

**Native American and non-Native Interactions in
Multistakeholder Forest Planning Processes:
The Sandia Mountain Claim and the T'uf Shur Bien Plan**

**Pre-Dissertation Fellowship Final Report
Community Forestry Research Fellowship Program
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1) Briefly summarize your research problem and the goals of your research.

Research Problem

For Native Americans, lands and resources sustain not only physical well-being but also cultural, social, and political identity (see, e.g., Booth and Jacobs 1990, Deloria 1994, Fogelson 1998, LaDuke 2001). Forested lands, in particular, may provide firewood, timber, and other plant materials, as well as opportunities for hunting and fishing, and also incorporate tribal ancestral lands and contain important cultural sites or resources (Hooker 1994, Melmer 2003, Moss 1986).

These lands and resources are, however, often shared with the larger society, making Native American goals subject to the objectives of non-Natives. Collaborative planning processes may have the potential to reconcile conflicts over shared resources such as forests. Successful collaborative planning processes are said to forge agreements that address the concerns and meet the needs of all participants; allow new information and creative solutions to emerge, thus producing a higher-quality plan; and ultimately to improve environmental management. Effective collaborative planning also garners "buy-in" from stakeholders and coordinates participants with multiple resources, thus laying the groundwork for effective implementation, and is faster and cheaper than administrative, legislative, or judicial approaches (Dukes and Firehock 2001; Forester 1999; Healey 1997; Innes 1996, 1998; Innes and Booher 1999; Margerum 2002; Moote et al. 2000; Waage 2001; Wondolleck and Yaffee 2000).

There are, however, multiple challenges to effective collaboration, and numerous factors suggest that successful collaboration may be especially difficult to achieve with Native American participants: prevalent poverty on remote Indian reservations, complex systems of governance and representation (Cornell 1988, O'Brien 1989), distinct worldviews (Booth and Jacobs 1990, Deloria 1994, Fogelson 1998, LaDuke 2001) and epistemologies (Kidwell and Nabokov 1998), different languages, different decision-making styles (Sunoo and Falkner 1999), and long histories of conflict with non-Natives (see, e.g., Brown 1971), including conflict over destruction of tribal environments (Grinde and Johansen 1995). The institutional context of Native American issues, particularly the federal government's trust responsibility, creates an additional layer of complexity.

Goals and Questions

Given both the practical importance of forest planning to Native American communities and the

theoretical questions associated with collaborative planning, the goals of my research are:

- To improve understanding of the interactions between Native Americans and non-Natives as they occur during multistakeholder forest planning processes.
- To improve understanding of the ability of multistakeholder forest planning processes to meet Native American community needs and to develop ideas and techniques for improving planning processes.

My research questions are:

- How does the involvement of both Native Americans and non-Natives affect the collaborative nature of multistakeholder forest planning processes in which they are both participants?
 - How do Native Americans and non-Natives interact in multistakeholder forest planning processes?
 - How do such interactions between Native Americans and non-Natives affect the outcomes of the planning processes?

The research will be participatory to the degree possible, in contrast to traditional “academic” modes of research, which are associated with colonization and imperialism, the subjugation of traditional knowledge, and the destruction of indigenous ways of life (Deloria 1991, Reason 1998, Smith 1999, Wax 1991). Additional goals of my research are:

- To provide useful information to the communities, particularly Native American tribes, participating in the research.
- To ensure opportunities for community participation throughout the research process.
- To develop an appropriate and effective relationship with the community involved in the research.

2) Describe your field experience and data collection experience. Include a discussion of how your participatory research worked out.

The primary goal of the "predissertation" phase of my research was to select a case study. The case needed to meet certain basic criteria: the involvement of both Native American and non-Natives in a multistakeholder planning process, access to information, and consent of those participating in the research. Beyond this, I hoped for a case that would truly interest a Native American tribe, allowing the research to be participatory and empowering. I also added a criterion that the case be in New Mexico. By conducting my research in the state where I will live after I complete my dissertation, I hoped to develop a relationship that can foster ongoing participatory research.

I began the process of case selection in the summer of 2002 by writing letters describing myself and, very broadly, my research interests to the governors of all New Mexico Pueblos and the Presidents of the Jicarilla Apache Nation and Mescalero Apache Nation, with copies to their

forestry or environmental staff.¹ I asked if the tribe had a particular topic that they would like researched. I met or spoke on the phone with staff of various tribes in July and August 2002.

I also reviewed newspaper articles about other potential case studies. One case, involving a claim made by the Pueblo of Sandia to a portion of the Cibola National Forest, Sandia Mountain, emerged as an interesting multistakeholder planning process. The mountain is used for traditional and cultural purposes. Under a land grant from the Spanish government, affirmed by the Treaty of Guadalupe Hidalgo, the Pueblo of Sandia's eastern boundary is the "Sierra Madre" or highest peak, called "Sandia." However, an incorrect survey in 1859 placed the eastern boundary along the foothills, not the crest, of Sandia Mountain. The land lost by the Pueblo was later incorporated into the Cibola National Forest, and partially the Sandia Mountain Wilderness Area. In 1994, the Pueblo of Sandia filed a lawsuit asking that the boundaries of the reservation be resurveyed to include the Sandia Mountain. The Sandia people feared that without additional protection the mountain could be developed for commercial purposes. As part of a court-mandated settlement process for this claim, the Pueblo worked with the Forest Service, local landowners, local government representatives and others to develop the "T'uf Shur Bien Preservation Trust Area Management Plan." The plan was incorporated as part of an agreement which stipulates that there will be no further development of the T'uf Shur Bien Preservation Trust Area, the United States Forest Service will continue to manage the area, which will be owned by the people of the United States, and the Pueblo of Sandia will have veto power over new uses in the area.

I did not have an opportunity to meet with a representative of the Pueblo of Sandia in the summer of 2002, but traveled from Madison, Wisconsin (where I was still taking classes) to Albuquerque in November 2002 to meet with Councilman Frank Chaves (also Director of the Pueblo's Economic Development Department) and discuss this as a possible case study. Councilman Chaves expressed some interest in documenting the Pueblo's interest in Sandia Mountain for their own purposes, and suggested that this might fit into my research. I stated that I did not intend to discuss specific religious uses of the mountain, though it would be important to explain in general terms that the mountain is culturally significant.

In January 2003, an Economic Development Planner position opened up with the Pueblo of Sandia. In February I participated in a phone interview for the position, and in March I drove back to New Mexico for a face-to-face interview with Councilman Chaves, and was informally offered the position. During the interview, I reiterated my interest in conducting research with the Pueblo. Councilman Chaves offered to speak with the tribal Governor, Stewart Paisano, about the research and asked for a one-page proposal to share with him, which I provided.

The morning after defending my dissertation proposal to my doctoral committee in Wisconsin, I set off for New Mexico to begin my new job with the Pueblo. (I defended on Monday, left on Tuesday morning with a loaded U-Haul trailer, arrived on Thursday, took a mandatory pre-employment drug test on Friday, and started work on Monday!) Councilman Chaves had mentioned my proposed research to the Governor, and encouraged me to speak with him. The

¹ I did not send letters to the Navajo Nation, which is a much larger tribe with a much larger bureaucracy, and where initial contact through a letter would likely be difficult. If a case with the Pueblos or Apache Nations did not emerge I intended to contact individuals with the Navajo Nation who I knew personally.

Governor said he had been considering contracting with someone to write a book about the Sandia people's claim to the mountain, for the Sandia people, and if my dissertation research could help produce this book, then he was interested. He said I would need to present the research proposal to Tribal Council.

Shortly after this meeting with the Governor, however, I learned that I would need to retake my final comprehensive examination. I was hesitant to present a research proposal to Tribal Council before retaking the exam and passing it, to ensure that I would indeed be conducting research. In the meantime, based on my dissertation proposal, discussions with Councilman Chaves and Governor Paisano, and a very useful model contract between a researcher and a tribal community (provided by Carl Wilmsen following the September 2003 CFRF annual workshop), I developed a proposal for Tribal Council.²

I also attended a conference on "Indian Tribes, Natural Resources Conflicts and Alternative Dispute Resolution" (hosted by the American Bar Association's Dispute Resolution Section, in Durango, Colorado, October 9 and 10, 2003), where a panel of individuals presented on the Sandia case. The panel included Councilman Chaves, Pueblo attorney David Mielke, Cibola National Forest District Ranger Clifford Dils, Regional Forester Eleanor Townes, and Sandia Heights Homeowners' Association representative Jake Chavez. The panel provided valuable information on the case, particularly its legal underpinnings. Attending the conference also gave me an opportunity to meet some of the non-Native individuals involved in the case.

I met with Governor Paisano and Warchief Vincent Avila again in late October 2003 to re-present the proposal and request to be placed on the Tribal Council agenda. Tribal Council meets infrequently in December and January, and I hoped I could be on the agenda in November. I was placed on the agenda but was later removed because the agenda was too full. I was fortunate that the Warchief raised the issue of my dissertation himself during the November 19, 2003 Council meeting. The Tribal Council approved my conducting research on the mountain claim and planning process, not by resolution but nonetheless in the minutes of the meeting.

Since that time, I have also met with the Director the Education Department, who was very interested in the idea of involving youth in the process of interviewing tribal members. He suggested that interviews could be taped using his department's digital video equipment. I have also modified my boilerplate interview questions, those which were in my dissertation proposal, to better reflect the Pueblo's goals for the research.

3) Discuss your preliminary findings and analysis. How do they relate to your original goals/hypotheses?

At this stage of my research, most of my findings are based on participant observation through my employment with the Pueblo of Sandia. I have learned about the governance structure of the Pueblo, its administration, and significant community issues. This information has affected my case selection process and my research design, and has provided background data for my

² The draft proposal is being provided the Community Forestry Research Fellowship Program as an additional attachment, not to be posted on the web page. It is also available by request. I also developed a draft resolution for Tribal Council's consideration.

research.

One of my initial findings is that the Pueblo did not adopt a constitution under the Indian Reorganization Act of 1934 and continues to use its traditional governance structure. Religious leaders annually appoint a Governor, Lieutenant Governor, Warchief, and Lieutenant Warchief. The Governor serves, in effect, as the Chief Executive Officer of the Pueblo. The Tribal Council is comprised of former governors and, in select cases, other male tribal members, who serve for life. The Governor sets the agenda and schedule for Tribal Council meetings, which are usually held in the evenings, and may run past midnight. Meetings are not open to the public, and individuals making presentations are brought in only to present. Decisions are recorded as tribal resolutions and in the minutes of the meetings, but these are not readily available to the non-tribal public. Resolutions show the number of Councilmen voting, those in favor, those opposing, and those abstaining.

Understanding this structure and process has been essential to bringing my research interests to the attention of the community. It would not have been appropriate to try to work with the community directly, without approval of tribal leadership. Given this, it was also important to present my research interests before the new year, since the governor is appointed in early January and a new governor might not have the same interest in my work.³ The importance of tribal leadership notwithstanding, it will be difficult to work with either the Governor alone or the Tribal Council as a body, since both are extremely busy. (I do expect to work with individual Councilmen.) Also, it may be difficult to access written materials from the Pueblo, even where they do exist. More directly related to my research questions, the strength of traditional government may affect interactions with other communities.

The Pueblo is a very private community. The village is sometimes closed to all non-tribal members on weekdays, on short notice and without explanation. The main entrances to the Pueblo are gated and can be closed on such occasions. Some feasts and dances, such as those for King's Day (January 6) and St. Anthony (July 13) are open to the public, while others are not even discussed with non-tribal members. Unlike many other tribes (for example, the Pueblo of Zuni), the Pueblo of Sandia has not been heavily studied by anthropologists and other scientists and its cultural traditions are not well documented in print. This level of privacy reinforces my original intent not to ask about specific religious practices associated with Sandia Mountain.

Other findings speak more directly to the relationships between the Pueblo and its neighbors, and may shed light on their during the mountain claim and T'uf Shur Bien planning process. Pueblo of Sandia lands border the City of Albuquerque, the Town of Bernalillo, and unincorporated areas of Bernalillo and Sandoval counties. The Pueblo is closest to the Town of Bernalillo, so tribal members have historically gone there to shop and use services. Many Sandia tribal members went to school in Bernalillo and became friends with members of its predominantly Hispanic population. On the other hand, the Pueblo is located relatively far from downtown Albuquerque. It continues to fight against the City's proposal to build a road through Petroglyph National Monument, an area sacred to the Pueblo. It also lost a battle with homeowners over re-zoning land it purchased within the city limits. Many city residents and

³ Governor Stewart Paisano was reappointed for a fifth term in January 2004.

business organizations do not approve of the Pueblo's casino, and assume that tribal members are wealthy as a result of its success. There appears to be little understanding of tribal rights.

The Pueblo of Sandia also interacts with the federal government. The Pueblo was the first tribe to adopt water quality standards under the Clean Water Act, yet the U.S. Environmental Protection Agency has failed to enforce these standards against the Pueblo's upstream neighbors. The Pueblo also maintains its stretch of the Rio Grande to a level of quality that supports endangered species such as the Rio Grande silvery minnow and the Southwestern willow flycatcher, yet there are questions about whether the U.S. Fish and Wildlife Service's right for water for these species trumps the Pueblo's own rights for water. The Pueblo is also somewhat dependent on the Bureau of Reclamation for water delivery. In addition, the Pueblo receives funding from other federal agencies, such as the Bureau of Indian Affairs and Indian Health Service, through a cumbersome bureaucratic process. The Pueblo interacts directly with Congressional representatives, and holds fundraisers on occasion. While the federal government does have a trust responsibility to the Pueblo, it is apparent that the Pueblo does not feel this responsibility is met in its entirety. This relationship is also likely to have affected the mountain claim and T'uf Shur Bien planning process.

The Pueblo's relationship with state government is complex. On the one hand, the Pueblo does not fall under state law. On the other hand, it must interact with the state for such important tasks as negotiating gaming compacts and building roads. Tribal leadership typically interacts with high-level state officials (the Governor, Department Secretaries) while staff track state policy and communicate with state and regional staff on a wide range of issues. The state's role, if any, in the mountain claim and T'uf Shur Bien planning process is not clear.

In addition to hiring its own staff, the Pueblo contracts with a national law firm, Sonosky, Chambers, Sachse, Endreson, & Mielke, for a wide range of legal matters. There is some opinion – though I do not know its extent – that lawyers are not to be trusted. They may be hired by the Pueblo, but they also work for other Pueblos and tribes, and are primarily out for their own gain. At times they shut the Pueblo out of the issue. One attorney was active in the mountain claim and T'uf Shur Bien planning process.

The mountain claim and its resolution appear extremely important to the community. In April 2003, shortly before I arrived at the Pueblo, the community celebrated the final agreement protecting the mountain. Tribal members received gifts from the tribe memorializing the event, and tribal employees helped organize the celebration.

What is important now is the implementation of the agreement to benefit the Pueblo. While the primary goals of my research still center around understanding the interactions of Native Americans and non-Natives in planning processes, it is equally important to understand and support the long-term outcomes of these processes. I hope that by documenting the land claim and planning process from the Pueblo's perspective I can also foster implementation that helps to meet the community's needs.

4) What is the benefit of your research to the community?

Tribal Council's acceptance of my proposal indicates their belief that the research will be beneficial to the Pueblo of Sandia. Broadly, the Governor and Council feel that documentation of the Pueblo's claim to Sandia Mountain, the planning process for the T'uf Shur Bien Preservation Trust Area, and resulting settlement of the claim will be valuable to Pueblo. The research will explain, in a clear and concise manner, what was a very lengthy and complicated process. Although my dissertation itself is unlikely to be considered captivating bedside reading, the Governor has expressed interest in using portions of it to create a book for the Sandia people, so that they may better understand their own history and this history of the Mountain. If this comes to fruition, I would hope to co-author the book with a community member.

Understanding this history will ideally empower the Pueblo in its future efforts to protect the Mountain. Although an agreement was reached, the Pueblo is concerned about the ephemerality of government policy and would like to more fully document its underlying concerns and its intentions for its management in the event of future policy changes. The Pueblo also faces other struggles over land and resource issues. Understanding the process used to protect the Mountain, its benefits and shortcomings, may help the Pueblo in future multistakeholder planning processes.

An additional benefit to the Pueblo of Sandia will occur as part of the process of compiling documents related to the land claim and planning effort. As part of my work with the Pueblo I have been involved with a newly-formed records management task force. The Pueblo's increased success in its business enterprises has facilitated many new community projects. This has resulted in an exponential increase in paperwork on top of the existing web of red tape associated with the federal government's involvement in virtually all tribal affairs. The Pueblo is beginning to develop a records management system to resolve these problems. Though the papers associated with the land claim constitute only a small percentage of the Pueblo's files, sorting through them for this research may prove useful.

The actual process of conducting research will also be beneficial to the community. It will offer a wide range of community members the opportunity to share their perspectives on the land claim and planning process. I will attempt to involve young people in the research effort, giving them research experience and an opportunity to learn from others in their community whom they might not otherwise engage. The research project will, if funded, provide short-term employment to a tribal member who will transcribe community interviews. Finally, if the project is supported by a Community Forestry Research Fellowship, it will provide an opportunity for a Pueblo of Sandia tribal member, my "community partner," to network with others involved in similar issues.

5) Lessons learned. Include any suggestions you may have for improving the CFRF program.

An important lesson I have learned through this predissertation work is the somewhat flexible nature of "participatory" research. Originally, I hoped for an entirely participatory case study. Ideally, a tribe would tell me about a project they were working on, perhaps one I had never even

heard of before, that needed additional research. Instead, I ended up considering a case which I was already aware of and which I suspected would fit well with my proposed dissertation topic, and then working with the Pueblo to determine if, and how, the research would benefit them as well. Although in many circles this would not be considered truly participatory, I decided to be realistic in order to move forward with my dissertation. I feel that this approach still achieves the basic goals of participatory research.

An additional lesson is the importance of being in the community. My decision to take a job with the Pueblo of Sandia was partly based on the idea that being in the community on a regular basis would help me work with the community on my dissertation. (I also needed a job.) This is reinforced to me on an almost daily basis. I am better acquainted with Tribal Council through presentations I have made on the Pueblo's recently-adopted design standards, infrastructure issues related to economic development, and hiring of consultants for various projects. Outside Council Chambers, I have lunch with my boss, other Tribal Councilmen drop by my office and ask what I'm working on, I have become friends with other Department Directors and staff, and I have attended the Pueblo's King's Day dances and feast. If I were not working at the Pueblo, this level of interaction would simply not be possible. There are no other opportunities to be at the Pueblo of Sandia forty hours per week and to develop this kind of trusting relationship.

Developing this relationship, however, takes time. In hindsight, I am glad that my proposal was not brought before Council until November. This allowed time for Council to know me a little better, and judge not only the topic but my trustworthiness in conducting the research.

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