division, who's an attorney—you may have interviewed her too.

MIGHETTO: I'm going to.

SMITH: We took a course that the Department of Defense had developed maybe four or five years ago. It had a lot of good stuff in it, and I've gone to it and I've taught at it. But it was really tailored toward employees working at military installations. We needed something that was tailored toward our civil works projects, what the Corps does—working with sponsors, building ecosystem restoration projects and flood control projects and navigation projects—all that kind of stuff—and permitting under the Clean Water Act, to protect waters of the United States, including wetlands.

So we took the DOD course; we saved, I don't know, perhaps sixty percent of it in a sense, and then we took the other forty percent and we filled it up with examples that apply directly to civil works. And we taught it for the first time in Memphis in February. I think we're going to Albuquerque in October.

MIGHETTO: Oh, this year?

SMITH: Yes. This is a way we can train seventy people at once. Back when we were under the DOD course, I begged DOD, "Can I have three slots?" And they would say, "Sure, Chip, we'll give you three slots." But three slots, while it's progress—that's not training our agency really fast.

MIGHETTO: And who takes this course?

SMITH: What we do is go to a Corps of Engineers District upon their invitation and they have people sign up, or they assign them to go—however they choose to do it—and we teach it right there on site. So Georgeie and Jennifer and

I will fly in and teach the course for three days and fly out.

MIGHETTO: You mentioned earlier the need for coordination among the liaisons. In the early days it sounded like there were some communication impediments because you had to go up the chain, you said? How is that working now?

SMITH: I think we've had about a 180-degree turnaround. I think there are still some challenges here and there, but I think after eight years of work—and I'm not talking about my work, I'm talking about the work of this whole team that we've put together—I think we've finally convinced most people that this is important. You do it right in advance, it saves time and trouble and money. And people are now being empowered and are actually getting excited about doing liaison work.

The only thing I will say about that, though, is we do have a burnout rate, which is unfortunate but it's not surprising. It's similar to the same thing that happened in the 1960s with the first biologists in the government under the National Environmental Policy Act and other environmental laws. They were the pioneers and some of them burned out, and then in the 1970s it was time for the archaeologists to be brand new. And some of them survived and some of them burned out.

And now in the late 1990s and early 2000s, we're doing pioneer work in the tribal arena and several of our pioneers have moved on to other lines of work. It's so brand new, number one; the agency is in the throes of adjusting to it. Because it's so different.

MIGHETTO: What are some of the factors that lead to burnout? Dealing with two cultures, or being caught in between?

SMITH: I think that's a very good observation. What it is, to tell just a very short story—I traveled a lot in Indian country in the early years, certainly, just to meet people and get a feel for what was going on. And I remember I'd come back from some of those trips, after spending a few days or a week or whatever I'd spent out on a reservation or a series of reservations, and I'd get off the plane,

...when you see the needs and the conditions they live in, you understand the challenges of health and education, the baggage of us taking their lands in the first place. And now they're on these reservations, sometimes on Corps projects.

I'd get in a cab, I'd go home, I'd sit at the kitchen table, put my head down—and I'd cry. And after about thirty minutes I'd wipe my tears.

Because when you see it in person, and when you talk to the people directly, you feel their pain, you feel their need, and you see the poverty. You see very good things, too. I don't want to characterize reservations and Indian people as all being depressed and bad, because they're very energetic, proud, happy, and joking, and everything else, people. But when you see the needs and the conditions they live in, you understand the challenges of health and education, the baggage of us taking their lands in the first place. And now they're on these reservations, sometimes on Corps projects.

And you know you can't say yes all the time, you can't meet all their needs. There are some things you can do, there are some things you can do incrementally, but you know that it took us two hundred years to get where we are, and it's probably going to take, gosh, I don't know how many decades to fix things up and get to a more positive, healthy, place. And it affects you emotionally—it does me, and I think it did to several people who were pioneers and have since left, like Dave Vader and Johnny Duplantis. And you get tired of fighting your own bureaucracy, you know. You'd think your own agency would be your friend and your support, and they weren't always that.

MIGHETTO: How do you convey that emotion and those feelings of frustration to the bureaucracy, though?

SMITH: Well, when I have an opportunity to talk or teach, I tell it just like I told you, and maybe with a little more detail. It's funny—I thought I would find it embarrassing, but I don't. I don't find it at all embarrassing to stand up in front of a bunch of people like this and break down a little bit. You know, I'm starting to tear up a little right now, actually. They're human beings, and when they see first-hand, kind of experience the emotion of it and see how it affects another human being, I think they're more inclined to be, at least try to be, more open and understanding.

MIGHETTO: Do you think it's easier to understand when, say, a commander goes to Indian country? I mean, it's one thing to hear about it; it's another to actually be there and see it and experience it, right?

SMITH: I encourage them all to go, to make it a priority in their first six months. If they can get out and do a reservation visit, they absolutely need to do that. Maybe take a week and make a sweep; it depends on how many tribes are in a district. Some districts have so many tribes that it might not be possible. But maybe there's a regional meeting they could piggyback on. Maybe there's a powwow; they can arrange a sidebar meeting. Maybe they could do certain tribes where there are recurring issues.

But they need to get out there quickly in their command; bring their liaison or POC, and then hopefully stay connected. Not just go out there and retreat, but stay connected, every couple of months, whether they make a courtesy call or make a follow-up visit here and there, or invite tribal people to come to the district—it could be for a meeting, it could be for a picnic or a ceremony. But just keep that connection going.

MIGHETTO: I interviewed Colonel Hobernicht and he mentioned going to a retreat.

SMITH: Yes.

MIGHETTO: Do you attend those too, or is that something just local here to the Northwest?

SMITH: It's local in the Northwest, sponsored by the Umatilla Tribe. I did do a session. It's a week-long session where they take you up to a lake—I forget the name of it offhand—and you put up your own teepees, for starters, and then you build your camp and get everything all organized. And then you spend a week sleeping in the teepee, eating outside on picnic tables, and all your classes, courses, are standing or sitting around fires during the day.

There are different activities that you do; we had lectures and talks, we had demonstrations, we had dances and singing. We made tools, we

prepared food, and we took hikes. They rotated different tribal members through for different sessions to do the teaching. So there wasn't any note-taking, there wasn't any paper; no classrooms, no chairs, no Power Point. It was all oral tradition teaching.

MIGHETTO: Who initiated this? I don't remember. Did it come from the Corps, from the tribe, or both?

SMITH: There was a guy—I think I have this right—there was a guy by the name of Jim Waddell (W-a-d-d-e-l-l). He was, I think, in Walla Walla District; I think he's transferred to the South Atlantic Division, which is in Atlanta. I think it was him and, there's a fellow from the Umatilla Nation, Jeff Van Pelt, who was the lead for the tribe and who formulated a lot of the training. I think the two of them just had been talking over the years, and the idea just came out, and the Umatilla said, "Well, let's give it a try." And so they worked together and pulled it off. And I think it's been going on four or five years now; I think I was there maybe the second time they did it.

MIGHETTO: Well, Colonel Hobernicht seemed to be looking forward to it.

SMITH: Oh, it's just one of the most wonderful experiences! You do a sweat every night, and jump in the trout stream to cool off. It's great!

MIGHETTO: You mentioned earlier that some liaisons are tribal members and some are not. Is that correct?

SMITH: Yes.

MIGHETTO: So it's not a requirement, then?

SMITH: No.

MIGHETTO: So what do you look for when hiring a tribal liaison? You mentioned a people person earlier.

SMITH: Right. I think the most important thing is to have communication skills. And by that I don't necessarily mean just talking, but listening, active listening. To be able to react, to be patient, to be able to sort of wait things out, not feel the need to rush. To be able to have conversations about all kinds of life things as opposed to just focusing on a concrete culvert or something; to be able to talk about almost anything. And to have sort of a passion—and I know that's hard to quantify; it's certainly not in the federal rules for hiring.

But enthusiasm, I guess, is a good way to put it. At least in my experience, I've found over the years that there are those people who would say, "Oh, you've got to hire Indians! You can only have Indians to do this kind of work." And I understand that view. And there are others who say, "Well, you know, anybody can probably do it if they're inclined to do it."

And my goal was twofold. First of all, to jump-start this program really fast. And although eight years might not sound like really fast, in the bureaucracy, it's pretty fast. I didn't have the luxury or the hiring authority to be able to instantly reach out and find myself eight Native Americans who were trained and qualified to work for the Army Corps of Engineers as tribal liaisons. But what I could do is look for people, whom I thought, along with others, would be successful. If a person was interested, if they wanted it, I figured that was a great advantage.

And so as a result, now, as I say, I've got some Indian people who are liaisons, I've got non-Indian people who are liaisons; one is an archaeologist, one is an engineer, one is a project manager. They're all over the map in terms of ethnicity and educational background and discipline. I figure over time, one of our goals—and this is something I've kind of turned to Kimberley Oldham to work on, and I know she does, with the American Indian Science and Engineering Society (AISES)—is to continue to try to reach out to tribes in recruitment so that, over time, we build up the Native American population in our agency, in all job disciplines, including tribal liaison work.

MIGHETTO: And has the percentage increased?

SMITH: I can't say that I've seen a marked increase. I know we've hired a few people, but not enough. I'm not sure totally what the reason is, but I can tell you maybe a little bit about it. To a great degree, I'm thinking many kids who grow up in reservations aren't really thinking about engineering, for example, or economics, or some of the things that typically the Corps of Engineers does and the kind of people that they hire. That's one thing. And then reaching them is another challenge. I mean, how many of them actually go to the AISES conference? Well, I'm sure it's a big conference of 500 kids, but...

MIGHETTO: That's a drop in the bucket, right?

SMITH: A drop in the bucket when you look at the total picture. So how do we reach out to Indian people? How do we get them through the educational system or once we do find them and interest them in working for the Army?

MIGHETTO: Okay, go ahead. So you were saying they're not going to work for the Corps?

SMITH: And I don't blame them. They can get a great job at a law firm, or architecture/engineering firm, or . . .

MIGHETTO: The private sector.

SMITH: Yes, the private sector. They have to want to do public service, too. That's an area where we could really use some help and advice. I don't have any big answer to that, but certainly it's one of our objectives all along. We try to figure out ways to use interns to help, which is what I'm doing now. I had an intern last year that was from the Mi'k Maq Nation up in Canada, and this year I've got one from the Navajo Nation.

MIGHETTO: Do they come to D.C., to Headquarters?

SMITH: Yes, it's through the Morris K. Udall Foundation. The foundation pays their room and board and we pay their salary and give them a desk and a computer. They spend the summer here—usually twelve of them—and they're scattered around town at different agencies or with different members of Congress. They have a two-month period where they're subsidized to just basically experience D.C., be exposed to things, learn things, and work on a project.

So in my case, last year I am doing the same thing for my intern as I am this year. The first thing I did is set up mentoring meetings all around town with different people that I know who I think are leaders in whatever it is they do. Several them are at consulting firms for tribes, tribally owned firms; several of them work with tribes, people on the Hill, and people in other agencies. I try to give them introductory lessons on what different agencies do and what different consulting firms do. Then I try to take them to all the meetings that I go to, so that they can just sit and listen. So I take them to the President's Council on Environmental Quality, the EPA, the Department of the Interior, and Federal Highways, for example. And they have absolutely nothing to do with their background or their education or anything else, or even Indian issues. It's a way to expose them to everything that goes on in this world of D.C.

And then at the same time, I try to get them heavily engaged in our Indian program by doing a project. Last year our intern did a project on establishing a volunteer program, working with tribes to help protect archaeological sites and sacred sites. This year, we're not sure what the project will be yet, but we've started one where this young man is going to try to draft up sort of a laymen's guide to the Federal trust responsibility doctrine. Something that's not going to be very legalistic, but something that I can turn into guidance and send out to thirty-eight districts. For years I've been saying, "You have a trust responsibility"; well, I need to follow it up with "Here's what it really means. Here's how you apply it in everyday life." So that's what he might work on this year.

MIGHETTO: And how old did you say they were?

SMITH: I think Tanya Martinez last year was probably twenty-two or three; I'm guessing twenty-three. And Earl Johnson from Navajo Nation I think is a little older because he spent three years in the Navy, so I would guess he's probably twenty-six.

The other advantage here, too, is these interns teach us, just by being around them and observing their demeanor and how they talk and what they say and how they communicate. And then to actually debate things—we debate issues and subjects. So they teach us. It's not just us teaching them. We learn a lot as well, and we usually let them give a talk to the staff here in the Corps Headquarters about their tribe and their background, and issues in Indian country. Again, people have been hearing me for eight years—here's an opportunity to hear a fresh, young, very smart voice with their own perspective, and so we try to take advantage of that.

MIGHETTO: That sounds great! So there have been two so far that you have worked with?

SMITH: Yes.

MIGHETTO: So it's been very recent. So you haven't had a chance to track them yet, as to what they end up doing later.

SMITH: Well, Tanya went on to graduate school in energy engineering. She wants to get into hydropower, wind power, and solar power on reservations, where the power doesn't go into a non-Indian power grid but goes right into their own reservation grid. And Earl is thinking about doing Indian law.

MIGHETTO: Interesting! Great!
We're writing a short history of the program to go with these interviews. What do you think are the most important things that we should include, as far as the development of the program goes? You've hit on some of them, but what should we be sure to include? Has it changed?

SMITH: The program has changed. We didn't have the program in 1996. We now have one in in

I think we're well on the way to turning this entire agency around so that people are aware of their responsibility to work with tribes as governments, as sovereigns.

2005. We have developed a good training course; it has command support at the highest level. We even have a video of our Assistant Secretary of the Army supporting the program, and one of the Chiefs of Engineers supporting the program, that we can take around when we do our training course. We have Indian Affairs in people's job descriptions now, so people are accountable. We have articles in publications from time to time; the Engineer Update, for one, to talk about working with Indian nations on various projects and the various things that have happened.

We're starting to rack up a pretty large list of accomplishments, of projects that we've done in partnership with tribes. In ecosystem restoration projects, floodplain mapping, sometimes flood control. We have a couple of tribes now that are trying to assume the regulatory program under the Clean Water Act and do their own Clean Water Act permitting. We're having consultation meetings about protecting sacred sites, archaeological sites. So there has been, I think, pretty substantial progress.

It's one of those things when, on any given day, you just sit there and you feel overwhelmed and you might not see it. But if you could find a way to step back and really disassociate yourself from your own personal challenges and frustrations and just sort of glance at the program quickly, I think it's come a long way. We're not mature yet; we have a ways to go. We're probably in our teen years or something, if you want to put it that way. But I think we're well on the way to turning this entire agency around so that people are aware of their responsibility to work with tribes as governments, as sovereigns.

The one thing I try really hard to explain to people, and it can be challenging, is this nation didn't give tribes any rights—the tribes inherently always had them and always will, unless they treated them away or unless Congress abrogated them in some fashion. So it's not like we're giving Indian nations something—they've got it, they had it. And we have to figure out how to deal with them on a different level. They're not stakeholders—they're higher than that. They are domestic dependent nations. And that makes a big difference. You can't just coordinate; you have to meaningfully consult in a pre-decisional fashion. Those are the kinds of things that really jump out at me.

MIGHETTO: You mentioned earlier that you're actually changing the culture, the mindset of an agency that is centuries old. That's not an easy thing to do.

SMITH: No, it's not. And it's not something that I'm going to do. I'm going to do what I can, and at some point my time will be done, and hopefully there will be somebody to come in behind me and carry it to the next level. We'll have to do this maybe four or five times before we really get to where I'd like to be.

MIGHETTO: How has funding been? Has that increased over time?

SMITH: Well, it has, actually; indirectly because now we have people who are paid just to do this work. So that's a funding increase. We have POCs who are paid to do this work; that's a funding increase in a sense. We have Georgeie Reynolds now on staff; that's a funding increase. Georgeie gets a budget; I don't know what it is offhand and you probably shouldn't put it into print even if I did know it, anyway! But she gets a pretty decent budget, which never existed before.

MIGHETTO: And what kinds of things can she do with it?

SMITH: Fund the training; she can fund tribal members to travel to meetings. She can pay for educational materials. She's funding a facilitator to hold some stakeholder meetings around the country. We're revising one of our regulations that deals with historic preservation and of course tribes need to be able to come to those meetings. So, you know, it's pretty wide open; it's pretty flexible with what she can do.

Now, I also have to make sure that it's perfectly clear that this is not new money. This is money that the Corps already had or would have had that would have gone into concrete or

something else. And we found a way to convince people to take an increment of that money that would have gone to something else and put it into the Indian program.

MIGHETTO: What do you find most challenging about your job?

SMITH: I think the most challenging thing . . . well, probably a couple of things. One is, as I said before, I travel around the country and meet with tribes or talk to them on the phone or through e-mail or however. You know, this program and the Corps is not a silver bullet; we don't have the answers to every problem. We can't solve every problem. We don't have the authority or the funding in some cases. We try to do what we can, but we can't do everything; we can't fix everything.

And I think that's challenging emotionally. The way you have to deal with it is be honest up front; not make the mistake of leading anybody on and then all of a sudden have to say no, or have somebody say no for you. That can be challenging, having to look somebody right in the eye and say you know, sir, I'm sorry but we just can't do this.

I think the other thing that's challenging is keeping track of all these moving parts. There's so much going on in this country. We do hundreds and hundreds of projects every year. We have issues with inadvertent discoveries of human remains. We have challenges where drought is affecting water supplies on reservations. And to keep track of all of this and make sure that somebody is paying attention and that we at least do what we can. That can be very challenging.

MIGHETTO: What do you like best about your job?

SMITH: Several things. First of all, being able to travel out and visit reservations. It's just been a tremendous opportunity and really enjoyable. We'll go to a reservation and, to be frank about it, we'll get beat up pretty bad sometimes, you know! We'll have to listen to stories about displacement, destruction of resources, and all kinds of other things but you know, it gets to be about noon and they say, "Buffet is served! Come join us!" We go to the buffet and we talk about baseball or something, or kids, or other things for the most part. Or maybe a couple of people will scurry off into the corner and they will talk about archaeology, but they will be getting along. And then we'll go back into the meeting.

I guess I've just found it educational, it's fun, it's enlightening. Every place I've ever been, people have been so gracious, even though they have really hurtful and challenging issues that we face. But if you keep at it, you slowly work through them. So I like that. I like visiting reservations; I like working with Indian people directly.

I like seeing progress. I think it's been great just to see the enthusiasm in our agency and the progress that's been shown over the last eight years. And to be actually at this point, to be optimistic about the future as opposed to . . . If you'd asked me this same question maybe four years ago, I might have said I was on the brink of giving up. As many of my colleagues out there I know have said! We've commiserated on the phone back and forth.

That's another thing. It's such a great team of people. One day I'll want to quit and Vader used to say, "You can't quit, Chip!" Vader would say, "I think I'll quit," and I'd say, "You can't quit!" Kim would call; "I think I'm going to quit, Chip." And I'd say, "You can't quit, Kim!" And then we'd sort of like—anytime a team member was starting to feel down or fall down, everybody else would help shore them up. And I think that's a real testament to the quality of the people that we have doing this work and how sincere they are about doing this work.

MIGHETTO: It seems like a close-knit group.

SMITH: Absolutely.

MIGHETTO: You mentioned earlier that the commanders gave you feedback on the tribal liaison program. Do the tribal members also give you feedback on that?

SMITH: Yes.

MIGHETTO: And what do they say?

SMITH: The ones that I've talked to actually have been very appreciative and they see progress. They, like I, understand we have a ways to go, but I think many of them are beginning to feel a little more optimistic, like there's actually a chance out there that we're going to make progress in the future. We're going to keep this thing going and we're going to try to turn it around where we're not enemies, but partners. And we're going to try to rebuild some of the trust that we've lost between the two of us and figure out how to understand one another better.

I've found that most people, when I visit them and I kind of explain the military mindset or the Corps command stuff and protocols and everything, you know, they understand that. They can empathize with that. All they're asking is, "Gee, can you guys understand us?" And then let's figure out how to put it together and meet in the middle somewhere.

MIGHETTO: You mentioned Jennifer Richmond earlier. I'm going to interview her in a few weeks. Is there anything I should be sure to ask her?

SMITH: Jennifer is an attorney, and I think she can probably give you some interesting perspective, at least from a legal point of view, on what our agency's responsibilities to Indian nations are and where those responsibilities came from. I can generally say they came from Supreme Court decisions and treaties and case law and other things, but she could probably talk—well, she teaches that part of our course, so she could talk about that a lot.

And then I think it would be interesting to hear her perspective; she's fairly new in the agency, whereas I've been around now for twenty-four years—I hate to say it! I'm sure she's in her first decade, I'm guessing. It would be interesting to hear what her perspective is coming in, being in the new part of her career, and what her thoughts are about the future.

MIGHETTO: Okay. Did you mention earlier that you're putting together a guideline, an easy-to-understand guide to trust responsibility?

SMITH: We're going to try it. Whether we'll be successful or not I'm not sure, because it's such a complex matter and there's so much literature and so much case law on it. But we're going to give it a try, and see if we can come up with a fairly short, layman's kind of a policy guidance document that we could send out to the districts. Where hopefully they'll understand what our responsibilities are, what they aren't, and how they apply to planning new projects, operating existing projects, or working on permits under the Clean Water Act for private people who want to build projects.

MIGHETTO: If this history is completed by the end of this summer, will that be done in time to include it in this history? Or is that something that is slated for . . .

SMITH: I don't know at this time. We're just starting on it. You'll have to check back with me and see where we are and if it's anywhere close to being shared.

MIGHETTO: Okay. Well, is there anything that you'd like to add that we didn't talk about?

SMITH: Well, I have a concern and an observation. The concern is that I want to make sure that this momentum that we have going continues. There are a lot of good people out there, but there's really only a small group that are sort of the primary driving force behind a lot of it. And to keep this going, we're going to have to be vigilant and we're going to have to start hiring other people to help us build the team, make the team bigger. That mostly will happen in our districts. It can happen here to some degree because I can have interns, I can educate new assistant secretaries. We get two colonels every year; they rotate and I can educate them before they go out to a district to be a command. So we have to just kind of keep that going.

The other thing is kind of interesting. I've thought about this a lot over the years. Why did I get into this work? Why do I like this work? Why so far does it seem like I've been able to do it fairly successfully? I don't know. It's really inexplicable to a great degree, but one thing that I've thought a lot about is my own background. I was orphaned early in life, I am a Mexican-American, and between those two things, I grew up losing my Mexican heritage, which I always wondered about because I was adopted by non-Hispanics. Great people, and thank God they adopted me, or I'd probably be dead, frankly!

But I spent a lot of my life in the middle, in between, just because of the way I look, because I'm dark and I look sort of—well, dark. I faced prejudice growing up; I faced bias. I felt like I was in between two worlds, not really totally in one world. I think the combination of those things have helped shape who I am, and they taught me a lot of observational skills, intuition skills, coping skills, and other things—perception.

So that when I came to the Corps—again, I was kind of an outsider because I was an archaeologist -forget the other stuff that I was! That's different—it's not the Corps of Archaeology, it's the Corps of Engineers! So it took a while to adjust to that. I feel like I've been able to do this work because I've spent most of my life as a floater, in between worlds.

So I have, I think, the ability to bridge the gap between the hard-core engineer types in our agency and the Indian people we work with on reservations. And I think similar sorts of background things have happened to others that are in that position. I think that Vader lived on or adjacent to a reservation, so he had experiences. I don't know about the rest of them. It's just interesting how life works, and it sets you up so that, if you want to, you can do this.

MIGHETTO: I might be interviewing Dave Vader, too. Are there questions that I should ask him?

SMITH: He's probably our pioneer; he's probably the first that I'm aware of. He just started doing the work. And then at some point he said, "Darn it, make a job!" And they did! And he ended up as a tribal liaison in the Executive Office at the Omaha District. He didn't have any chain of command in his way. He sat right by the colonel. And he was, like I say, if not the first, then one of the first. And he really intensively worked with the tribes in the Missouri River Basin.

And I think that for Dave, what would be interesting is to hear from him what it was like being a loner out there, being all alone, starting up a program all by himself in a district, where the headquarters didn't care, and until I got here, we didn't care. I mean, he's the start-up guy! If it hadn't been for Dave to at least get a first building block going, who knows where this would have gone? He took me out a lot of times; we visited a lot of tribes together.

He introduced me to Pemina Yellow Bird, Three Affiliated Tribes, who ultimately, their family adopted Dave in the Indian way, sort of in honor of all the things he had done for over ten years to try to help the tribes before he finally said, "I've had it, I quit!" But Pemina, one time—he said, "You've just got to come out and visit" and I said "Okay." And I went out all by myself in jeans and tee shirt, no entourage, no agenda, no nothing. I said, "Pemina, put me in your car and you've got me for a week. Take me wherever you want to take me." And she did! We went all over the place. We went to reservations, we sat on hills, we talked in cafes, we visited elders, we did a sweat, and wherever whim took her, we went. And it was just so nice to do it that way and not do it the formal, structured way. And I think she and her people appreciated that. And that's the way you've got to try to do it.

MIGHETTO: When did you say this was?

SMITH: This was probably three years ago.

MIGHETTO: You mentioned that you've been in your position 24 years.

SMITH: I was with the Corps of Engineers –

MIGHETTO: Oh, that's right, I'm sorry—1996 was when you started.

SMITH: 1981 to 1996 with the Corps, and the 1996 to 2008 here in the Assistant Secretaries Office. And I have three years of time in the Marine Corps. So actually I've got 27 years of federal service in at this point.

MIGHETTO: Do you have plans to retire?

SMITH: No! I don't. I'm having too much fun. So I think I'm going to continue for a while.

MIGHETTO: Keep that momentum going.

SMITH: Yes.

MIGHETTO: Well, thank you! I enjoyed talking to you.

SMITH: Thanks for listening, and talking back from time to time.

MIGHETTO: I will send you the transcript. If you've got time, you can review it and let me know what you think. And eventually it will end up in a bound volume with the other transcripts and a short history of the program.

SMITH: Okay. It's what I said, so I don't know what I'd change, unless there's a typo or something.

MIGHETTO: Well, I might spell someone's name wrong or ...

SMITH: Or maybe a sentence could be better structured? Anyway, okay!

MIGHETTO: I'll do some of that before I send it to you, but I like to give people a chance to look it over if they've got the time.

SMITH: Okay.

MIGHETTO: I'll just e-mail it to you in a few weeks.

SMITH: Oh yes, I was going to say don't put it in the regular mail. It goes off to Ohio and gets irradiated; it gets all burned up and I get it six weeks later!

MIGHETTO: I've heard that! So they're still doing that?

SMITH: They're still doing that!

MIGHETTO: We live in interesting times!

SMITH: We sure do.

MIGHETTO: Well, thank you very much for your time.

SMITH: My pleasure!

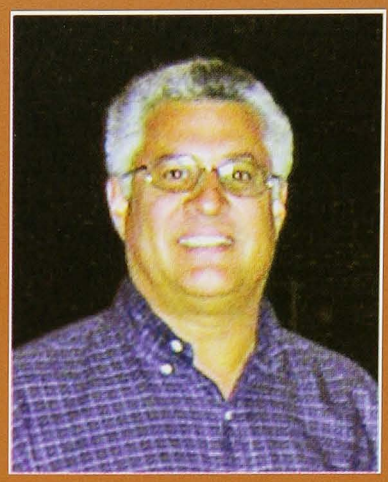
MIGHETTO: Bye!

SMITH: Bye!

Biography

Chip Smith serves as policy and program advisor to the Assistant Secretary on all aspects of tribal, environmental restoration and compliance, regulatory and cultural resource related programs, specializing in policy development and implementation, issue resolution, and water resources planning. Smith serves on numerous White House task forces and both drafts testimony for and presents testimony to the U.S. Congress. As liaison with tribal, state, and local governments, federal agencies, members of Congress, and resource-oriented interest groups, Smith ensures that information regarding the civil works activities of the U.S. Army Corps of Engineers is disseminated and explained. He also worked on the Water Resource Development Acts of 1996, 1998, 2000, and 2004.

Smith began his professional career as an instructor at Illinois State University as the Assistant Director of their Midwestern Archeological Research Center (1978-1981). He began his career with the Corps at the Rock Island District (Illinois) in 1981, as a scientist, and ultimately became assistant chief of their planning division. From 1990 to 1996, Smith was the senior environmental and cultural resources policy compliance reviewer at Corps Headquarters for nearly 600 Army Corps of Engineers decision documents. He also taught courses in historic preservation, environmental restoration and protection, compliance, and recreation, and assisted with the development of environmental planning regulations and guidance. Smith, who is originally from Chicago, Illinois, served in the U.S. Marine Corps from 1970 to 1973. He received B.S. degrees in anthropology and history, and an M.S. in history/historical archeology. During the mid-1980s Chip returned to graduate school to study biology and ecology. He resides in Fairfax County, Virginia, with his wife Meg, an environmental policy expert at the Corps Institute for Water Resources, and his two children, Ashley and Jack. His interests include running, music, writing, and home improvement.



Charles R. (Chip) Smith

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Interviewee: Mark Tillotson

By Lisa Mighetto
Via Telephone from Seattle, Washington
24 August 2004

MIGHETTO: Hello again.

TILLOTSON: Hi, Lisa.

MIGHETTO: It's nice to meet you over the phone. As I explained in my email message, this interview will be recorded and transcribed. And the purpose of the interview is to document your experiences with the Corps of Engineers.

TILLOTSON: Sure.

MIGHETTO: Particularly pertaining to the Tribal liaison program.

TILLOTSON: Okay.

MIGHETTO: So let's start with your background. How did you get started working for the Corps of Engineers?

TILLOTSON: I graduated from West Point in 1976 and was commissioned as an engineer officer.

After graduate school—actually, while I was in graduate school—I had a mentor who had been working with the U.S. Army Corps of Engineers and so I got the opportunity to be the Resident Engineer with the U.S. Army Corps of Engineers in Turkey, understanding that as an engineer officer, a lot of times I spent with soldiers and field units as I call it, (destruction) engineers as opposed to the (USACE) side which is construction engineering.

So I got involved with USACE there. And then I was fortunate and had three other assignments with the U.S. Army Corps of Engineers, the one in Omaha.

Well my first tour was in Turkey and my second was in Japan. You know, my favorite time—that was in Omaha.

MIGHETTO: When was that?

TILLOTSON: Turkey was '85 to '87 and then Japan was '93 to '95.

And then Omaha was '99 to 2001. And then I went to the headquarters from '91 to when I retired in—I mean in '01 to when I retired in '04.

MIGHETTO: And you were a district commander in Omaha?

TILLOTSON: Yes.

MIGHETTO: From '99 to 2001?

TILLOTSON: Yes.

MIGHETTO: Okay. And then to headquarters to '04, so you just retired from headquarters?

TILLOTSON: Just retired one month ago.

MIGHETTO: And now you're working with...

TILLOTSON: Michael Baker Engineering, it's an engineering firm. Actually, the home office is in Pittsburgh, but I'm working out of the Alexandria office.

MIGHETTO: And you've been in the DC area now for three years?

TILLOTSON: Yes.

MIGHETTO: What was your involvement as a Commander in Omaha district with the Tribal Liaison Program?

TILLOTSON: The Corps of Engineers has a trust responsibility to Native American tribes within the Omaha District. There were 28 tribes on 24 reservations. And so we have a trust responsibility to the sovereign nations.

And so as the commander, I'm responsible for everything we do or don't do. So one of the first people I met was Dave Vader, who is my tribal liaison. And he was the one who got me introduced and acquainted with some of the tribal partners and then the program grew from there.

MIGHETTO: Well no, the program already existed, right?

TILLOTSON: It did.

MIGHETTO: Or didn't it exist in Omaha?

TILLOTSON: The program—the position existed.

MIGHETTO: The liaison position?

TILLOTSON: The liaison position.

MIGHETTO: So was Dave Vader already in that position when you arrived in Omaha in 1999?

TILLOTSON: He was.

MIGHETTO: Okay.

TILLOTSON: It was a very difficult position for a number of reasons. Some political, some probably lack of support both from the commander and members of the command. So what I tried to do was get involved personally, show support to Dave Vader.

And then I also tried to then grow tribal programs and some of the other programs as well, creating a cultural resource position in the planning section, and trying to get some other positions identified that would provide some focus to the tribal programs.

MIGHETTO: And how did you get up to speed on this? Dave Vader who was already there?

TILLOTSON: Yes. In tribal programs, you're asking?

MIGHETTO: Right, because . . .

TILLOTSON: Yes.

MIGHETTO: Now, you had come from Japan or you left Japan in '95?

TILLOTSON: I left Japan in '95. I went to Seattle.

MIGHETTO: Okay.

TILLOTSON: And then commanded a combat engineer battalion in Seattle. After which I went to DC. I spent two years in DC; that was '95 and '97, in Seattle '97 to '99 in DC. And then I went out to Omaha.

MIGHETTO: Okay. But you didn't have experience with this program before you went to Omaha, right?

TILLOTSON: No.

MIGHETTO: No.

TILLOTSON: None at all.

MIGHETTO: Dave Vader got you up to speed. You mentioned that there was a lack of support—you mean from the previous commander or. . . ?

TILLOTSON: Probably, and it wasn't a direct lack of support, but probably not as aggressive as a new program needs.

And I think it put Dave in a precarious situation where he would introduce himself as the Corps apologist, because he was always coming back to the tribes and having to apologize about something that the Corps had done or had failed to do.

Most notably, I think we had failed to provide answers in a timely fashion, or in some cases at all, which I think we needed to do.

Again, sometimes there were some political constraints which prevented a clear answer, but you could still answer the mail even though you are limited in what you can say or how you can say it.

MIGHETTO: When you say we failed to provide answers, are there ways that you work to correct that, to change it, you and Dave Vader?

TILLOTSON: Yes. I held the staff accountable to answer the questions. Typically, what had happened is we would go out for a meeting and it would dissolve into a litany of problems that they had expressed over a period of time.

And because we had never completely answered it, they would keep repeating the same questions. So the only way we could move forward is to provide the answer, whether it's yes or no. I told the staff, whether it's yes or no I want you to answer.

And so we worked to get answers and get closure to issues.

Now, it didn't always bring closure; since they didn't get the answer they wanted; it didn't necessarily bring closure to it, but at least, you know, we had done what we could to bring closure to it.

MIGHETTO: And you were communicating more, it sounds like?

TILLOTSON: Yes.

MIGHETTO: Did you go to the meetings or did Dave typically go as your representative or both?

TILLOTSON: Both. You asked how I got involved.

He introduced me to Charlie Murphy, Chairman of Standing Rock. And then he introduced me to Pemina Yellow Bird who is the member of the Three Affiliated Tribes and who, in many cases, represented Chairman Hall.

So I had met a couple of individuals, then we went up river. The Corps was doing a listening session in water resource issues and they decided to do a listening session in cultural resource issues as well.

MIGHETTO: What's a listening session?

TILLOTSON: What is a listening session?

MIGHETTO: Yes.

TILLOTSON: Where we go and listen, it becomes a public forum for people to say what is good or bad about the program.

And so when you ask me how I learned about the program, I was the person standing in front

of the audience in three very hostile, aggressive audiences on all the things the Corps has done and failed to do.

But it gave me an opportunity to listen and then to follow up with the individuals and get to know them as individuals, beyond just their complaint as well.

And then over the course of trying, that was fairly early on in the command when I got to do the listening session.

MIGHETTO: And that was your idea to do this?

TILLOTSON: No, It was not. I supported it, but it wasn't my idea.

It was actually MG Strock's idea that we needed to do that because we were having so many issues in cultural resource.

MIGHETTO: Okay.

TILLOTSON: You know, activities.

So he suggested it; it was working in the water resource area, so we thought it would work for cultural relationships. And I think it did.

I mean, there were a lot of tough questions; there was a lot of passion expressed toward the Corps, probably the last . . .

MIGHETTO: Did you find that surprising or—I mean, did you expect that or did you . . . ?

TILLOTSON: No, I didn't. I mentioned Pemina.

Pemina came to my office and we had a very cordial, professional discussion. And the next time I met Pemina, she was standing up (I think this was the listening session in Bismarck), pointing her finger at me and she must have talked for 30 minutes to me, you know, very passionately, very articulately, but with a lot of heat and anger.

I was suprised at this apparent change in demeanor and afterward, I walked to her and said, "Pemina, I thought we were friends." She said "we are, let's go out and shoot pool to get to know each other better". So we did. She taught me many things over the years that I knew her.

But there are probably a lot of lessons in that, too. I mean, there was the side where the tribes felt like they had to say certain things for the tribe in public.

And then it didn't mean that they didn't like you as an individual. Then in Pemina's case, we got to know each other then as people. A whole lot of it was communication, getting to know each other, you know, just as people.

MIGHETTO: And you mentioned the listening sessions occurred early in your term?

TILLOTSON: Yes.

MIGHETTO: So they roughly were in '99?

TILLOTSON: Yes. It would have been probably late fall of '99. And then in the spring of 2000, the BIA had a business conference where all the tribes were represented.

And so I went up and Dave got me a meeting with every tribal chairman or tribal representative who was at that meeting.

MIGHETTO: So it's Corps-wide, or the district? The Missouri River Basin?

TILLOTSON: The conference was for the Northern Plains tribes. Many of the 28 tribes within the district that were asked to this conference.

MIGHETTO: Okay.

TILLOTSON: And I got to meet and talk to them one-on-one or two-on-six or something, but a small group, in a small group environment.

So I got to listen to their concerns. I started out with individual concerns. And then I went into the listening session and I got the public view.

And then I got the individual tribal views and, between the three meetings, then I was

pretty well adept at what the most of the issues were and they all seem to revolve around mistrust and lack of communication and the lack of funding, (the latter, I couldn't control).

MIGHETTO: You mentioned water resources—were there specific projects that were an issue?

TILLOTSON: With the tribes?

MIGHETTO: Yes. For projects that ...

TILLOTSON: Yes. There were a lot of issues. When I mentioned the water resources before, it was right after the upper Mississippi whistle-blower complaint with the way the Corps does business, and so there was a big backlash in Congress and in government about the Corps and big projects on the Mississippi. So that's why we were doing the water resource listening sessions.

But my commander, General Strock, felt like if it would work for something like that, then if we were having problems on cultural resource issues, it would be good to have listening sessions for those as well.

I should also mention my first lesson was probably from General Strock. When I assumed command, I was told one issue that I had to be careful of was La Frambois Island where the Sioux Nations had moved a sacred fire and set up three tepees on the island of La Frambois, (right outside of Pierre, South Dakota), as a protest against Title VI, which was a transfer of land to the State of South Dakota.

MIGHETTO: Okay.

TILLOTSON: . . . they moved the sacred fire to the island, which was public land, as a protest.

And there were a lot of people who wanted the Corps to come in with bulldozers and push them off the island. So my boss said, "You need to watch that; be cautious there."

MIGHETTO: That was MG Strock?

TILLOTSON: Actually that was MG Griffin, MG Strock's predecessor.

MIGHETTO: Okay.

TILLOTSON: And he changed command a week later with MG Strock.

So I'm observing the situation there, and then I took General Strock out to South Dakota in one of his early visits and I found a place to look and show him the tepees and the encampment there on La Frambois Island.

He said, "Well, can we drive out there? There was a causeway across to it. And I said, "Yes, but you're sure you want to?" He said, "Yes." So we drove out there.

And we drove out on the island, and as we were turning around to leave, he said, "Stop." Then he stopped and got out, walked over and started talking to the tribal members at the camp. Of course, when he got out I got out.

And, you know, I had not been out there personally, but it was still very early in command, so I'd never gone out and talked to him.

MIGHETTO: And you had communicated with the people protesting, right?

TILLOTSON: No, I had not. My staff had, but I had not.

And I was concerned as to how this would come across. I didn't know what to expect. And we really had very good conversation. They handed us some information and we talked for 15, 20 minutes or less and that was it.

And so that was probably my first lesson—get out, ask, get involved, talk, get to know the people and the issues.

MIGHETTO: And it sounds like you were well received, is that correct? I mean you were talking to them; they gave you information.

TILLOTSON: I was talking. At the beginning, especially, I don't know if it was well received.

MIGHETTO: You actually went out to the site with General Strock?

...what we did was allow them to go out and collect up the remains and then we took it to a nearby hillside and we allowed them to do a ceremonial reburial of the remains there...

TILLOTSON: Yes.

That went very well. You know, we had had no complaints from any of the locals; some people were concerned initially, fearful of what they might happen, but a lot of local people would go out there and walk past them and talk to them. The tribe kept the place clean. We provided water and a portable latrine so we provided basic health and sanitation.

We were trying to make the best of it, to stay out of what was a political statement by the Sioux Nation to the government, and trying to then stay out of that piece and to keep things clean and safe for everyone.

And it worked out. So, between that lesson with General Strock to get involved and start communicating and then the next was the public hearing—public meetings, and then with the meetings with all the tribal chairmen at the BIA conference, in the first eight months of my command, that really helped me get set up for the cultural program. And I guess the last thing that I got involved in was Christmas of '99.

In running the projects along the Missouri River, you regulate the water in the Missouri by releases from the dams according to the master manual, which is this kind of a guide.

And your question earlier about water projects relating to the tribes and cultural resources, we had an incident with the Yankton Sioux tribe. The Yankton Sioux does not have a reservation but is a federally recognized tribe. There were some funerary remains in the area that they typically reside in. And there were some cultural artifacts that it washed up.

In the history of it, there was an old cemetery that was there. It was a Christian cemetery that was supposed to be relocated as they finished Gavin's Point Dam and started raising the reservoir which would cause this area to flood.

And so there were a lot of claims—remains from the cemetery. There was no way to prove one way or another, but because of a lack of communication between the Yankton Sioux and the Corps, then we couldn't resolve what to do with it.

So I recommended that we raise the lake level to at least protect the cultural remains and then we we're sued and very quickly brought to court or had it brought up that we were not being responsive. And I think, again, that forced us in the dialogue.

And a lot of it is a lack of understanding with the tribes as to what the Corps could or couldn't do. The tribe knew the Corps as "the government" because of the Army and therefore the Corps trust responsibility over the years. But the Corps is appropriated dollars to accomplish certain tasks. So there are certain things we can't do both financially and physically.

We're trying . . .

MIGHETTO: And what was the result of the lawsuit?

TILLOTSON: Well, what we did on that case was allow the tribe to go out and collect up the remains and then we took it to a nearby hillside and we allowed them to do a ceremonial reburial of the remains there, which actually occurred right after the BIA meeting. In fact, we left the BIA meeting and went to the reburial.

Well, then the next year, we had more remains wash up again. I suggested the same solution, but they didn't want to rebury off site. They wanted then to secure the entire lakefront area to protect the remains.

And so we entered into some negotiations, and that was the case where I went out and arbitrated, just trying to get the staff to provide answers as to what physically from an engineering perspective could be done, you know, from A to Z—what can be done and then financially, what can we afford to do. If they wanted to do something else, then, we could negotiate something there, but there's only certain things physically that the Corps could do.

But what I wanted to do was to provide a full explanation to the tribe. But trying to get the staff to then to look at it that openly . . . Unfortunately, prejudice existed in all different levels and some of the staff had trouble for some reason doing that - looking at possible solutions to this problem. Many wanted just to have it go away the easiest way possible without understanding what the tribe felt they needed.

MIGHETTO: How did you get beyond the prejudice with some of the staff?

TILLOTSON: Oh, I'm sure I never got beyond the prejudice of some of the staff. But what I could do because I was the commander was I could make them do what I asked them to do, which was to provide information to the tribes. Getting beyond the prejudice means modifying perceptions. Unfortunately for some, it was ingrained, unchangeable behavior. I don't know that you can ever change that. But I could at least provide what I thought we, the government, owed to the tribes.

MIGHETTO: Do you think attitudes changed within the district while you were there? That is, did you see a lessening of hostility or did it change at all?

TILLOTSON: It changed a little bit with some folks. It is difficult to change people's attitude. And I wouldn't begin to say that I really changed a lot of attitude.

What I did was introduce some people who had no previous experience like I did when I first came to Omaha to the cultural and Native American arenas. And once they realized that it's not the enemy that, these are great people with the history and an important culture, you know, that's just educating the people.

My big success was just finally getting people to listen to what they had to say and to try to provide an answer that was well thought out and professional.

When folks started understanding the tribes, then I think they became much more receptive to what I was trying to get across. I very seldom was able to say yes to the tribes because of political and fiscal restraints. You know, my Corps success was not the fact that I was able to do much of anything that they necessarily wanted. My big success was just finally getting people to listen to what they had to say and to try to provide an answer that was well thought out and professional.

MIGHETTO: Earlier you mentioned that sometimes the Corps was viewed as just sort of "the government"—like this single-minded force, not as a very specific agency that has limitations. Do you think that point was communicated?

TILLOTSON: I had some personal successes and I had some professional group successes. Just the Corps' funding is so complex that I have trouble getting people in the Army to understand it. And often, I've got to go back and review it from time to time just because it is so complex.

And so a lot of times, it was a gradual process when people started to understand. But what it was going to take was just repetition, building on trust and communication that would have eventually got people to where they understood.

MIGHETTO: How did you feel about the program when you left?

TILLOTSON: I felt like we had made a lot of progress in communication. I was not able to get established all of the positions so that the program would run on its own without me. So I guess I was concerned about that. I had recommended that Dave take a brief hiatus, just because he had been dealing with it for 10 years and he needed a breather. So we had to find a new tribal liason towards the end of my tour and we lost all the momentum we had established with Dave. Also I had created and filled a new position for cultural resources. And like the tribal liaison position, as I was transitioning out, this person in this new position left for another job (which was good for him professionally) in the District. So we were hiring somebody there too.

So I was trying to get key people knowledgeable and trained to ask the questions, to do the communication internally. Then we had a lot of turnover just before I left. So I felt like I had started it, but it depended on how much emphasis the next commander put on it and who they selected then for those positions.

MIGHETTO: Who was the cultural resource person . . . ?

TILLOTSON: Randy Beam was the person I selected. He was one of the students in the leadership development program that I took up to the business meeting with the BIA where we met all of the tribal chairmen. And he listened to their concerns. Sat and listened to 20 of the 28 tribes. And then we went to the Pow Wow with Pemina that was in Bismark at the same time, and it was just a good personal experience for him. He came back excited and wanted to do the cultural resource job and was getting involved with the staff and the tribes. He was the one who was leading the effort with Yankton Sioux Tribe when we were negotiating that.

And so I think we're making headway there. And then he took a supervisory job in water resources after that. And they brought somebody else in.

MIGHETTO: And do you know who that was?

TILLOTSON: I do. I'm just old. I've forgotten. I'll probably think of it in a minute. I stay in contact with some folks at the division, you know, with Lynda Walker, with Kimberly Oldham, with Bill Mellik, Pem Hall . . .

MIGHETTO: You stay in contact, you mean on a personal level?

TILLOTSON: Personal plus professional, some that is mentoring; some of it is just my interest in seeing how they're doing. I went out to a NW Division tribal conference while I was at HQ. I was invited out to a conference a couple of times to talk from a headquarters' perspective. And so it . . .

MIGHETTO: So you continued your involvement when you were in headquarters?

TILLOTSON: I tried to.

My job in headquarters was under Military Programs. And we have very little involvement with tribes on that side. But I supported my boss with American Indian Science and Engineering Society (AISES). I was also an advocate and proponent at the HQ for tribal affairs - I pushed to stand up a national Tribal Liaison position and worked to get Georgeie Reynolds into the job, although that was the job I really wanted. But I pushed to get her into the job because she had the background and the spirit necessary to represent the tribes at the HQ. And so I have stayed as a supporter to her any way that I can.

MIGHETTO: What was appealing about the job that Georgeie Reynolds now has?

TILLOTSON: It was involved at a national level in tribal affairs. I have done a lot of travel in my 28 years in the military. And every time we go to a country, we have to learn the culture and the language and how you act and what is offensive to people and, you know, those kinds of things.

With the tribes it was the same kind of thing. I think that's probably what started to prepare me for it. You know, if you understand the Kurds in Eastern Turkey and that they are different than the Turks and different than the Arabs, then you start to understand the nuances and differences of people. Then you can understand why we have problems in the region.

So as I approached the Native American tribes, I approached it in the same way that they were unique, that they had their own language and culture and we needed to get to know them. Then I found it fascinating. And I think they're...

MIGHETTO: And you—go ahead.

TILLOTSON: I just think Native Americans are probably the most abused and persecuted group in America even today. So anything I could do to help within the rules and the laws and what I felt was right, you know, then I felt that was good.

MIGHETTO: What do you think was the greatest challenge facing the cultural liaison program when you were there?

TILLOTSON: It was a communication problem internally and externally. And the prejudice. And.... . .

MIGHETTO: You mean on the part of the Corps and the part of the tribes?

TILLOTSON: Yes. There were some trust issues, there were communication issues; but even when you would get a Corps employee like Bill Mellik who was a tribal member and who understands the tribe, then he's got a problem communicating that within the district to people who don't understand.

So trying to increase the level of knowledge and understanding of the entire district becomes very difficult—challenging. And then funding is the other challenge because there are more needs than there are dollars out there. And that hurts in the trust and communication as well.

MIGHETTO: Do you think the liaison is still torn between the tribes and the Corps?

TILLOTSON: Yes, yes . . . You can't go out and meet people and get to know them and understand the problems and issues without taking a part of the problem and committing to a solution. And then when you come back and can't convince the leadership what needs to be done, it is very frustrating. Then you've got tribes turning to the Corps to help, but you've got the Corps not wanting to or not being able to help. You are caught in the middle.

And so the liaison is often in that position and then having to go back out say, "You know, I'd love to help but we can't." And then that message not resonating well on the reservation and so it became a very difficult situation. That's why I said I thought Dave was a little burned out after having done it for 10 years. It's not his fault; he did a great job out of it.

MIGHETTO: And he ended up at FEMA, it sounds like.

TILLOTSON: Yes.

[NOTE: Dave went to Western Area Power Administration, then to Iraq.]

MIGHETTO: Okay.

TILLOTSON: Is it FEMA? I think it is FEMA. He's not in Denver.

MIGHETTO: Well looking back, is there anything you wished you'd known when you started?

TILLOTSON: Yes, if I would have had all those experiences that I got early in my tour, then I could have probably hit the ground running, being a little bit more aggressive and pushing some things through.

But a lot of the learning came as on-the-job training, that we call it. You know, that's the best way to learn. Unfortunately, the command was a short command—normally three years and mine was cut short to two years.

MIGHETTO: Why was it cut short to two?

TILLOTSON: I was brought back to DC; there's still a job back here.

MIGHETTO: Okay.

TILLOTSON: And as I'd said, we were making progress, then we'd had some turbulence in personnel about the time I was leaving too. If there was a little bit more time, I felt like I could continue to push people to ask the right questions so that we could continue to make progress as I was leaving. And there was some success after I left, because I was leaving—Standing Rock wanted to take ownership of a recreational site; there was a combination campground and little restaurant—not a restaurant, more of a kiosk, you know, in that area. It was a third party at lease.

And this recreational site was within the Standing Rock Reservation and they wanted to take ownership of it. Well, I went through the public to make sure that we continued to provide equal opportunities for the public to recreate there.

So I had to make sure that working with Charles Murphy; that they were able to continue with the same level so that people would still have access and such.

But then I had to convince the Corps that even though our previous policy had been that if the person operating the recreational facility does a good job, they would automatically continue (extend) the lease. The current operator was running upon the end of that lease.

But, I kept asking the question, what is right for all concerned - the public, the tribe, the current operator? Why can't it be changed if that was best? And it was not resolved when I left but they continued with the line of questioning and, as I understand it, Standing Rock in fact got ownership of that piece of property, which is what the tribe had wanted, you know.

So there was some success that made me feel good; the people kept asking the questions even after I left.

MIGHETTO: Are there other successes that you'd like to mention?

TILLOTSON: Vine Deloria, who had spoken on the editorial series "In Light of Reverence". Anyway, I met him here in DC at the Department of Interior; he came and was a great speaker. And afterwards Pemina introduced him to me. When we were introduced he said, "So you're the Yankton man."

So even though I was known as the "Yankton man", I consider that a victory that we were able to get beyond the hostilities, and it was very open aggressive hostilities, to where we could actually become not close friends, but friends, you know, and be able to talk.

At Rosebud, you know, we put in a ball field and did some things with the Rosebud tribe, and we worked a land transfer with the Three Affiliated Tribes and Chairman Hall in North Dakota.

Dave had worked with tribes in the state of North Dakota on a North Dakota Tribal Reinternment Committee on procedures to

recover and sensitively take care of cultural remains that were found on projects. This procedure greatly improved communication and guided the Corps staff to properly respect remains. And we consulted with the tribes in South Dakota and made that the standing policy there as well.

Even got Corps people more culturally aware of actions. You know, some little things that some of the tribes were having problems with the Corps. We were doing cultural digs, and where the archeologist would go out and excavate an historic site. But some sites were cultural and offensive to the tribes to do a cultural dig. Understanding this, we stopped those digs in the Missouri basin.

MIGHETTO: So those four archeologists were doing this?

TILLOTSON: Yes.

MIGHETTO: Okay.

TILLOTSON: And there was nothing leagally wrong, but it had to do with what they were doing was offensive to some. How and where they were doing the digs, and how they were communicating it.

In some cases, you know, some things that they found without being open and sensitive.

And so, as we're trying to identify and inventory where there are the sacred sites so that we could protect them, there was a lack of trust, and so they didn't want to tell us. I had to convince them that if they did not tell us where the sacred sites are, then how do we know when we're infringing on them?

So there were a lot of issues like that. Consultation was an area that we would get beat up on regularly for lack of proper consultation. With understanding and insistence we got much better at it towards the end.

MIGHETTO: And did you work on the desk guide?

TILLOTSON: I did not.

MIGHETTO: It already existed, I think, by the time you...

TILLOTSON: They were developing it while I was there. I knew who was doing it and I read over bits and pieces of it and talked to some folks about it, but I knew who was doing the desk guide and trusted them implicitly on the site, had no reservations about what they we're providing.

MIGHETTO: And that deals a lot with consultation?

TILLOTSON: Yes.

It just spells out all the things that we're required to do, you know. Our trust responsibility; they are the sovereign nations; we are to consult with them.

Consultation is coming to the tribe with a blank sheet of paper rather than our plan. For many political and personal reasons, we too often came with our plan (which we thought was best) and told them the way it would be. Even when we got better and asked their opinion, we still were not consulting. Only by coming to the tribe to start the dialog with no preconceived solutions, was that consultation. That is what I learned and part of what was in the desk guide!

MIGHETTO: Do you think the relations between the tribes and generally in the cultural resource staff at the Omaha District improved by the time you left? You mentioned they were doing digs and surveys.

TILLOTSON: It improved with some people. There were some people that were still openly hostile. Those relationships probably will never improve.

Some of the staff were willing to come to the tribe with the attitude of "what can we do to assist you", and I think they were better received.

So I think some relationships did improve. It's about us then being consistent with our word, speaking from the heart and being able to completely, properly say what it is we can do it and follow through on it.

You know, that's what trust is and it develops over time.

So I think we were developing relationships with some people. I think it was more the person-to-person time spent together that allowed people to start to understand.

MIGHETTO: That's interesting. You mentioned a number of individuals throughout this interview; is there anybody who stands out that you haven't talked about in terms of individuals involved in the Ttibal Liaison Program?

TILLOTSON: On the U.S. side, I would say Dave Vader, absolutely; Kimberley Oldham, Chip Smith, Pem Hall, Bill Mellick, Lynda Walker, just right off the top of my head.

Of the tribes that I dealt with, Chairman Hall, Chairman Murphy, Pemina Yellow Bird, Chairman Jandreau. Each of them taught me something different, as I'm sitting, talking to them, watching them inside.

MIGHETTO: I'm curious, what did Lynda Walker teach you? Can you talk about that?

TILLOTSON: Lynda was just always very supportive and she developed relationships with the tribes that she was dealing with, predominantly the western tribes.

But they set up procedures with calls to the tribes and other things to build trust. Understanding that the tribes are different, you know; all of the federally recognized tribes—every one of them was different.

I dealt with the Sioux in Omaha, and the Sioux are a warlike nation, even in the attitude that they took with us; sometimes it was confrontational, but some of the programs you set up and processes and things I realized were good, helped open communication, so we try to follow some of those things.

MIGHETTO: So those could be applied to Missouri River?

TILLOTSON: Yes. And we had some successes and some not as successful, but we were to at least to try and see if we couldn't improve relationships and help each other.

MIGHETTO: Okay. Well are there any other experiences or examples that you liked to talk about? Is there anything you like to add that we haven't covered?

TILLOTSON: No, I think—did you talk to Dave Vader?

MIGHETTO: Not yet.

TILLOTSON: Okay.

One success which I don't get credit for (Dave Vader did it prior to me getting to Omaha), but it was significant to the tribe. It seems like it was the simple things that were very difficult and challenging. He got the district (prior to me getting there) to reverse the headstones, for example, in one of the cemeteries.

Extremely important thing to the tribe, but it was going to cost money. Since the Corps suffers under constrained resources, they felt why spend money when you don't have enough in the first place. Instead, why don't we do other things possibly.

But he finally convinced the powers-that-be that it was worth the, what was in reality, minimal dollars. And this was very important to the tribe and was certainly worth the goodwill that it engendered but, you know, he gets credit for that, for pushing that through.

MIGHETTO: Okay.

TILLOTSON: But I have heard about that numerous times when I was visiting with all the tribes- about how important that was to the tribe...

MIGHETTO: To the tribe.

TILLOTSON: . . . and to our relationships.

The other thing that I tried to do is every year, one thing I'd tried to explain to the tribes about

the budget in Omaha District which was about a $450 million program while I was there.

The tribes knew that the District had a large budget. But of that $450 million there was only about, I think it was $13 million that was not spoken for, meaning Congress had appropriated dollars to do specific things or customers had given these dollars to the District to do specific things.

And you couldn't do anything else with those dollars. You had to do those specific things that Congress or other customers required. You would have to build a building, or you cleaned up environmentally dirty sites, or you would do other specific projects—that's the way we got our money.

And then out of that $450, there was $13 million that was, what I called discretionary money, meaning that the District had to say where the money would be spent, that paid for all of the operations and maintenance of all of the projects, e.g., at the hydroelectric dams if I decide that I want to put a roof up to protect the six generators, that would come out of this money, or I could put money towards weed control, or I would put monies towards reversing the headstones, you know. So all these projects (some of which were on the reservations) came out of this $13 million discretionary funding.

And there were always more needs than there were resources.

Well, as we would go through and prioritize all the needs, there would be projects every year in support of tribes, but what the District had been doing was that they throw a little bit of money at a whole bunch of different projects. So we could tell many tribes we were supporting them, but the end result was that we never seemed to complete any projects.

And then I finally convinced them that we needed to stop spending money on many projects and we needed to put sufficient resources towards one or two projects to get a project complete in a short time period, so that we could stand up and claim success and show progress. If you're chipping away at, say, your credit card every month, because of the interest it's just going to keep going and you'll never pay it off.

...we needed to put sufficient resources towards one or two projects to get a project complete in a short time period, so that we could stand up and claim success and show progress...

So what we needed to do was spend enough money, to just finish it, pay it off completely and then we'll move on to another project. Now, the result of that was there were have's and have-not's, (some tribes would benefit and others would not get anything that year), because some people that had gotten a little bit of money for a project would not get anything.

MIGHETTO: What kind of projects are you talking about?

TILLOTSON: Any of the projects that we could work with the tribes. A project would have been, say, changing the headstones. It may be building a ball field; as we did that on the Rosebud reservation.

MIGHETTO: Okay.

TILLOTSON: And then they wanted to put lights on it.

It may be taking care of opening a recreation center on one reservation, opening a swimming area on another; on one of the reservations it could be noxious weed control.

Anything that you could quantify and complete, rather than just chipping away and say, "I wanted to complete a project," you know.

MIGHETTO: And how did you make the selection?

TILLOTSON: The first year, we made the selection based on the knowledge of the operation managers out of the project and their relationship with the tribal chairman.

I went to Chairman Hall and told him that I wanted all of the tribal chairmen to get together and help us prioritize and that was the last year I was in command; I don't know what happened afterwards.

MIGHETTO: Not with the Three Affiliated Tribes, but the idea was pick out all the tribal chairmen together to help...

TILLOTSON: Yes. Since he was a chairman of a tribe and he was a Great Plains tribal leader and he was the president of the National Congress of American Indians.

I figured in both of those roles, he could be bring the chairmen together to decide what were the greater needs of the tribes in the region so that I could help them prioritize.

MIGHETTO: When they were involved in this decision of...

TILLOTSON: They never were while I was there. That was my goal and that's what I was going to do the next year.

MIGHETTO: Okay.

TILLOTSON: And that's what I was trying to set up.

But we did actually put up three projects that we got completed in the next year out, of the last budget that I helped formulate.

That sounds good about that too.

MIGHETTO: Okay. And so the strategy of getting the tribes involved never, even after you left, it did not...

TILLOTSON: I don't think it did. I don't know that's a fact.

MIGHETTO: Okay.

TILLOTSON: There are a lot of areas that I tried to get started and then did not follow up, or was going to follow up, but I don't think it did; I think they continue to have dialogue about projects. I don't think that we ever quite formalized it.

Then if ever I could have—or how successful it would have been either, getting—we needed different tribes to try to prioritize; made them pretty difficult too, but just having a dialogue on it would have been helpful.

MIGHETTO: But three projects were completed after you left?

TILLOTSON: Yes.

MIGHETTO: Well, is there anything else that you'd like to add?

TILLOTSON: No, I can't think of anything. I'd written down some notes, so I think we covered it all.

MIGHETTO: Okay. Well, would you like me to send you the transcript so you could look it over?

TILLOTSON: If you want me to look it over, I'd be happy to.

MIGHETTO: Well, thank you so much for your time. Interesting topic.

TILLOTSON: You bet, Lisa. If there are questions that come up or if you need anything, feel free to give me a call.

MIGHETTO: I will. Thank you again.

TILLOTSON: Okay. Thank you and bye-bye.

Biography

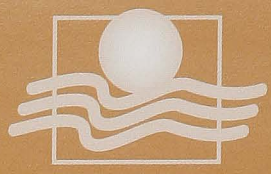


COL. Mark Tillotson, USA (retired)

Former Commander US Army Corps of Engineers - Omaha District

Mark Tillotson graduated from West Point in 1976 and was then commissioned as an engineer officer with the U.S. Army Corps of Engineers. In this position, he toured in Turkey from 1985 to 1987 and later Japan from 1993 to 1995. From 1999 until 2001, Tillotson served as Commander of the Corps' Omaha District in Omaha, Nebraska. He went on to work at Corps Headquarters in Washington, D.C., retiring in 2004.

Currently, he works in the Alexandria, Virginia, office of Michael Baker Engineering, a firm based out of Pittsburgh.



Tribal Relations Program Interview 6

David Vader

Interviewee: David Vader

By Heather Lee Miller
Via Telephone from Seattle, Washington
29 September 2005

MILLER: Dave, if you could just tell us a little bit about your background with the Corps of Engineers, and how you came to the Corps and what you've been doing since you've been there, that would be great.

VADER: Okay. I actually started with the Corps in 1981. I came on as a graduate intern when I was in graduate school at the University of Nebraska at Omaha. I joined the Omaha District and worked in a section in Engineering called Channel Stabilization. That section's primary charge was working on the channelization of the Missouri River, putting in dikes, revetments, and navigational structures. Prior to working for the Corps, I had been working on the Missouri River, operating a towboat, and actually towing the barges that had the rock to build the structures. So with that, and with a bachelors and the graduate degree that I was working on in geography, they put me to work in Channel Stabilization. I went into the office working on the drawings, design, and the "adminis-trivia" of the very structures that I was working on building in the field.

MILLER: Did you say "adminis-trivia?"

VADER: Yes.

MILLER: That's great!

VADER: You know, all that stuff, I'm sure.

MILLER: I've never heard that, but I love that term! That's great!

VADER: Yes, years in government. So I joined in 1981 and worked there for about a year. After that, I left the Corps and went into construction work after I graduated in 1981 from graduate school. There were no jobs to be had, so after finishing graduate school I put my tool belt back on and went back to construction, and eventually ended up getting back with the Corps part-time in the Planning Division. I worked on civil works project Master Plans and eventually went full-time in, I think, 1983, and eventually took over management of the civil works Master Plan Program for the Omaha District in the Planning Division.

And it was during the course of work on the master plans that really, in the Omaha District, a lot of the work in Indian Country began to happen. Some of it was associated with the master planning - public meetings, and meetings with various stakeholders including the tribes on writing the master plans - and then in 1985, there was a larger effort in Indian Country, referred to as the Joint Tribal Advisory Committee (JTAC). This commission developed a final report that drew attention to the impact of the Pick-Sloan program on Indian tribes, particularly the Standing Rock Sioux Tribe and the Three Affiliated Tribes. Both of those, one being entirely and the other one being about a third in the state of North Dakota, there was a commission opened up that was part of an irrigation project that allowed the tribes to redress the impacts of the Pick-Sloan program on the reservations and on the tribes themselves, and the people. So that's where it really got started, in terms of actively working, and essentially working almost full-time on Indian issues.

MILLER: What was the redress to the tribes?

VADER: In terms of - ?

MILLER: What was the agreement that the Corps and the tribes worked out in terms of dealing with the impact of Pick-Sloan?

VADER: Well, they didn't really work anything out directly. At that time there was a Senate Select Committee of Indian Affairs chaired by Senator Burdick and Senator Inouye that allowed the tribes to sort of take issue with the impacts and redress all of the issues in congressional hearings and testimony.

MILLER: So this was a way for them to voice -

VADER: Exactly.

MILLER: - but to not necessarily - it wasn't litigation, or that kind of thing, where they were pursuing some sort of monetary redress?

VADER: Well, it was monetary, yes. They were looking for compensation and in fact there were ultimately legislation that was passed in the form of equitable compensation to essentially compensate the tribes for the losses and the impacts of the Pick-Sloan program. Those two reservations. The other compensation acts that came later were sort of a spin-off of those, but those were the ones that really brought the issue out.

MILLER: Was there resistance in the Corps at that time to sort of being seen as the "villain" in this case, by the Tribes?

VADER: Yes. The Corps was not - I guess the relationships with the tribes aside from some efforts at the local level - the Corps had very little direct interaction with the tribes. The congressional hearings and follow-up briefings, of course it involved all the way up to, at the time, the Acting Assistant Secretary of the Army, John Doyle, and Chief of Engineers, leadership at the headquarters of the Missouri River Division, and the Omaha District. So all of those players were pretty actively involved, and the Corps was not really looking at what it could do for the tribes or really looking at completely redressing the issues. They were more responding to the congressional act of it. So, reluctant players - very reluctant. And in fact there was a great deal of posturing, a great deal of politicizing, of course the attorneys were animated over all of this stuff. That was the level, the kind of interaction that the Corps had, largely through Office of Counsel.

MILLER: So did this spur, though, more face-to-face conversations between actual members of the Corps and actual members of the tribes?

VADER: Yes, it did. In terms of the Corps contingency, even the "green suit" level of involvement. I remember being on a helicopter July 7 or 10, 1987, landing in the Standing Rock Sioux Tribe's parking lot. At that time there was a Colonel Collins from Headquarters, I believe; there was district engineer Colonel West, Steven West; Chief of the Planning Division at the Missouri River Division, John Velaradsky; Assistant Chief Counsel for Real Estate Douglas Misterek; and myself, landing in the parking lot to attend a tribal counsel meeting. So that was

kind of the first big "intrusion," for lack of a better word, into Indian country.

MILLER: I was going to say; it's a fairly symbolic measure for the Corps to come flying in on a helicopter and land in their parking lot!

VADER: I know. Like the "lightning strike" over the horizon at dawn sort of thing, you know. And here I was, a green GS-12 in the midst of all these "green suits" and SESers. And that sort of involved me right from that start. When the JTAC report – I think I still have a copy of this somewhere – when the JTAC report, when they were having local meetings in North Dakota, this would have been early in 1985, maybe 1986 towards the end, and then the report came out in May of 1985, I saw a little newspaper article in I think it was the Parshall, North Dakota, newspaper because I was getting those because of a Master Plan project that made reference to the Joint Tribal Advisory Committee and the tribes and the impact of the Pick-Sloan Program. But I remember making a copy of that article and writing a note on that and sending it in to the Chief of Planning, Arvid Thompsen, saying, "Arvid, this may become an issue."

MILLER: Right!

VADER: Oh, did it. I mean, that was pretty much the start of it for me, and so I was kind of tracking it, and providing some input on this and that, and that's kind of how I was entered into the fray.

MILLER: When I talked with Chip Smith, he pointed to you and to Lynda Walker as being the very first, even informal liaisons, you know; people involved in the first kind of attempts to have discussions with tribal members. And you point to this as being involved in this master planning and the Joint Tribal Advisory Committee. Did you feel that you were prepared for that, and if you were, had you had any kind of training in how to deal with Native American affairs?

VADER: No. Well, by virtue of the fact that I grew up in central South Dakota across the river from the reservation, the Cheyenne River Sioux Reservation, and also close to the Standing Rock Reservation at one time, and kind of grew up picking chokecherries

It wasn't until 1992 that the position description was developed and the position was advertised, and I competed and got it.

That was the first Native American Coordinator Liaison position in the Corps of Engineers – the only one.

and wild plums in the same bottomlands as the tribal members did, and Indian Country was just Indian Country. So it wasn't that I was unfamiliar with it; it was just growing up on the plains in South Dakota. My dad played baseball, basketball, boxed on the reservations, and we had a link with the reservation that way. But I personally didn't.

The whole Native American Coordinator, as it was called, started out as the tribes requesting an Indian Desk in the Corps of Engineers. This came out November 17, 1987, in the Senate Select Committee on Indian Affairs. And the tribes requested that the Corps establish an Indian Desk – the Corps was essentially non-responsive to Indian issues. You know, it was "circle the castle with attorneys and keep them away" – that was the plan, the whole plan – except for some localized efforts at some of the projects - at least in the Omaha District and the Missouri River Division. In terms of an agency initiative, or even address of that, it was 1987. So I was working full-time almost, still working in Planning. It wasn't until 1992 that the position description was developed and the position was advertised, and I competed and got it. That was the first Native American Coordinator Liaison position in the Corps of Engineers – the only one.

MILLER: Okay. 1992 was when you started?

VADER: Yes, full-time. Well, with the title. Cheryl Lohman followed about, oh, I don't know, maybe a year or two later in the North Pacific Division at that time, and she was the first full-time division liaison. Lynda Walker was an archaeologist in the Portland District, I believe, working actively with tribes but as an archaeologist/anthropologist.

MILLER: Okay. Cheryl Lohman – so your position was the Division level?

VADER: District.

MILLER: District. And Cheryl Lohman – and that's L-o-h-m-a-n, is that correct?

VADER: I think so.

MILLER: She was at the district level, too?

VADER: Division. North Pacific Division.

MILLER: I'm sorry; I have trouble keeping those straight sometimes. And so Lynda Walker's role was more sort of like you were at the beginning, being involved in certain projects and trying to make those kinds of connections and open communication –

VADER: Yes, really focused on archaeology, on the cultural resources program. Mine was not cultural resources; mine was more political than cultural. [Laughter] The Corps culture!

MILLER: We have Chip Smith saying that the mindset was, "It's not the Corps of Archaeology; it's the Corps of Engineers!" He thought that was how people thought about it at the time.

VADER: Well, and even in archaeology in a lot of the districts – archaeology as a discipline and as a profession and as a science was not all that keen in involving, actively involving tribes. In fact, that was one of the most resistant programs to actively including tribes in anything.

MILLER: They didn't want to give up their right to dig and dig and dig ...

VADER: That's right. And from their standpoint, some of them were physical anthropologists; human remains were their property, they were artifacts. The mentality in the Corps at that time was very much that way.

MILLER: It was. What do you think prompted, aside from – it sounds to me like what you think prompted it was more sort of forced compliance that came out of the congressional committee, but do you think anything else changed over time to get us where we are today with much more care and thought about tribal participation?

VADER: Yes, there were some things – certainly legislation, like NAGPRA, the National Historic Preservation Act, those mandated – they forced – it wasn't an elective at that point to

include tribes. And those changes were really brought about by the tribes. So then you have "forced do-good-edness!" [Laughter.] It was never really the Corps' interest or attitude to be that actively engaged with the tribes at that time. They were more comfortable and more attuned to – you know, the real Corps customers were the state and the local government, not tribal government. The other thing that really made a difference was the "green suit" leadership. Without that, we wouldn't be anywhere.

MILLER: And can you just briefly explain what "green suit" means?

VADER: The commanders. The colonels, lieutenant colonels, generals – the Army leadership really was kind of the force effecting a lot of the change.

MILLER: That seems counter intuitive. Why do you think it was coming from them – because of the political pressure on them from above?

VADER: Well, you know, a lot of the commanders are like Christmas help – they're only there two and a half, three years – they're in; they're out. Whereas a lot of the program managers that ran essentially the managed Corps program, were entrenched in their thinking, in the way they do business, and their programs, their appropriations, their authorizations – they're entrenched. And archaeologists come from a program of professional interest. And it took someone like the "green suits" and some of the political appointees in the Assistant Secretary's Office and the professional staff there to say, "Wait a minute – this doesn't make sense. Why are we continuing to advocate the fight, the struggle, the posture, the defensiveness? We do this because it's right." It took a level of leadership and a continuation of the leadership to establish accountability amongst the program people.

MILLER: Did you find there were differences among the districts and how that applied – if it was related to the different kinds of personalities and commanders, but came through? Were there differences that you noticed?

VADER: Yes, a lot of differences. Some districts didn't have Indian tribes.

MILLER: That's a big point! [Laughter]

VADER: That's a big point. You don't have Indian issues if you don't have Indian tribes! With the Omaha District, it became a very high profile nationally. There were initiatives and such with the North Pacific and the salmon and such, but really in terms of the high-profile political stakes, it was really in Omaha District that sort of "led with its chin" on a lot of this stuff. Different districts had either more or less programs; a lot of them, the only issues that they had were cultural resource issues. So it wasn't high on the radar.

MILLER: Because it wasn't as politicized?

VADER: Because it wasn't as politicized and it wasn't as prominent an issue; it just wasn't an issue.

MILLER: This gets us to the late 1980s and early 1990s. I'm reading this brief history we have of the Native American Intergovernmental Relations Task Force that was formalized in September 1994 in the Corps under Major General Stanley Genega's orders. Did you participate in that?

VADER: Yes.

MILLER: Okay. And how so?

VADER: Well, when they were putting that together, each district and division, and then some headquarters folk, had representatives. And I was full-time with the tribe, so –

MILLER: So you seemed like a perfect fit for that –

VADER: Yes, it was my job! [Laughter] The other ones, it was a task force issue.

MILLER: And then when the officially recognized status comes around for some of these tribes, did that change the relationships at all with how Corps people perceived their relationships with the tribes? Did it have a significant impact?

VADER: I'm not sure I understand the question.

MILLER: Well, my understanding is that the federal government in 1994 – actually, maybe it was early 1995 – solidified the official list of recognized tribes. Sort of clarified the status of different groups of Native Americans impacted by Corps projects. And so some of these tribes were given official governmental status, or recognized status, and others weren't. And I wondered if that had any impact on how Corps members related to the tribes under their districts?

VADER: Well, yes, and federally recognized tribes – that was always the purview and responsibility of the Department of the Interior and Congress is the one that really established recognition or loss of recognition as a federally recognized tribe. So Congress did that; the Corps didn't do that. We just acknowledged the status.

MILLER: But was there an impact on how you related to Native Americans after that?

VADER: Well, yes, there was, because for the most part the federal laws that were coming out only related to federally recognized tribes. There were very few tribes that weren't federally recognized, and only a handful that came about, and some still have a petition for acknowledgement in the works. But for the most part, they were all federally recognized tribes; always had been.

MILLER: Within your district?

VADER: Within the United States.

MILLER: Right, okay. So what was your most memorable experience?

VADER: Well, one was that first helicopter "assault!" [Laughter] For lack of a better term; I mean, it was, for all intents and purposes! That was a real eye-opener and it was very high profile from the Corps, and I remember one of the things

"I remember being on a helicopter [in July 1987], landing in the Standing Rock Sioux Tribe's parking lot. . . .That was a real eye-opener and it was very high profile from the Corps, and I remember one of the things that stuck in my mind at that time and probably was one of the most memorable things to me was when we arrived, there was . . . an Indian color guard at the entrance to the tribal headquarters. And they had the tribal flag and the U.S. flag. And these were veterans standing there. And I mean they were not the sharp, green suits – they were pot-bellied, cowboy boots, ball cap kinds of guys. . . . I remember being so impressed with the respect that they had for the flag and for the military. And here was this color guard that was out there, and here comes, you know, the "evil empire." The Corps was back after they had flooded them out. Here comes the Corps again and they stood there at attention with those flags as we walked past them into the tribal headquarters. And I thought about that a lot afterward; that for all the ethnic groups, Native Americans have the highest percentage per capita of veterans of any ethnic group. . . . it just really made an impression that stuck with me." Dave Vader

that stuck in my mind at that time and probably was one of the most memorable things to me was when we arrived, there was a color guard – an Indian color guard at the entrance to the tribal headquarters. And they had the tribal flag and the U.S. flag. And these were veterans standing there. And I mean they were not the sharp, green suits – they were pot-bellied, cowboy boots, ball cap kinds of guys. But I remember being so impressed with the respect that they had for the flag and for the military. And here was this color guard that was out there, and here comes, you know, the "evil empire." The Corps was back after they had flooded them out. Here comes the Corps again and they stood there at attention with those flags as we walked past them into the tribal headquarters. And I thought about that a lot afterwards; that for all the ethnic groups, Native Americans have the highest percentage per capita of veterans of any ethnic group. And, you know, it just really made an impression that stuck with me.

The other thing that really affected me directly was the return of human remains. That's something that I was very actively involved in; that was extremely emotional; that was extremely haunting; it was a great deal of resistance in the Corps. The archaeologists and the emotions on the part of the tribal members; the Smithsonian was involved, you know, at different times. I really learned, developed a lot more respect for the tribes than for anybody else.

MILLER: And how so?

VADER: Well, I think on the part of the archaeology world, they were still dealing with remains as artifacts and holding them for study. We had started shaking down powerhouses and stuff, and I think at the Oahe Powerhouse, the remains of some, maybe even two hundred individuals were stored in the powerhouse.

MILLER: Oh my goodness!

VADER: I found a box of the remains of seventeen individuals on my desk one day. This is the kind of thing that – the Corps had them scattered all over the country with forensic, physical anthropologists for study and analysis. They were on shelves in boxes. The tribes were trying to get their relatives back for burial.

MILLER: Right.

"Another thing that really affected me directly was the return of human remains... I found a box of the remains of seventeen individuals on my desk one day. . . . the Corps had them scattered all over the country with forensic, physical anthropologists for study and analysis. They were on shelves in boxes. The tribes were trying to get their relatives back for burial. . . . One of the distinctions between Native Americans and the Euros, the dominant culture, is that most [Euros] are hard-pressed to name [their] grandmother's maiden name. Not so in Indian Country. They not only know grandparents names; they know the cousins of their grandparents; they know the parents of their grandparents – these are relatives, they are real. And those remains were real people to them who were in boxes, being studied, with white dots on their heads and black numbers, cataloged. And it was just so emotional. That affected me." Dave Vader

VADER: One of the distinctions between Native Americans and the Euros, the dominant culture, is that most of us are hard-pressed to name our grandmother's maiden name. Not so in Indian Country. They not only know grandparents names; they know the cousins of their grandparents; they know the parents of their grandparents - these are relatives, they are real. And those remains were real people to them who were in boxes, being studied, with white dots on their heads and black numbers, catalogued. And it was just so emotional. That affected me.

The other memorable thing in terms of accomplishment was getting the graves at the Old Scout cemetery near White Shield, North Dakota, to get those graves turned and oriented in the proper direction. It was a cemetery that was relocated from construction of the Garrison Dam, and it was the old scouts. It was the equivalent of Native American Arlington Cemetery. And the members that were buried there included scouts for Custer, Arikara scouts, veterans from the Spanish-American War, the First World War - they didn't even get citizenship until 1927, I think. So every major combat, there were veterans buried there. And when the cemetery was relocated, they oriented them in a nice alignment facing the road. The Corps contracted with the BIA and the BIA contracted with a local funeral home, and they were oriented so they looked pretty, instead of properly aligned facing east to welcome the new souls in the rising sun. And it took a lot of effort and working directly with the Assistant Secretary of the Army - Civil Works to get the funding to get those graves turned.

MILLER: Dave, let me just stop you for one second while I turn the tape over; I don't want to miss any of what you're saying.

VADER: Yes.

MILLER: Okay, it's turned. So you were saying that the graves were turned and you were having trouble finding funding to have that done.

VADER: Okay. Yes. You know, it wasn't anybody's fault; it was nobody's fault. The Corps said it wasn't our fault; the BIA said it wasn't our fault; the funeral director said, "Not me; I just did what the contract said." And the people who were suffering were the people who had relatives there, and it was just an affront to them that it happened.

MILLER: And it was such an indicator of the lack of cultural knowledge or respect. It's just pure ignorance, even, but also lack of respect.

VADER: Exactly. Respect has really been the key issue in all of the tribal relations. Lack of respect. And we worked hard to get the money to do that and got them all turned, and there was just an incredible rededication of the cemetery and it was probably as good a feeling as anything that I ever had in association with the Corps of Engineers.

MILLER: Pretty powerful.

VADER: Yes, it really was. Things like that, and memorable experiences I guess in the relationships developed with tribal members and the elders, and those tribal members that were actively involved to make change. They learned the process; they learned the laws; they learned the agency. Tribes were always better prepared for a meeting than the Corps. It was our livelihood; it was their life. So they didn't go home after eight hours. That was significant.

MILLER: What have you found the most challenging about the job?

VADER: The most challenging was the Corps culture; trying to get change, to get people aware and some level of empathy, some level of interest. Trying to make tribal relations routine rather than exotic. That was a real struggle.

MILLER: Did you feel like - I don't want to say "picked on," but did you feel like there was hostility towards what you were trying to do?

VADER: Yes, there was. And even at Headquarters, I remember one time somebody said I should really get into something that has a future - there's no future in Indians! I

can remember being told that! I went there on a developmental assignment in the Legislative Initiatives Office and got to know, already knew quite a few Headquarters people, but that was the attitude. There's no future in Indians!

MILLER: How did you deal with – what kind of strategies – how did you find it most effective to change Corps culture?

VADER: Work closely with the leadership. Get the leadership involved. That's the only way.

MILLER: So it really has to be forced?

VADER: Forced, and just allow people to see that tribes are government entities; individual tribal members are our customers, just the same as ranchers and flood control boards and levy districts and all that, and harbor interests. The government has a special relationship with the tribes, a trust responsibility, and over and over and over again, just keep pushing the message. And stick close to the leadership. I had the advantage, when the tribes wanted the Indian Desk at Headquarters, the argument was made by Headquarters and the division that it would be more effective at the district level because the district engineer was responsible for making things happen. There was more accountability – visibility and accountability. If it was at Headquarters, it probably would have ended up in public affairs or office of counsel. But if you put it in the district, and put it in the Executive Office, that's where my chair was. I shared the coffeepot with the commander, so . . . .

MILLER: So you're close enough to the top but not so distant geographically from the projects that you're working on.

VADER: Right. I spent a lot of time at projects, a lot of time in Indian Country. Part of that, you know, just in the Master Plan program I was at the projects all the time. And then I had full-time responsibility for maintaining relationships with the tribes, for getting the leadership actively involved; I helped orchestrate a number of visits from Headquarters, the Assistant Secretary of the Army's office, Division, SESers, political appointees, constantly getting them to Indian Country.

The most challenging was the Corps culture; trying to get change, to get people aware and some level of empathy, some level of interest. Trying to make tribal relations routine rather than exotic. That was a real struggle.

MILLER: Did you ever encounter hostility on the reservations or with tribal members, and if so, how did you deal with that?

VADER: Hostility only in that I was a representative of the Corps of Engineers. It was not personal. People would become offended, take affront, get defensive and say, "You know, well, I didn't do any of that; that happened years ago and I wasn't responsible." As an agency, yes, we were. And if you represent the agency, then you represent all of the ills and everything else that those people have suffered. So if you take it – it wasn't personal. I'd socialize and go to pow-wows and hang out with tribal members all the time. But then when I went to a tribal council meeting, those same people that I had been up with drinking coffee all night and eating fry bread would rip me to pieces. But it wasn't personal.

MILLER: Right, it's because you were the symbolic –

VADER: I was the representative of the U.S. Army Corps of Engineers. I wore two hats. One, you're an advocate of Indian Country when you're in the office, of Indian interests, and when you're in Indian Country, you're a representative of the Corps of Engineers. And you never forget that.

MILLER: Let's move up. I'm sorry, but I don't know exactly if you still are a Tribal Liaison or when you stopped. Could you tell me a little more about the progress of your career in that position?

VADER: I had some strong personal disagreements with the way a lot of the things were going, the revisionist nature and a lot of the things that were on the table. I didn't agree with what the Corps was doing, with what the district was doing, and it was time for me to move on.

MILLER: When was that?

VADER: About 2000, 2001. So I took a developmental assignment in Denver with the Western Area Power Administration, Department of Energy, and I went to work with them for a year on this assignment as a Tribal Liaison – the first one that WAPA had. I was there for about a year and then they decided that they liked the idea of having a full-time liaison so they created a position advertisement and I competed and got that in 2002, something like that. I worked here in Denver until January of this year, when I retired to go to Iraq.

MILLER: And 2005 is when you went to Iraq.

VADER: Yes.

MILLER: And I do want to talk about Iraq. But I seem to remember somebody else that we interviewed saying that they did lose people, and I assumed that he was referring to you now that I've heard this, and also that there was a certain level of burnout among Native American coordinators. Would you say that this is true?

VADER: Yes. Very much so. You get empathy fatigue; you get frustration. It wears on you; it just wears on you after a while.

MILLER: What wears on you?

VADER: The level of engagement, the hours, the travel, the issues, the lack of progress. It just wears you down after a while.

MILLER: Right. You mean lack of progress in terms of the Corps culture changing slowly, or –

VADER: Yes. And other things.

MILLER: – or just the sort of residual effects would be felt for so long?

VADER: All of it. At some point you just have to walk away. And I walked. To me it was as much an issue of personal integrity than anything.

MILLER: Right. So let's finish up with the liaison, and then I'd like to hear about what you're doing in Iraq. We have these last questions; I think you've seen these – what, if anything, do you wish you had known when

you started, and would you have any advice for a new liaison?

VADER: There are a lot of things that I wished I had known. I wished I would have known the Corps better in terms of knowing specific projects and program and authority and players, and had gotten more actively engaged in that sort of thing. Because when you're working in Indian Country, you're really trying to extend the same authority and programs and project development and response as you do to anybody. So it's the core competencies that the Corps has that are really the key. And it would have been better had I been more actively engaged in a lot of routine kinds of programs.

I think one of the key things in anyone who works as a liaison is continuity. Feds come and go in Indian Country, and it takes a long time to develop individual trust, not just the federal trust responsibility but trusting the person as an individual. Honesty, integrity, straightforwardness, being able to answer questions - not just give the answer you think they want to hear, but being honest, straight out. That's what they need; that's what they're hoping for is a straight answer. Feds - shake a bush and you'd get half a dozen of them in Indian Country - but they come and go. One of the things that makes it effective is being in place over time.

And the other thing is spending time in Indian Country. I threw my watch away years ago. I don't wear one. I haven't worn a watch for twenty years. Don't look at your watch; don't have to leave because you're catching a plane. Stay. Stay after work. Go to council meetings, go to district meetings, go visit the elders, get involved on the reservation. Because when they see you, then it counts. It counts a lot.

MILLER: That raises a question that I'm curious about, and that is whether you think people of Native American background are better suited for - I don't want to make a value judgment necessarily, but are they trusted more in the tribe, and are they trusted less within the Corps? You know what I mean?

VADER: Well, when you say a tribe, like the Omaha District, we had twenty-seven tribes. So does a member of one tribe have more credibility than a member of another tribe? There are historical animosities, battles, grievances, and grudges between the tribes. By saying that someone is a Native American and they have an "in," that's not necessarily true.

But there is obviously a sensitivity that they bring, an appreciation. You can't think Native - you just can't do it. You can appreciate Native thinking, but you don't understand. So there are some advantages to that, and I think there are some disadvantages. Number one, do they have respect from the tribe? If they're a tribal member, are they a member in good standing? Are they traditional? Who are they? So much varies. It's the individual.

MILLER: It's the person in the job.

VADER: It's the person.

MILLER: It seems like now that there's actually pretty much a balance of the people who we've interviewed at least in the Portland District and the Northwestern Division among Native American people and Euroamericans, and also Hispanic, which is interesting to have people of Hispanic background, because this adds another perspective to the mix.

VADER: But again, they are representatives of the Corps of Engineers. And if that individual knows the Corps, is open and able to affect change, it doesn't matter if they're Croatian! It doesn't matter. If you can accomplish something; if you're engaged; if you develop sensitivities - Native people will train you. If you're there long enough, they'll share with you what you need to know. So there's nothing in a training course that's going to do anything for you as a substitute, for the most part.

MILLER: You just have to get out there and -

VADER: You get out and meet the people, and the elders will take you aside, and the

traditionalists will help you. You'll be successful in spite of yourself.

MILLER: Because they want you to succeed, probably –

VADER: Of course! They have an interest in you succeeding because you are their liaison. You are their representative. You represent the Army. And that's your job, to be there, and when they need something, they'll call you.

MILLER: Finally, are there any significant individuals who stand out for you in the liaison program?

VADER: In the liaison program, in the Corps, in the history of it?

MILLER: Yes, in general. Either Native American participants, liaisons, or people in the Corps who were really seminal in changing things.

VADER: Chip Smith, obviously. Kimberley Oldham, and Morgan Reese, who was the principal deputy in the Assistant Secretary of the Army's office.

MILLER: Is it R-e-e-s-e?

VADER: I think so. Maybe R-e-e-c-e.

MILLER: Okay.

VADER: Some of the commanders. Colonel Stuart Bornhoft. Colonel Mike Meuleners. Colonel Mark Tillotson. Absolutely solid people. General Strock. You know, he wasn't an active guy, but he was a supportive individual, which went a long way. Lynda Walker, of course. Lynda is probably one of the most genuine people that you might meet, and was totally dedicated. Those are pretty important people. Going back to the first helicopter ride, he's passed on now, but Doug Misterek, who was Assistant Chief Counsel for Real Estate in Omaha District, Axel (Konnie) Olsen at the Big Bend Project, and Eugene Galloway at MRD. There were just some really key people that probably helped me as much in professional development and involving me and seeing that I was involved. That had a lot to do with it. As far as native people, so many who had patience with me and dedication to the issues that they faced. Pemina Yellow Bird from Three Affiliated Tribes, Jane Martin from Turtle Mountain, Chairman Charles Murphy and Cedric Goodhouse from Standing Rock, Louie Dubrey from Cheyenne River, Mike Jandreau, Chairman of Lower Brule Sioux Tribe, Tony Iron Shell and Iva Iyote from Rosebud, Johnson Holy Rock, Oglala Sioux Tribe, Aubrie James from Cheyenne River Sioux Tribe and staff for Senator Tim Johnson (D-SD), and so many others. All teachers. All you have to do is listen and you learn so much.

MILLER: Great. Well, now, I'd like to hear – we're interested because this is really documenting your career at the Corps, which isn't just about the liaison program, but we'd like to hear a little bit about what you're doing in Iraq. If you can tell us!

VADER: Well, absolutely. No secret mission here. Actually, I was recruited by a former district commander, Mike Meuleners, who went to work with a company called Environmental Chemical Corporation – ECC International in Iraq. They found themselves with a lot of contract work in rebuilding Iraq. A lot of school rebuilding, renovations, a lot of facilities on bases for the Iraqi Army, for the U.S. Army – infrastructure development and renovation. And the Corps of Engineers had the Gulf Region North District in Mosul, and they had requested ECCI embed a liaison for the company with the Corps of Engineers. So I retired from the government on January 22nd and found myself standing in Baghdad on February 1st. And one week later found myself getting the boot out of the vehicle and there I was in Mosul as the ECCI's liaison to the Gulf Region North District. So I worked with the Corps of Engineers as a representative for ECCI as the liaison at the headquarters. And it was interesting – when I left the Corps, Colonel Kurt Ubbelohde was the District Engineer at the Omaha District. When I got to Mosul, he was the District Engineer for the Gulf Region North! So I knew the Commander, and he knew

me, and there were also other people from the Omaha District who were there. I ran into a lot of people whom I hadn't seen for years who were over there on their 4-6 month rotations. So it was a good match for me and hopefully it was a good match for everybody else. I was there until about the first of September, and I left ECCI and returned to the States, to Denver, to get married!

MILLER: Lucky you! That's wonderful!

VADER: I think so!

MILLER: To somebody you met in the Corps?

VADER: To somebody I met years ago that works now – and then – for EPA. We met professionally and developed personally.

MILLER: Congratulations! Have you had the wedding yet?

VADER: December 4th.

MILLER: That's wonderful!

VADER: It is! I'm just all excited about it! Good grief! I'm a geezer of 53 years old!

MILLER: You're not a geezer!

VADER: Well, that was my ambition, to start "geezering!"

MILLER: Will you continue to work for ECCI, or are you –

VADER: Well, I don't know. I'm not working for them right now. I had been in the States about three days and actually I met with Mike Meuleners in Omaha – that's where my sons are. When I got back from Iraq, my fiancée and I went straight to Omaha so I could see my boys and my parents, a rendezvous there. Mike Meuleners was in town meeting with the Corps, and Kurt Ubbelohde was there – he had retired, so he was no longer in a green suit – he was in a shiny suit! So I had been in the States about three days and ECC asked me to leave for New Orleans right away. They were awarded some major cleanup contracts from Hurricane Katrina. So I hadn't been home hardly at all, and still had jet lag from having arrived, and they wanted me to go back and live in a camp job in a trailer working seven 12s cleaning up debris in New Orleans. I declined!

MILLER: Good for you!

VADER: You know, I've got my honey on my arm, here, and you want me to do what? No, I don't think so! So no, I wasn't at all that interested. But I've been talking with them. ECC is a world-class company and I'd like to continue with them.

MILLER: It sounds like they have a ton of work.

VADER: They do.

MILLER: I just saw something on the news this morning about the mold that's taking over everything.

VADER: Well, I suppose one of the reasons that somebody who comes back from Iraq has a certain level of appeal is that they've got all their shots! [Laughter] I was thinking, well yes, I survived every third world disease because I've been inoculated or taking pills to reduce the potential impact of it, so yes, I'm tailor-made for being immune!

MILLER: It would be the supreme irony to get something like that, cholera or something, in New Orleans!

VADER: I'm pretty well fixed for that, about any kind of malady you want to mention – malaria, diphtheria, hepatitis, tetanus – I've got my shots; yes, I've got it all! I'm just what they're looking for.

I don't know what I want to do. Iraq was great, though. It was just great people there; the Iraqi people I met were great. There were a lot of similarities in working with the Iraqis and the Kurds; Indian Country probably was as good a training as you could have for that. If nothing

else, it taught you respect, empathy, listening, not judging – all those kinds of things that are pretty important in working with any culture.

MILLER: With any humans, but especially with different cultures!

VADER: Humans, yes. Yes. It served well.

MILLER: It sounds like a wonderful opportunity, but it sounds like you are moving on to wonderful things to do with your upcoming wedding.

VADER: I think so. I'm sitting out side here right now. I built a deck and a pergola, and I'm sitting here with a waterfall running next to me. It's hard to argue with that! So they want me to do what again? I don't think so!

MILLER: Are there any final comments you'd like to make about the Corps or your experience, or anything like that?

VADER: Just that I miss the people who I worked with at the Corps tremendously. Whether in Indian Country or in the Corps, there are some really great people and I do miss that. And it was nice getting back with the Corps and getting close to the flagpole again. Of course, the Corps can be pretty frustrating, but that's their prerogative, I guess! It was good when I was back there – I saw General Strock, I saw others who I knew, and it was pretty good. There's a certain aspect of loyalty and commitment to the Corps when you've worked for the Corps that long, and seen the people, met the people, been engaged in things. Yes, there are some really good people who are very, very committed and dedicated to what they are doing and there are just some phenomenally wonderful people in Indian Country.

MILLER: What an opportunity to have been able to have your feet in both worlds.

VADER: Yes, and being the first was really interesting. You made it up as you went along. There was something of a novelty to it, but also something of a frustration, you know. It was pretty interesting work.

MILLER: Well, Dave Vader, I really appreciate your taking this time to talk with us today.

VADER: I hope you've gotten something out of it!

MILLER: I think we really did.

Biography

David Vader was the first, full-time tribal liaison in the Corps of Engineers, a position he has held since June 1992. He was responsible for developing, managing, and coordinating programs and initiatives undertaken by the Corps of Engineers regarding the 28 Indian tribes in the Missouri River basin.

Mr. Vader is a graduate of the University of Nebraska at Omaha where he earned his bachelor's degree in geography in 1980 and his Master's degree in 1982. He also taught physical geography courses for eight years as adjunct faculty for the University of Nebraska's Department of Geography-Geology.

Prior to his selection as Native American Coordinator, Mr. Vader served as manager of the Omaha District's Civil Works Master Plan Program, congressional liaison, and Special Assistant to the Chief of Planning Division. Prior to joining the Corps of Engineers in 1983, he worked extensively in the construction field as a drill operator/drill foreman on the Trans-Alaskan Pipeline, a licensed towboat operator on the Missouri River, and co-owner and construction manager of a small construction firm.

David and his wife, Deldi Reyes, an employee of the US Environmental Protection Agency, now live in Denver, CO. David is currently working with Environmental Chemical Corporation (ECC) as a Project Manager in Kuwait. He has two sons - Aaron, 28, and Casey, 23, both living in Omaha.



David F. Vader

Native American Coordinator - Omaha District

Interviewee: Pem Hall

By Heather Lee Miller
Via Telephone from Seattle, Washington
11 January 2006

MILLER: This is Heather Miller interviewing Pem Hall from the U.S. Army Corps of Engineers. Today is January 11, 2006, and we're on the telephone. Pem, could you briefly describe yourself and how long you've worked for the Corps in this current position?

HALL: In my current position – I've been with the Corps, I think it's almost; it will actually be 15 years, I think, in – February 5th or something. So basically 15 years I've been with the Corps. I started out with the Omaha District in their Operations Division, Maintenance and . . . Branch in Omaha. I was there about six months before I transferred out to the field office that is my permanent duty location, which is in Riverdale, North Dakota. And I guess throughout my career so far with the Corps, I've been primarily in that position out there as a civil engineer. I've taken details, and I'm currently in a detail, I guess, right now, down in . . . Florida; actually, it's a hurricane relief park.

But I think it was 2001 if my memory serves me; it was right after September 11th that I came down to the Omaha District to be involved with the Native American program. At that time, I think Dave Vader, who was previously in that capacity as tribal liaison, or Native American coordinator, as it was called at that time, was working, I believe, at the – oh, what's that agency – WAPA, I guess, working over there on some type of developmental, also, at that time.

MILLER: Could you explain what WAPA is?

HALL: WAPA is another federal agency; Western Area Power Administration.

MILLER: Okay. So like the BPA.

HALL: Yes. Anyway, he was in the office when I took over in that role. I was actually in WAPA at the time in Denver and I came down to Omaha in the November time frame, before Thanksgiving, I think, and started learning what that role was, as far as the tribal liaison or Native American coordinator; that's how it got developed. And I guess I just kind of started there in the office, started getting involved with some of the activities that were taking place

I was interested because I wanted to see our programs succeed; I really wanted someone who was willing to take that program and actually work towards developing the sharing of information and actually involving the tribes.

and with some of the meetings at that time; that was a fairly active time. In the District they were in the process of transferring land back to the State of South Dakota and were going through some of the meetings for that to happen; a lot of tribal meetings were held. Some of the issues, or many of the issues being brought up were dealing with the lands and how they were going to be managed for the cultural resources. I guess from that I learned, or tried to attend all the meetings that anyone attended that affected the tribes. There are other ones that happened in our District, which is a very large district. I'm not back in my office so it's hard to remember all the things that were going on. That was one of the bigger things that was going on at the time.

MILLER: The land transfer?

HALL: The land transfer. You know, costs, a lot of meetings with tribes. We were also going through a drought and were having impacts to the tribal communities because of the water levels that currently I would have to say is probably still an impact out there. Basically, I did meet with - early on, when I took over that role, with the tribal liaison group, which at that time Lynda Walker was out in Portland was the Division tribal liaison and there was Kimberly and some of the other tribal liaisons that were active at that time. Bill Millick was there; Kimberly was down in Kansas City District, and I think Tommy Owens was Walla Walla District. So I got a chance to meet initially with all of them and learn, as a group, what some of our goals - we started working towards a "Desk Guide." I got to use that as a tool to try to give awareness to people who worked in the field or worked in areas that affect tribal governments and learn what our role was, or what our responsibilities were in interacting with the tribal governments. We have programs and projects that affect them.

MILLER: Right. Now, when you were a liaison, was that in addition to your engineering position, or was it a full-time - did you do both at the same time?

HALL: No, I didn't. I was in the field office in Riverdale, North Dakota, and I had just recently come through the Corps leadership development program; each district has a program, and I had just completed that program. I was actually visiting with one of my colleagues from that program and she informed me that Dave had taken this other position, or he was away from the office and they were actually interviewing for his replacement. I think at that time that's how my name got brought up as even a candidate to be considered for it. I think she was aware of the interview process and my name got brought up, so one day I did get a call from Colonel Ubbelohde, who had just taken over at that time. Actually, it was a phone conversation that I had with him. He asked me questions about my reasons for wanting to be involved with that program and my background a little bit, and I explained my role, what I had done with the Corps so far as a civil engineer, and wanted to leverage that as far as working with tribes, being able to deal with them and explain to them in the projects we have, ongoing projects, to kind of use that background, but also then to use the other knowledge of being actually working, living in the community, the tribal community. That's where I live, back on the reservation. So I guess I was interested because I wanted to see our programs succeed; I really wanted someone who was willing to take that program and actually work towards developing the sharing of information and actually involving the

tribes. That was something I was interested in being involved with.

MILLER: And having the engineering background really helps, because you can sort of put it into – I mean, you understand it technically, as well.

HALL: Right. Like I saw things . . . and the meetings and people might not understand the reasons behind some of the programs and projects we're working on, so that kind of gave me a background to help them, to provide information at the meetings we have that kind of fell on the technical side a little bit.

MILLER: Are you a member of the tribe?

HALL: Yes, I am.

MILLER: Which tribe is it?

HALL: The tribe I'm a member of is the Three Affiliated Tribes in North Dakota.

MILLER: Okay. Did you find that – this is one question that's been interesting, I've noticed, that some of the liaisons are Native American and others are not. Did you feel that that helped you in some cases, and did it maybe not help in other cases, maybe in others areas?

HALL: I think it helped, and it only didn't help if others started – you know, I've had the same question asked from different people – if you can't, it would be hard for you because you're from that area. I think, bottom line is that if you are coming from any tribal background, it gives you the insight and awareness that that group as a whole has impacts. I mean, if you have a tribal background, no matter what background it is or tribe you're from, you're able to better understand some of the issues that most tribes are going through.

MILLER: Sure.

HALL: And from that standpoint, it definitely is a positive thing to have.

That's where I live, back on the reservation. ...if you have a tribal background, no matter what background it is or tribe you're from, you're able to better understand some of the issues that most tribes are going through.

MILLER: Obviously, you're far more culturally aware than people who have never interacted with Native Americans.

HALL: And you can readily understand the value system, which with a lot of people it's so different than their background or their awareness of value systems, with money and the value that the society has versus the value that tribal people place on things. It takes a while for someone to see it and understand it, so having that kind of background initially gives you that type of, I guess, up-front ability to understand. And the tribal people that I've interacted with – it didn't matter which tribe for the most part – they were able to deal up front with you, rather than having to spend a lot of time, which they do, in making you understand what their issues are. I mean, right up front that you do understand and they don't need to spend a lot of time getting up to speed, giving you history, making you get down to first understanding what it is before you can really – I mean, you're really in the door at that level, but then you first have to then work with them one-on-one and work towards those issues, but if you have at least an open door from the standpoint that they don't have to first make you go back on the history trail, go back and really give you the history lesson before you're able to readily understand where they're coming from on some of their positions.

MILLER: Sure. Did you ever find that it was – I suppose it could go both ways, right, that perhaps people in the tribe who were feeling beleaguered, or used or abused by things that the Corps perhaps did in the past. I mean, were you ever seen as an enemy in some ways by virtue of your position as a Corps employee?

HALL: Well, naturally, if you are associated with the Corps, that association carries over. And a lot of people who don't spend time to look beyond that can make that quick association.

MILLER: But you didn't find that to be much of a problem?

HALL: No.

MILLER: That's good. I'm glad to hear that.

HALL: I mean, you do, but you only make it a problem if you try to misrepresent yourself. And that's one thing I never did. There are things that – and maybe by being team players and other things, you can't necessarily be a team player if that team is trying to misrepresent issues, because there's a credibility side that comes along with that. As long as you're able to be up-front, truthful and credible, then that stays with you. But if you allow yourself to get trapped in a short-term gain on one day for something by being able to not fully inform the other side and misrepresent something, yes, then you're really categorized as being on the Corps – you know, all that history that goes with it as far as what they've done in the past with Indians, misrepresenting Indians, trying to do things in a way that the tribes don't have the full ability or all the information.

MILLER: Right. Sure.

HALL: They've got a history that goes way back on things and continues to this day, that this is a standard practice.

MILLER: Right, is to not give information because they figure that people don't need to know or for whatever reason.

HALL: Well, because if you don't know, you can't make an action against. I mean, it's who controls the cards, basically, and who controls the information. And if you get on board with the agenda which is trying to get the end result you want, or the organization wants, and not fully allowing the tribes to have the same opportunity to the information, and trying to lead them in a way that they might not have gone had they known the full information. Then you do get associated with the Corps as an organization and you lose credibility as an individual. As an individual, you don't have any baggage, so to speak, but you're not carrying the Corps' legacy of the history [with] the tribes. . . . You don't come in with that, but you can sure get that refocused back on you by the way you act.

MILLER: Sure. Sure. I'm sure that's the truth with everything . . . .

HALL: Yes. So basically, I'd say - and there are different agendas, there are different things that the Corps as a group, as a project has needs to get things done in a timely manner. Working with tribes takes some time to do it well. It takes time mainly because you have to inform them. And if you inform them fully, it helps that process. If you try to fast track it, misinforming only sets you back further. And I think that's one of the things that I've seen and, like I say, for the most part to present the information as much as I know up front so I didn't have to get associated and categorized as, you know -

MILLER: Representing the negative aspects of the way the Corps works.

HALL: Right. I'm there, I mean, the things are there; the same issues are there but if you're able to give them all the facts, all the same information, then it makes it much easier to be able to deal with the issues.

MILLER: Sure. Are you still a liaison now? Are you still in that position?

HALL: The position that I was in Omaha has been filled permanently; I was in there temporarily. And I'm back to my permanent position in North Dakota in Riverdale as a civil engineer at their project office.

MILLER: What are you working on right now? I know that you're in the Southeast right now, but what kind of projects are you working on?

HALL: Well, actually, I've been out of my office for some time. It's been - I'd have to look back - since July of last year, the year before - last year - I took a detail in Omaha, and the detail was in emergency management. And there I was the emergency management - the natural disaster program manager. Part of what I did was, part of the program that we had was the federal program to deal with the levees and also the emergency preparedness response that our team had, as far as our district, to field a PRT team, which are the Primary Response Teams for natural disasters. So I started getting involved with that aspect of things, dealing with the Readiness Support branch, I guess that's what they renamed it. And that's where I've been since that time.

I was there last year when we had the initial deployment; I was actually at a levee inspection in Montana, and when Hurricane Charley hit Florida. And I went down with Hurricane Charley in Florida as part of our team, mission manager for the temporary roofing program. I came back - and at that time we were also working on some of the impacts from the drought disaster in North Dakota, South Dakota, from intakes to the public drinking water systems. And we were working on emergency contracts up there. I came back and worked on an emergency contract actually for - and on the reservation, for a town that's on the reservation, . . . North Dakota.

And I came back to that emergency management job and in December - actually, from January through February of last year, I went to Montana, I transferred my detail up to Montana for the Fort Peck project office. And I was their civil engineer up there working in their outside maintenance. We were getting ready for summer contracts; there had to be contracts to adjust the summer job with recreation, had to deal with some access [issues] . . . in some of the boat ramp areas and replace or modify some of the access as far as the boat ramps. And I was working on that, up there, when this disaster hit, and I came down here in September, September 6, and I've been down here since. So I've been pretty much out of my office in North Dakota for a while.

MILLER: It sounds like you've been all over the place.

HALL: Yes. Once I get done here, I'll go back. But when I'm there, basically, most of my job as a civil engineer is whatever they're doing at the time. A lot of times we have different activity levels with contractors' construction.

Construction contract administration, and any other activities that deal – in a project, you get tasked with whatever's happening at the time.

MILLER: Right. Do you find that when you're back in those areas where there are significant populations, Native American populations or reservations, I assume you still use the skills that you learned in the Native Liaison program? What kinds of things do you think carry over?

HALL: Carry over, you mean as far –

MILLER: In going back to the civil engineering position.

HALL: Well, it still does. When I came back after my detail, that's the one thing that I rolled into my KS-8, my job skills description, was to be able to still do that tribal liaison role at least with the tribal governments that we have impacting on our projects. And the thing is, you do it anyway. They come up to you. I mean, you're credible – if you're credible in being a person, they're going to ask for advice. And you might as well be able to give information that's actually something that's accurate, you know, because that's what they're looking for. Any time someone goes to meet with the tribes, they want to know why, what's the agenda. And I get questions all the time.

I think, when I went back initially, and was still in that program – I mean, I wasn't on the program, but I was working on other projects in the area; we were doing some bank stabilization on the reservation and stuff – and I think I got called by, I was up at the tribal office and I was asked by the tribal chairman, because he was requested to meet with the Assistant Secretary for the Army. There was a meeting considering the drought and they were coming up in that area. But as part of his trip in that area, he wanted to meet with the chairman. And he asked me, what's the agenda of the Corps? And we had to kind of brief him a little bit as far as what was going on, and coming from that program, I did have some background information that was helpful. So I did meet with the chairman prior to the meeting and actually went to the meeting with the chairman.

But those are the kinds of things, and I get calls from – and I live in the community, number one. And so by living in the community, anything that goes on with the Corps, since I work in that environment, they'll be asking me for information about what's actually taking place. If there are meetings, they need to know how to prepare for these meetings. And they need to kind of know what actually is the agenda because there are so many hidden agendas that are brought forth, and a lot of times when there are meetings, they've already predetermined a path, so they always need to know. And they're pretty skeptical, mostly, even to go to meetings.

MILLER: Yes, I'm sure.

HALL: So by having that, you're living in the community, you're living in that environment, and it's helpful to have at least a knowledge of what actually is taking place so that, number one, you can pass on some accurate information and they can take that information and be comfortable and help prepare them for the meetings that they need to have. Meetings then are helpful on both sides, and it helps them more quickly resolve or get to the issue, that they can move forward in the program that they're dealing with.

MILLER: In some ways it sounds like for many Corps engineers or project managers or whatever, if you work or live in areas where there are Native Americans, doing a detail as a Native American liaison would be a good training experience. It would certainly give you a lot of tools that, you know, you've used in other kinds of ways. It would be an interesting way to do that.

HALL: Yes.

MILLER: Let's talk a little bit about the development of the program itself, and your role in that. Can you describe for us the early history or years of the program and what it was like in the beginning to be in the vanguard?

HALL: Well, when I first heard the program was being developed, I mean, that's when that's when Dave was first selected for it, I saw the job –

I was just getting into the district when it happened; I was still in the district, so it must have been almost 15 years ago. And I hadn't gone out to the field office yet, or if I did, it was shortly thereafter. I remember them coming up with that title, Native American coordinator, tied into the e-mail system at that time. And I was kind of curious what they were actually doing or trying to do. And I guess what I saw initially was they're just looking for staff, someone internally, and really not having anybody needing to be qualified to understand Indians. And really, that's what it was. They created a job because there was a need, obviously, probably from the consultation requirement, so they then had to develop some type of position that showed that they were –

MILLER: Making a good faith effort?

HALL: Making a good faith effort. Right. And like I said, the good faith effort came from not actually going out and trying to find someone who had a background or understood, or actually was or lived in that arena. So I guess initially I was pretty skeptical about that effort. And, in fact, the only thing I saw when Dave sent out his e-mail about it was to say that he had some friends that were Indian and he lived near a reservation. To me, that's one of two things. If you live near a reservation, there's a lot of basically prejudice that are on those borders. And really, living next to a reservation and having Indian friends doesn't qualify you to be a tribal liaison, I'm sorry!

So anyway, that's how it evolved. And I think that's a baby step the district did. If we have to do it, here's the effort we'll do. And so that's where I saw it start. When I took over the program, it had been ongoing for some time. I didn't get actually a transition with Dave; like I said, Dave was already in Denver at the time, so I didn't get a chance to really step in and really see what programs he was working on, or get a chance to see or even meet with the people. I just went out there and met with the tribal people as best I could. And I did get a chance when I did go to Denver to meet with Dave, to meet some of his federal counterparts that had similar roles or worked in similar positions within a federal agency. But basically, I took and I set up – it was a job that I was willing to step in and do, like I say, because it was dealing with the tribal role, to try to learn as

They come up to you. I mean, you're credible – if you're credible in being a person, they're going to ask for advice. And you might as well be able to give information that's actually something that's accurate, you know, because that's what they're looking for. Any time someone goes to meet with the tribes, they want to know why, what's the agenda. And I get questions all the time.

much as I could while I was there and try to help as best I could the tribes that we dealt with in our jurisdictional area, our district.

MILLER: Did you feel like when you stepped into that role, sort of not knowing Dave, or being from afar and having the skepticism that you described, when you got there, was some of that alleviated or did you feel like your perceptions had been correct that it was just sort of a token effort, or – and then how did you change it over time from there?

HALL: Well, I think it was a token effort. You know, I think Dave after some time in that position was actually trying to change, for the betterment of the program, but that's a large, big change that needs to take place. And it's a change that needs to take place culturally within the Corps, you know; it's an organizational culture. And that's hard to do in the organization that the Corps is, because it's a military/civil culture. And the military side has this rotational – every so many, two-year, three-year rotation, and because that is in place, even if you're able to make changes or even if you have commanders who are willing to take positive steps towards establishing open and honest relationships with tribes, you have a culture that still remains, that's able to reverse that as soon as that person steps out the door.

MILLER: Right, or even just as programs get going, then that person has to leave, and who knows what the next person will do with it?

HALL: Right, and they know that there are definite time frames for these commanders; they can always delay things to the point where its implementation date never actually exists. I've seen programs in the field where people were being hired or attempt to try to involve hiring of local tribal people, because a lot of the projects, especially the field projects, are located through the middle of Indian reservations. And a lot of the justification for supporting the personnel in the field is based on the management of federal lands. These federal lands are lands that are contained within the reservations. And you have large numbers of qualified individuals that can apply and effectively be employed in positions. But what I've seen, I guess, and I still see to this date is that there's a resistance to allowing that any people coming into the system that don't have the same thinking or likes and beliefs; I mean, you're looking to bring in just like people that have the same cultural, corporate cultural background. And that's one thing I've seen. I've seen people on board in the field that were resistant to any of those changes, and I've seen how they've been able to delay or not implement those changes.

MILLER: Right. Use the transient nature of the system to their advantage.

HALL: Right. I remember one time I was out there and my boss at the time came and asked me if I knew any good people from the tribe that would be interested in a training position for an outside maintenance operator. And because I could recommend some people, because I knew there were some good people that would be a good fit for a position like that, he said well, just keep that in the back of your mind, you know, just kind of hold onto that; I was just looking to see if you knew anything. And I never heard anything from it. It never came up. When I did get – actually, one of the different guys who came into our project office, I got a chance to visit with him, I asked him, you know, a while ago they asked me this question about looking for someone from one of the tribes who would be willing to train for one of these positions. He said yes, I remember that program. We hired a guy down at the project he came from; he said it worked out real good. So I knew there was a program but you know what happened? The guy who was on-site was able to stall it and then it never got executed at our project. So there was an initiative at one time, but it was able to be squelched because they know it's only going to be so long that they have to hold out, and that's what happened.

MILLER: Right. Why do you think that people wouldn't want to hire Native Americans? It almost seems counter intuitive; it seems you would want to officially have a local program to hire people who are familiar with

the area, or have certain skills that are pertinent to that part of the country. It seems counter-intuitive to me.

HALL: It is, but that's the whole part of the culture of the Corps. I've been in positions where even the person who was actually working the cultural resources, our archaeologist, was asked to have a student work for him; he was going to bring on a student that summer. And I guess I don't want to go on record of bringing up things, but there was a resistance to bringing on people from the reservation, students to come work with the Corps. I said, boy, even especially the skills that person could have. He's local; he definitely understands the culture there. But like I say, that's something – and I can't explain exactly why – but I've seen that happen. Even though they know that they need the geograhallical area, I mean, everything falls in place; you want to have someone that understands the area, is from the area. We went as far as surveying for and actually looking to create a project office in the middle of the reservation. They went ahead as far as to hire people before we actually built the building. We had people who were hired for the positions and we weren't able to create the office, so we had to place them elsewhere.

MILLER: So you said they were hiring people for the positions, but hadn't built the facility yet, and then what happened?

HALL: Well, bottom line is the people in the area, basically in the middle of the reservation, no one knew those jobs were actually being created. And so they hired from outside before the office was even created, and once the office was created and they filled people, it was kind of transition. There was never even an opportunity for the local population, which would be the tribal community of that area, to be able to fill positions. So, I mean, it's [true . . .] to this day that they don't really want, for whatever reason, I guess they don't want to see tribal members become involved with the programs the Corps administers.

MILLER: But so, you yourself are Native American, and what do you think the difference is? I mean, obviously, the Corps is willing to hire qualified people at certain levels. I don't want to say that you're a token hire, but so if there's resistance to hiring people locally, how do Native Americans then gain entrance into the Corps? And also, wouldn't it make sense that the Corps would hire Native American so that more people were familiar even with the Corps and what they did, and that kind of thing?

HALL: It makes sense that they would, but no, they're not really open to it. And I think this falls back on they're not trusting of someone working under that program because they'll take it in a different direction, or fear that they'll take it in a different direction than that corporate organizational culture wants to see it go. And that's the only thing that I can see is a reason, if you're looking to trying to understand why that's in place. And it just comes from lack of understanding. You know, you've got people who are in the upper management who shape the organization, and they are, I think, looking past some real opportunities.

MILLER: It seems so.

HALL: Yes, and it really ends up that the opportunities that they could be capitalizing on, which would help with the information or knowledge that the Corps needs to help grow as an organization, and we're still back in relationships that we have with tribes, and a lot of this is because most of the people who deal with tribal governments deal with them with lack of understanding of tribal people; and not so much history, but lack of understanding the culture.

MILLER: Right. And it seems to replicate itself if tribal members find out that the Corps has been hiring people from outside for positions that could have been filled by qualified people there.

HALL: Right. And in fact most times they never know. That's the sad part – they never know. But really, like I say, I know; I've seen it happen for years; and I saw the inside when I was in the tribal liaison role. And some of the things that I felt were probably going on, and seeing the

I guess I saw my role as being not so much getting only that information out, but getting all the information out. So the tribes were readily informed of the whole picture.

I was there to see that both sides had the information so that they could effectively get to whichever direction they needed to go.

organization and how they dealt with tribes – once I got a chance to actually be in that role, and you could kind of confirm to some extent some of the things that you probably felt were going on. And it kind of falls back on lack of knowledge, I guess, and really not having – I think, over time, if they were willing to take that time and really understand the culture, understand the people that they could potentially be hiring, or including in their workforce, that would actually be a good thing. But I think there's too much fear, I guess, if you can call it that, in the overall group within the Corps for that to happen.

MILLER: Let's talk about when you first came to the Tribal Liaison program. What were the major responsibilities, and did those responsibilities change or develop over time while you were there in that position?

HALL: Well, I guess the major responsibilities – I'd have to look back at my role, was mainly I guess to continue with the program. And I felt it was one that – I guess the major one was to inform tribes, and ensure the tribes had the opportunity to have the information of the things that would affect them.

MILLER: Did that change or develop over time? I mean, did the role expand or did it move into other areas?

HALL: Well, did it expand? Not necessarily. I mean, the role was there. It competed, I guess; I would say that. There was a void when Dave left, and when that void left, it allowed the opportunity for the organization to create itself and to some degree kind of … it changed after Dave left. At the time the opening was going on, the master manual was going on. And we had people who were working in the tribal liaison role in the division office. And so there was a division person up there working on the master manual, and there were meetings associated with it. There was the land transfer, taking place in South Dakota. I think Kimberly was working at one point with the master manual part of it; there's a lady out there by the name of Peg O'Brien who was out there also. And those positions – I think they eventually just eliminated the tribal role position out there. I think budget-wise, from my understanding. So they didn't have someone who was actually tribal liaison in the master manual. So I ended up going to a lot of meetings, but they kind of – that role, as far as once they had those meetings, they kind of backed away from having someone fill that as a full-time responsibility, I guess. I think there were changes to the program when I got there. Do I feel that role got expanded? No, I think it actually got diminished. It was in the process of being diminished when I stepped in. I think if I hadn't stepped in, or someone hadn't filled the void, they would have diminished it even further. And it was hard to reestablish it, because you had some of the focus redirected away from the actual position itself.

MILLER: Why do you think that happened? I mean, obviously, they created the position because they though there was a need; whatever the motivation was, we probably will never know. It was formed in response to a direct command that this need was there and so, I mean, do you think people started to think that it wasn't that necessary?

HALL: I think they saw it as a roadblock.

MILLER: Oh really, yes; you mean, to being able to just keep going on as the Corps had been, because they see giving information as potentially being problematic?

HALL: I think they see giving information in a dialogue way that was – in other words, when we would go to a meeting, or a lot of times when the Corps goes to a meeting, they've got weeks worth of meetings before they go to one. The conference calls, the getting ready, so when they attend a tribal meeting, everyone has their role, everyone has their game plan as to what the outcome is going to be. And the plan includes sharing the right information, or the information that is necessary to get the objective of the meeting.

But I guess I saw my role as being not so much getting only that information out, but getting all the information out. So the tribes were readily informed of the whole picture. And in some ways, I guess that kind of goes contrary to an effective outcome, if you're on the other side. I mean, it ends up being one side or the other. And I guess what I saw in my role was that I was on neither. I was there to see that both sides had the information so that they could effectively get to whichever direction they needed to go.

But what I saw was, because they had this fast-track need to get some of these programs in place – they had master manual, they had this time frame to get this land transfer in South Dakota – I think that they felt it was an effective – and rightly so – an effective way to not really have the full meaningful consultation effort in place. And if they didn't share all the information, they only shared part of it, they could more quickly convince people to get quicker to the end result, which was what they wanted anyway.

MILLER: Did you notice if there were differences among the districts that you worked with? Were some districts more, I don't know, shall we say active, or kind of proactive, I guess, with communication among the tribes than others?

HALL: Well, you have to go back, and I think some districts really have no involvement with the tribes, so there's very few that have any real activity. And I guess Omaha District as far as what I would

...the Dakota tribes had their flags all put up in a little area that's right off the dam. It was an undertaking to get that memorial area set up, and they were really thankful for that. And I guess that part was the most memorable, because it actually reflected the feedback from the tribal people that I was there... I felt at that point that I had accomplished something.

see especially during the time frame that I was there probably had one of the higher activities with tribes, especially because of the impacts of the programs that we were working on. Now, if other districts had other programs, relationships with tribes, and they could have, but it didn't really from the magnitude of work or magnitude of impacts and then the tribes, I don't think they compared as much as to the Omaha District's.

MILLER: Okay. What was your most memorable experience in that role?

HALL: My most memorable experience?

MILLER: Good or bad, or both.

HALL: I'm trying to think back; it was a busy time. There were a lot of meetings that took place. I think probably my most memorable was probably a meeting – one of the meetings later on that I had before I left, and it was with the [Minnisosie] Water Rights Association that I attended. They had a group that was there that – and they gave me a plaque that thanked me for my efforts in working with them, and in working with the other tribes. But they also had a group that gave me also recognition there, because one of the things that we did was the project manager that I had before, he went to the project in South Dakota, was working to have a little area, they had a memorial where they had some flags and stuff, and they had an area set up for a dedication; they made a dedication area there for, on the Crow, I believe the Crow Creek Reservation, on their side, anyway, for the tribes; I think some of the tribes that were involved early on when they displaced the Dakota tribes from that area, and they had taken them after the whole history, with a little write-up about what happened. But basically, the Dakota tribes had their flags all put up in a little area that's right off the dam. It was an undertaking to get that set up, and they were really thankful for that. And I guess from that part was the most memorable, because it actually reflected the feedback from the tribal people that I was there; I felt at that point that I had accomplished something. Because if you accomplish something, and you get that kind of recognition, that was most memorable because that made my term, or my stay as a tribal liaison worthwhile.

MILLER: You know you really made a positive impact.

HALL: Right, I think it made a positive impact because I knew that was something that, even though it was small; it didn't cost a lot of money and it wasn't great on the grand scale of things. But, you know, based on the value system of Indian people, that doesn't have to be large, as far as value. It was a meaningful effort that the Corps was able to do and there was a partnership with the tribes to recognize that that was an important thing to them.

MILLER: Right. Right.

HALL: So I guess that part – my involvement with that was probably my most meaningful reflection back on my term, my time that I spent as tribal liaison.

MILLER: We talked about some of the challenges that you faced. What would you say that you found most challenging about the job?

HALL: Well, I guess most challenging was … hum. The most challenging part I guess was to actually to get any changes in our corporate culture. That remains the biggest challenge, and still does today.

MILLER: A feeling like you're kind of beating your head against a wall, or that all of this effort isn't really changing things fundamentally?

HALL: Right. I mean, when you can bring up things that are fundamental changes that need to happen, they're not really recognized. I don't think the leadership actually wants to make – doesn't want to, but recognizes that there's a need for these fundamental changes to take place. I mean, they want short-term, positive, tell-me-something-good things. But they're not really willing to make a really hard look at structural changes to their organization. And

that was the most frustrating thing, because I don't think they even recognize that there's a need for that to happen. And that's frustrating because, like I say, even [though we] . . . went through and tried to make changes that way, I don't think they recognize how beneficial those changes would be and how necessary it is for them to grow as an organization in that direction. So that is the frustrating thing.

MILLER: Did you have a strategy for dealing with that kind of frustration? Were you able to work around it?

HALL: Well, you made small steps. You could see when you got – and then maybe some people were frustrated or maybe a reaction from someone, but that means you were making probably positive gain in the area. So if you kept something that came back, or something that you really – you know, you had to reflect on that probably meant that actually was effective, then. So sometimes your effectiveness and doing things even though they're small comes back as a negative reflection, but you have to look at it in the context of what it actually represents.

The bad part about it is that, overall, our organization really – I'm not sure really how to make a change to something that large. But it really needs to have a commitment from the higher-ups for it to happen. And it needs more than just a military commitment, because it needs to have someone within the long term, the people are going to be employed in the long term on the civil side. And the biggest thing I see is that part isn't going to change.

The short-term changes that the commanders can make, if they are, are just kind of cosmetic changes. What really needs to happen is to have on the long-term side, the civil works or the civilian side of the organization needs to recognize the benefit, really recognize, not just because they involve the tribes because they need the short-term project done, and they need to involve tribes because it's a requirement for consultation. They need to look beyond that, look beyond the benefit of learning, I guess, and benefiting from understanding the culture of the tribal people who are living in their projects. I mean, these are projects they are managing; these are federal lands that they're supporting a large number

I think what really needs to happen to projects at the level where they work with tribes is that there needs to be a more day-to-day working relationship ...

of – the work force, all the work they are doing up along the Missouri River, and they really – they're so removed from understanding that there in Omaha.

MILLER: So that's really just a human question, though, isn't it, that any kind of a large organization – or people just in general – should appreciate and have respect for and want to have a dialogue with people of other cultures, you know?

HALL: Yes, especially since your organization has the responsibility for managing federal lands, and the management stewardship rests with managing federal lands that are also tribal lands. And so you should then have to want to have an understanding of what that actually means. That part doesn't seem to really light any light bulbs; they don't really seem to really understand that part of it. But overall, I think that's the frustrating part. You don't see that change taking place, and you can see in some cases that the tribal people, over time, get frustrated and it's something where they spend numerous resources to try to get the organization of the Corps to understand, but it seems like that's not the purpose, that they really don't – that they can go back and reeducate people who come out to meet with the tribes and, like I say, they go through a process which I didn't have to go through. But they get tired over time of having to go through that each and every time. And each and every time that change doesn't seem to reflect, or that knowledge doesn't seem to reflect back to the larger group, which is the Corps. It seems to come back and it never seems to then get out; they don't seem to learn. The exchange of information really doesn't seem to be effective.

MILLER: And that seems like, I think someone else described it as that Corps culture, the culture of the Corps – it's almost like this monolith that can't be changed in the whole. But do you think there were individuals who stood out as really actually caring, or making significant efforts, either at the very top level or even at the lower levels, in helping that program succeed?

HALL: I would think I would have to single out, from my standpoint, if there's some person that was involved with the program and really made an effort and really was positive in moving that program forward, number one would be Lynda Walker. I think she was probably the one who actually helped convince me, and others, to really move forward with that program. And I think beyond that, they would probably fall back under a token program. So because of her lead in trying to push a lot of that agenda to involve tribes fully was one of the things that recognize and helped those efforts as well as the desk guide come about.

MILLER: Do you think the desk guide has had an impact, or do you think people sort of see it as, well, we need to read this but they don't take it seriously. I mean, how seriously do you think people in the Corps take the guide?

HALL: Well, I think they'll take it as seriously as they're required to. Just like everything else, there are regulations and here's what we've got to do. They will look and see who's made it a priority. And that's the only way anybody will take it seriously. On their own, would they? No. I mean it's an educational tool to help them understand what that is, but ultimately for it to be a useful tool, it really needs to have the leadership recognize it that way.

MILLER: Well, we're almost down to the end of our time. But I wonder -- two questions – is there anything that you wish you would have known when you started that you know now, and would you have any advice for people who are moving into the position now, these days?

HALL: Well, I guess you just have to have the lay of the land as far as politically, I guess, within your organization. Kind of what's going on, because it's political; it's a political position in the aspects of working with the commander. And would I do anything different? Would I give anyone else advice? I guess I did it the only way I was going to do it – I guess I didn't have any – but I wouldn't change the way I did things. I would always share openly with tribes; that's the only way that I would be able to function in that

role because I had to live in the community. And my credibility to this day - you know, people ask me stuff and I go up and meet with the chairman and elders, and when I say something or they ask me something, I'm not trying to mislead them; I've got that credibility for the information.

Now, if you get too much involved with the - I guess what I would say to someone coming into the program is that they fully understood the role, which they should first get really briefed on it and commander understands that he's on board with that role is that in that role you may not always be - you'll be on the team meetings, you'll understand what the meetings are with the tribe, but you shouldn't be, I guess, placed in a position where you're pushing an agenda without first allowing the information to be equally shared with the tribe. And have the flexibility to have that dialogue, I guess, with tribal governments and not be restricted to comply, or that you're able to do your job, which is just to interact with the tribal leadership and the program people who work with the tribe, and separate from what the internal programs are with the Corps.

MILLER: Right. Well, I guess that's the only way you'd have credibility with the tribe, is if they recognize that you really are taking this position seriously and you're not just coming to them to try to facilitate what the Corps wants, but you're coming to facilitate a dialogue.

HALL: Right. And then I guess what the Corps leadership - and they need positive things, they want to see positive things, which are good, but they have to recognize that some of the positive things that they need to do internal changes with. But they may not see it as positive, which is a bad thing. So they need to recognize positive things, or that you're representing are things that they may not recognize as a short-term positive thing.

MILLER: Well, is there anything that you'd like to add for the record, or say for posterity's sake?

HALL: I've rambled probably - you'll probably delete everything from what it is! But I guess I didn't - maybe some of your questions I didn't address them fully or to the point. But I guess to kind of look back at the role I played when I was there - it was productive. I got a chance to get out and meet, I got a chance to understand more fully our involvement with tribes, the different programs that we have in working with tribal governments. And understanding that we have a time frame where things have to be, we have to get meetings accomplished. The meeting thing takes a long time. But I think if you can early on - and I think what really needs to happen to projects at the level where they work with tribes is that there needs to be a more day-to-day working relationship, so when it comes to the time frame where they have to deal on the other issues, or get something resolved, it really takes less time to get there. Because if you never meet, you never meet until you actually have to deal with some issue.

MILLER: Then you have a lot of catching up to do.

HALL: You've got this time frame where you're going to spend that's going to be unproductive. And you've got to reestablish a trust issue, or if you have people on the ground that have that in place and they already have - both sides are fully briefed and have the same information, then you can more quickly get to that point at which you need to be as far as to arrive at a resolution or determination as to the direction that you're taking with that program. But, yes, I know that your time ...

MILLER: No, I promised you that we would stick to an hour, and I want to keep my promise, but we really appreciate your taking the time to talk to us. And I'm so glad that we were able to track you down. I had called Tammy - is that your wife?

HALL: Yes.

MILLER: I had left a couple of messages, but I'm sure that it was kind of hard because you're not there! And I'm really glad that you

were able to take the time to talk with us. Lynda Walker very much wanted us to make sure that we interviewed you as well. So thank you for your time.

HALL: Yes, we were traveling and the only break I took, they shut us down for three days for Christmas, so I took off Christmas weekend, long weekend, and then New Year's. And then my wife and my family were with me for that period. So they've been gone for a while then, too.

MILLER: Well, you sure must miss them. It must be hard being apart so often.

HALL: Well, it is, but my kids are grown. My youngest boy is 19, and my son will be 21 and my daughter is 24, so age-wise, they're all adults at this stage. So it's easier for me; we can communicate by phone, and stuff. But see, I know, bottom line the program, I think, had some good merit to it. Over time it gets – it's kind of depending on the support it gets from the commanders. Lynda did an excellent job. I mean, if I were to single one person out, I would have to say she was the person. You know, Bill, of course, has some groundwork with tribes, but Lynda I think put herself on the line, pretty much, to hold the integrity of the program. And I think without that, that program was, like I say, sort of teetering on the borderline of being token. It probably maybe started out with a token effort of the Corps, you know, to fill positions, to actually interact with tribes. She held them accountable and I think that was the biggest thing that I see and probably one of the reasons why I actually stayed with the program.

MILLER: Like you said, it takes leadership, really, to make that happen.

HALL: Right. The program – you can have everything in place, but the leadership really needs to be in place to support it. And there are a lot of changes that the Corps still needs to make, and I think you need to first understand that the changes that are necessary are actually positive. I think that's one thing they may not see as positive, but in the long term it's a positive thing for both them and for the tribal communities that they're working with.

MILLER: Right. All right, well, thank you so much for your time. And good luck down there! And like I said, I will send you the transcript.

Biography

Pem is an enrolled member of the Arikara and Hidatsa Nations of the Three Affiliated Tribes (TAT) on the Fort Berthold Indian Reservation in ND. His parents Edward Hall and Delphine (YoungBird) Hall are both enrolled TAT tribal members.

Pem grew up in North and South Dakota where his father was a Bureau of Indian Affairs (BIA) road engineer working on the Standing Rock Sioux and Turtle Mountain Chippewa Reservations in ND and the Cheyenne River Sioux Reservation in SD. Pem attended school in Mobridge, SD and Belcourt, ND.

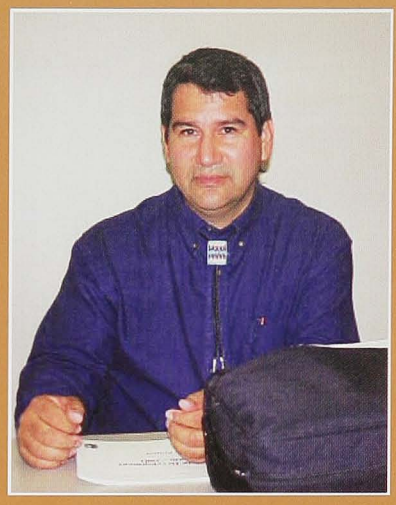
He received his B.S. in civil engineering in 1989 from the University of New Mexico in Albuquerque, NM, and completed the 2001 Omaha District Leadership Development Program last year.

Pem is a Civil Engineer at the Garrison Project Office located in Riverdale, ND, and is currently on detail as the Omaha District Native American Coordinator. Pem began the duties of this position on November 19, 2001. This is a full-time tribal liaison position, serving as a special assistant to the Omaha District Commander. The duties of this position include developing, managing, and coordinating programs and initiatives undertaken by the Army Corps regarding twenty-eight Indian Tribes in the Missouri River Basin.

Pem has worked for the Corps of Engineers for more than eleven years. In 1991 he started his career with Corps of Engineers working in Omaha NE as a civil engineer responsible for the District Pavement Management Program. Later that year he transferred to the Garrison Dam/Lake Sakakawea Project located in Riverdale ND. There he worked in the Technical Support Branch, providing civil engineering support to a wide variety of projects including, major rehab, shoreline stabilization and construction contract administration. He also provided technical assistance for all computer and network support and served as the Network Administrator. He also is a member of the District Emergency Management Temporary Roofing Team and has deployed twice to support that mission.

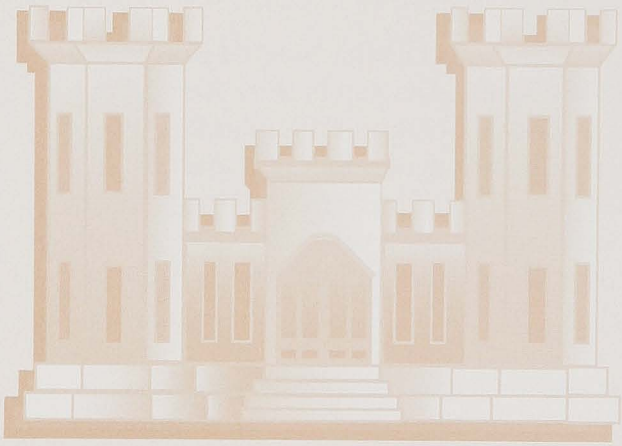
Prior to joining the Corps, Pem worked for the City of Albuquerque NM, as the Assistant Construction Coordination Engineer, and for highway contractors working on BIA highway projects. He served as project manager/construction engineer on several projects located on reservations in New Mexico.

Pem and his wife Tammy have a daughter, Alisha, who is a freshman in college and two sons in high school, Jess (junior) and Pem, (freshman). They live in Parshall, ND, which is located on the Fort Berthold Reservation.



Pem J. Hall

Tribal Liaison – Omaha District



Acronyms

AAR	After Action Report
AISES	American Indian Science and Engineering Society
ARPA	Archaeological Resources Protection Act
ASA	Assistant Secretary of the Army
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BPA	Bonneville Power Administration
CECW PLG	Corps of Engineers Civil Works Policy Letter Guidance
DEIS	Draft Environmental Impact Statement
DOD	Department of Defense
DOJ	Department of Justice
ECC	Environmental Chemical Corporation
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ER	Engineer Regulations
ESPA	Endangered Species Protection Act
FCRPS	Federal Columbia River Power System
FEMA	Federal Emergency Management Agency
IWR	Institute for Water Resources
JTAC	Joint Tribal Advisory Committee
MOU	Memorandum of Understanding
MRR	Missouri River Region
MRRIP	Missouri River Recovery Implementation Program
NAC	Native American Coordinator
NAGPRA	Native American Graves Protection and Repatriation Act
NAIRTF	Native American Intergovernmental Relations Task Force
NCAI	National Congress of American Indians
NEPA	National Environmental Policy Act
NPS	National Park Service
NPD	North Pacific Division
NWD	Northwestern Division
NWP	Northwestern Division, Portland District
NWK	Northwestern Division, Kansas City District
NWO	Northwestern Division, Omaha District
NWW	Northwestern Division, Walla Walla District
OM	Operations and Maintenance
PM	Project Management
PMBP	Project Management Business Process
PRB	Project Review Board
QAQC	Quality Assurance/Quality Control Process
RMB	Resource Management Board
SES	Senior Executive Service
SHPO	State Historic Preservation Officer
Task Force RIE	Task Force Restore Iraqi Electricity
Task Force RIO	Task Force Restore Iraqi Oil
USACE	United States Army Corps of Engineers
WAPA	Western Area Power Administration
WRDA	Water Resources Development Act

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