

# Proposed MSU Center for Regulation and Applied Economic Analysis (CRAEA): Small Grants Program Proposal

## Land Tenure, Human Development and Economic Well-being on the Crow Reservation Kristin Ruppel, Associate Professor, Native American Studies Department, MSU

### 1. Proposal Narrative

**A. Abstract:** This pilot project is part of a larger effort to engage students with economic development professionals, landowners and other stakeholders on issues of real world importance to reservation communities, beginning with Crow. Specifically, this project explores correlations between federal Indian land tenure policies, human development and economic well-being. A federally imposed system of quasi-private Indian land tenure on most reservations in the West complicates and undermines reservation economies, prompting tribal and individual landowners alike to call for creative paths toward economic renewal. To help answer this call, the NAS Department will recruit student research assistants with GIS experience to collect preliminary data on human development indicators and economic well-being as these are tied to different types of land tenure on the Crow Reservation. This project will help us to: (1) link GIS data with measures of economic well-being to determine: (a) whether differing land tenure types correlate with certain indicators of human development and economic well-being and (b) if so, can we see patterns that tell us why? and, (2) assuming that land tenure types are correlative if not predictive of certain indicators, assess whether differences in standard economic indicators do, in fact, reflect affected peoples' economic well-being and quality of life as defined by affected people themselves, (as opposed to outsiders)?

**B. Statement of Specific Aims of the Project:** This project addresses the economics of land tenure within the exterior boundaries of allotted Indian reservations of the intermountain west, beginning with the Crow Reservation. With money flowing into Indian<sup>1</sup> Country as a result of individual and tribal trust settlements, and land tenure there shifting as a result (as tribes buy up fractionated allotment interests), numerous questions remain whose answers could inform a deep, culturally attuned understanding of why reservation economies are the way they are, how reservation communities define economic well-being, and how those same communities might be supported in attaining economic well-being. Indeed, that is the central research question around which all others revolve, specifically: What strengths do reservation communities possess that might be harnessed to effect positive economic change *as it is defined by reservation communities themselves*? To begin to understand the context of that overarching question in legal (land tenure) and socio-political/economic terms, we propose this pilot project using publicly available information to measure human development and economic well-being at Crow as it is tied to different land tenure types (e.g. tribal/individual/fractionated fee simple, tribal/individual/fractionated trust).

**C. Significance of the Project:** The regulatory/policy issue at the heart of this research is the federal treatment of allotted Indian lands. The history here is long and arduous, beginning (for the sake of argument and brevity) with the General Allotment Act of 1887, which turned collectively held Indian lands into privately owned parcels held in trust by the federal government. Over time, fractionation of individual interests in those parcels and the federal mismanagement of money earned from their sale and lease were the bases for one of the largest class action lawsuits ever brought against an agency of the federal government (*Cobell v.*

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<sup>1</sup> Wherever the term 'Indian' is used in this proposal, it is part of a legal or quasi-legal designation (e.g., Indian Country—designating lands under federal, and usually tribal, jurisdiction; or 'Indian

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*Salazar*), as well as one of the largest class action settlements in U.S. history (the \$3.4 billion Cobell Settlement of 2009). However, few would contend that the government's attempts to heal the fractionated Indian estate represent more than a bandage on a nearly mortal wound. Individual Indian ownership continues to fractionate, and individual Indian landowners bear the weight of failed federal policies as financial support for land consolidation efforts flows to tribes, not to individual Indian landowners, without whom the Cobell litigation and subsequent Settlement never would have happened. Indeed, individual Indian landowners have argued long and strenuously that federal and tribal policy makers should heed landowner voices in their attempts to consolidate fractionated Indian lands. But few have. Indian land fractionation and its ramifying political, cultural, legal/jurisdictional and economic effects are wicked problems. Tackling them requires the long-term collaboration of stakeholders in a strategic process that is culturally responsive, participatory, inclusive, values based, and driven by members of each tribal community. We accept that challenge (as part of a larger, encompassing effort funded by a private donor) by inviting representative stakeholders from the Crow tribal community to join in a strategic planning process aimed at promoting local economic development as it is defined locally. At the same time, *this proposal aims* to fill in some missing pieces by mining publicly available sources of data as preliminary indicators of how policies of land tenure on reservations affect one reservation in particular. We begin with the Crow Reservation because it typifies the patterns of fractionation, checkerboard ownership, and management challenges of allotted reservations. Issue resolutions innovated at Crow will likely be relevant elsewhere, even to the extent of guiding public policy.

**D. Innovation:** In keeping with the CRAEA mission, this project brings graduate students together with project leadership and advisors, tribal economic development professionals and others from around the state, starting with Crow allottees, heirs and non-Native landowners on the Crow Reservation. Student research assistants (one during each of 2 semesters, spring and fall 2017) will do preliminary data collection from publicly available sources (e.g., US Census, GIS databases on land tenure by county), and create a GIS map illustrating how indicators of economic well-being are tied to the various land tenure types. Project leadership will provide background research and training to give context to student data collection, and will co-author an article for submission to a relevant peer reviewed journal at the end of the project year (fall 2017). This pilot project will also demonstrate to a private donor (who has expressed interest specifically in tackling land tenure issues at Crow) the value of having a permanently funded research assistantship in Native American Studies.

*Outreach—Gathering of Stakeholders.* The larger effort mentioned above privileges outreach to tribes (which also fulfills part of the NAS Department's mission) via a gathering of stakeholders in January 2017 (and twice more later in the year), planning for which is already under way thanks to the promise of external funding from a private donor. Student RA's and project leadership will have opportunities to interact with stakeholders during and after the gathering, providing real world experience and the potential for developing reservation-based internships for MSU students, particularly those holding RA positions with this project.

*Capacity Building and Applied Research—New course in Tribal Economic Development.* Starting fall 2017, the NAS Department will launch a course on Tribal Economic Development based on the work of William Trousdale, economic and strategic planning advisor to the United

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Nations (HABITAT), and author of the popular UN-HABITAT/EcoPlan International four-volume resource guide and training series: “Promoting Local Economic Development through Strategic Planning.” Course products include working paper/policy briefs that students may submit for conference presentations, public feedback, and eventual publication in appropriate peer reviewed journals.<sup>2</sup> **The CRAEA project research assistant(s) will be expected to complete this course as a part of his/her/their assistantship.**

*Articulation with research program and NAS Departmental mission.* This project represents an extension of Ruppel’s ethnographic doctoral research on Allotment and Indian land fractionation (2008), as well as an articulation with other outreach and research projects (like the Gathering of Stakeholders mentioned above), and the NSF-funded Yellowstone Altai Sayan Project (YASP, PI: Ruppel, NSF award #1261160). The YASProject engages Native American students with semi-nomadic herder communities in northern Mongolia, where local economic development strategies are necessary if herder families are to hold onto their distinctive cultures, life-ways and (most importantly) *lands*. Indigenous Research Methodologies and a complementary, reiterative decision making approach called Holistic Management guide how and what research is performed in Mongolian and Montana tribal settings. See Ruppel (n.d.) on the Yellowstone Altai Sayan Project (YASP 2016, in progress; our research team also presented posters and a panel on Oct. 22, 2016, at the American Indigenous Research Association Meeting at Salish Kootenai College on the Flathead Indian Reservation in Montana). Students from both projects will have opportunities to interact. The pilot project being proposed to CRAEA also provides an important opportunity to move forward with plans detailed in the NAS Department’s overarching Strategic Plan. The Department’s Plan includes the development of real world research opportunities connecting students with reservation-based expertise and research projects/internships, and the provision of concrete skill sets and diverse research strategies for students. Development of such skill sets and strategies is based in an underlying commitment to Indigenous Research Methodologies and engagements with critical as well as constructive theory.

**E. Approach (Design and Methods):** *Current state of research.* Indian land tenure rules differ from parcel to parcel, depending on whether the land is owned in fee or (federally imposed) trust, whether it is owned by the tribe or individuals, whether it is held by a single or multiple owners... or any combination of the foregoing. Although numerous scholars (including Ruppel 2008) have studied the legal, political, and economic effects of fractionated ownership in Indian Country from a various perspectives, little scholarship exists on the effects of federal regulations stemming from attempts to consolidate fractionated interests (e.g., Anderson, et al. 2016, Russ and Stratmann 2014; Shoemaker 2003, 2015). We know of no published studies that attempt (as this one proposes) to analyze which types of land tenure yield what results in terms of human development and economic well-being. Assumptions abound, including the one that drove federal lawmakers to support tribal consolidation of fractionated interests over consolidation in the individual or family (as advocated by Indian landowners). Instead, federal policies and most scholarship generalize about fractionation, and accept that consolidation in the tribe (as opposed to the individual/family) is its only cure. What is needed is a fine-grained analysis of how ownership variables differentially influence economic well-being and human development in the context of a specific, representative reservation. This project seeks to do just that and, in so

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<sup>2</sup> An application for IRB approval will be submitted to cover the possible research projects engaged by students in this course.

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doing, contribute to scholarship on local and community economic development in the Indigenous American ‘tribal’ context (see Barcus and Smith 2016).

*Underlying economic theory that applies to issue.* The underlying economic theory most applicable to this project is that of *sustainable local economic development* as outlined in Leigh and Blakely (2013). Focusing on a desired end state instead of unending growth, local economic development (LED) is said to have been achieved:

*when a community’s standard of living can be preserved and increased through a process of human and physical development that is based on principles of equity and sustainability. There are three essential elements in this definition [...] First, economic development establishes a minimum standard of living for all and increases the standard over time. [...] Second, economic development reduces inequality. [...] Third, economic development promotes and encourages sustainable resource use and production (72-3).*

LED theory and practice complement Indigenous Research Methodologies which privilege respect, reciprocity, relationality and relevance to and with the community under study. And, it brings valuable constructive tools to a table already rich with the tools of critical analysis.

*Research Methodologies/Methods, Data Collection and Results.* Outreach (already underway) in preparation for a Gathering of Stakeholders in January 2017 provides the context within which project leadership and student research assistant(s) will function. In keeping with Indigenous Research Methodologies and Local Economic Development strategies (as well as participatory forms of research more broadly), research partnerships are established early and carefully maintained throughout the life of the project and beyond. Without the blessing of the participating reservation community and their representatives, the project cannot go forward. With it, we suggest a mixed methods approach, using publicly available US Census data and land ownership (cadastral survey) maps to look at human development outcomes, and to see how Human Development Indicators play out on parcels of indigenous land based on tenure (using Susan Cutter’s *Human Development Index (UNHDI)* for the indicators). Collection of preliminary indicators of economic well-being on the Crow Reservation will be based on social vulnerability indicators (SoVI) as well as the UN Human Development Index (UNHDI) (Cutter, et al. 2003 and Sen 1985, respectively). In preparation for future research and student involvement, we will also evaluate existing economic development plans (e.g., from the Confederated Salish and Kootenai Tribes, and Fort Belknap), as well as individual and tribal trust settlements to see how land tenure type and local plans ‘make or break’ Native development outcomes using *plan quality evaluation* (e.g., see Lyles and Stevens 2014).

*Working Papers, Feedback and Submissions for Publication.* A working paper or policy brief that outlines winning conditions in land tenure arrangements for community development outcomes/economic well-being on the Crow Reservation constitutes one possible product of the research, and a resource that can be shared with Crow and other communities similarly situated. Student and project leaders/advisors alike will be engaged in development of analyses to be presented in research seminars at MSU, and at national conferences such as those put on annually by the Native American and Indigenous Studies Association (in spring), and the American Indigenous Research Association (in fall). Both conferences provide rich opportunities

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for feedback and professional networking. Research assistants will be required to develop and submit papers (either individually or co-authored with project leaders and advisors) to appropriate peer-reviewed journals.

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### 2. Human Subjects

At this point, none of the proposed research involves human subjects, but future research undoubtedly will. IRB applications will be submitted as necessary once we have had the opportunity to develop specific projects with participation from tribal economic development professionals and their respective representatives.

### 3. Budget/Budget Narrative

*Course buyouts— per semester x 1 semester =*

A course buyout during spring semester 2017 will provide the time for active engagement with student research assistant(s), multiple trips to Crow Reservation to meet with tribal and landowner representatives, and background research and writing required to provide context to the work that research assistant(s) perform.

*Research assistantships—x 2 semesters spring/fall 2017 =*

Graduate student research assistant(s) will perform detailed, basic research into publicly available information tying land tenure status to indicators of human development and economic well-being. Student involvement in research is at the core of the CRAEA Research Grants program. Providing paid research assistantships is also a long-term goal of the NAS Department, and already has the potential for finding sustainable outside funding. This project will allow the Department to show tangible results for such investment.

*Reservation outreach—PI and RA trips to Crow =*

Visits to the Crow Reservation will be essential to establishing and maintaining good relationships with tribal economic development professionals, landowners, and others. The PI and RA(s) will need flexibility in travel and accommodations, but all reservation outreach trips will be by car.

*Conference travel—up to*

Two conferences relevant to Native American Studies and Economics research will provide opportunities to showcase student and project leader working papers, and receive valuable feedback prior to submission for publication. The Native American and Indigenous Studies Association will hold its annual conference in Vancouver, British Columbia in June 2017. The American Indigenous Research Association meetings are held annually in October at Salish Kootenai College in Pablo, Montana. A travel allowance would cover most costs of the student research assistant at each of these conferences. Outstanding costs of PI travel can be made up for with departmental or college travel grants.

<b>PERSONNEL</b>		11/15/2016-11/15/2017
Course Buyouts	X 1 semester	
Research Assistantships	X 2 semesters	
<b>TRAVEL</b>		
Research Outreach		
Conference Travel		
<b>TOTALS</b>		

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### **4. Project Timeline:**

November-December 2016—recruit and orient student research assistant, provide background reading materials (if necessary) on Allotment, fractionation, *Cobell*, etc.

January 2017—participate with student research assistant in first Gathering of Stakeholders (and future gatherings, dates TBD)

January-March 2017—support student research assistant, gather background literature, co-author first draft of preliminary findings on how federal Indian land tenure policies and consequent ownership patterns appear to affect (or at least correlate with) human development and economic well-being on the Crow Reservation

April 2017—present preliminary findings in research seminar open to faculty, students, and the general public

May 2017—submit white paper to CRAEA with feedback integrated from preliminary research presentation

June-August 2017—continue research, policy issue paper and article writing based on preliminary research findings; detailed planning for second research assistant's project based on preliminary findings, including applying for IRB approval if there is a need (for example) to interview landowners or other stakeholders at Crow

August-September 2017—recruit second (or continuing) research assistant, providing orientation on second phase of project assessing whether certain landownership types are predictive or merely correlative with patterns of human development and economic well-being indicators

September-October 2017—support student research assistant, prepare second white paper and/or policy issue paper for eventual submission to CRAEA

November 2017—present research findings in research seminar open to faculty, students, and the general public, feedback to be integrated into draft of article

December 2017—finish writing/revising and submit co-authored article to peer-reviewed journal.

**Primary Goal:** to gain a fine grained understanding of how federal Indian land tenure policies and consequent ownership patterns affect human development and economic well-being on the reservation (starting with Crow as a pilot project).

**Primary Objectives:** with the help of GIS-trained research assistant, use publicly available databases to map indicators of human development and economic well-being in terms of differing types of land tenure on the Crow Reservation; produce a GIS map to see if there are discernible patterns of indicators tied to land tenure types.