

## Technical Assistance for Sustainable Communities: Building Blocks

Community: Fort Peck Assiniboine and Sioux Tribes  
Tool: Smart Growth Implementation 101  
Date: May 6-7, 2014

TO: Bill Whitehead and Maureen Dionne

FROM: Elizabeth Schilling and Roger Millar, Smart Growth America

DATE: July 18, 2014

RE: Meeting Summary and Suggested Next Steps

### Background

The Fort Peck Assiniboine and Sioux Tribes applied for the technical assistance workshop, “Smart Growth 101,” citing the need to plan for anticipated growth associated with the Bakken oil field as their most urgent concern. The Tribes’ application indicated a lack of planning capacity and that tribal program directors and community leaders “have expressed a strong desire to receive the technical assistance and participate in interdepartmental/interagency collaborative strategic growth planning.”

Smart Growth America developed a workshop and an introductory presentation based on conversations with Shawn Olsen, the Tribes’ Acting Economic Development Director. Many of the issues she raised had to do with more strategic economic and infrastructure planning that would be more successful if it were done in partnership with other affected governments. Based on our conversations, we requested that Ms. Olsen reach out to local officials from surrounding towns and counties in addition to tribal program staff.

### 1. Key issues raised during the workshop

*Land ownership and governance* – Fort Peck Reservation covers more than two million acres, but the Tribes control as little as half of that land. Known as “fee land,” privately owned properties are subject to the governance of the town or county in which they are located. The reservation covers portions of four counties - Roosevelt, Valley, Sheridan, and Daniels – and there are seven incorporated cities within the reservation. There is some tribally owned land in the towns along Highway 2, but most of the town lots are fee land held by people who are not Tribal members.

In our preliminary research and during conversations on site, it became clear that, with the exception of water supply, there was little regional communication/coordination on land use and development issues. For instance, tribal program staff were not aware whether any of the towns on the reservation had zoning, and how it would impact Tribal lands if they did, yet these land ownership and governance patterns have profound effects on the Tribes’ approach to economic development and infrastructure provision, which has typically been opportunistic rather than

strategic. In other words, new development, infrastructure provision, and job creation efforts have been developed in response to initiatives by landowners and developers. A more strategic approach would identify needs first and then pursue funding sources and suitable sites to meet those needs.

*Economic development opportunities and challenges* – Growth associated with the Bakken oil field presents a variety of opportunities and challenges, which are summarized in the chart below. Participants in the workshop were aware of negative environmental, security, and transportation impacts associated with oil field development on or adjacent to other Tribes’ reservations. They would like to be able to enjoy the benefits of new growth if they can do so in a way that preserves or enhances existing conditions.

**Participants’ SWOT Analysis of Impacts of Bakken/Three Forks on Fort Peck**

STRENGTHS/OPPORTUNITIES	WEAKNESSES/THREATS
<ul style="list-style-type: none"> <li>• Resource in demand long term</li> <li>• Primary industry – brings money to region</li> <li>• Strong job generator – primary and secondary jobs</li> <li>• Advances in technology</li> <li>• Revenue and tax base</li> <li>• Learn from Fort Berthold experience</li> <li>• Would bring entrepreneurial opportunities to communities</li> </ul>	<ul style="list-style-type: none"> <li>• Uncertainty of boom economy</li> <li>• Housing</li> <li>• Crime</li> <li>• Traffic</li> <li>• Environmental damage</li> <li>• Change in way of life</li> <li>• Cost of living/cost of housing</li> <li>• Lack of tribal vision for how to respond to opportunity</li> </ul>

Workshop participants identified several other important economic development opportunities and activities, namely:

- West Electronics, Inc., a growing business with 100% tribal ownership that is looking to expand
- Fort Peck Community College, with campuses in Wolf Point and Poplar
- Amtrak station in Wolf Point and direct access to the Burlington-Northern mainline
- Funding to clean up and re-open an abandoned oil refinery between Wolf Point and Poplar
- A new rail spu— sponsored by West Electronics— that creates opportunities for several new industries in an industrial area south of Poplar

Participants cited the derelict condition of several properties along Highway 2 and the lack of activities/shopping opportunities in Poplar as among the most significant challenges to attracting new investment and jobs. (Note that this conversation took place in Poplar and focused more on that community than the others on the reservation.)

*Water pipeline* – The Fort Peck Reservation Rural Water System opened the Wambdi Wahachamka Water Treatment Facility in 2012, and recently completed a pipeline that will carry water east from the facility along Highway 2 to Poplar and beyond. This water can be provided to tribal members and other residents and businesses, and will likely impact the pace and density of growth in the corridor.

*Old Airport Site* – The Tribes have prepared a Programmatic Environmental Assessment for a 280-

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acre site adjacent to Tribal Offices on the edge of Poplar City. The Make it Right Foundation has committed to building 20 units of affordable housing for seniors on the site, and there is federal funding approved for a Wellness Center. Other economic development activities and additional housing could also be accommodated on the site.

*Tribal governance and program management* – Issues associated with Tribal governance structures were a consistent theme. In particular, participants agreed that the Council's complete turnover every two years hampered the Tribes' ability to make and stick to plans. The Council's direct management of personnel and hiring decisions leads to frequent turnover in staff as well. Working relationships among programs are not strong as a result, and cross-program work is rare.

## **2. Targeted strategies**

Participants in the full-day workshop identified several targeted strategies to take advantage of opportunities and address challenges, including the following:

- Regional coordination
- Inter-agency coordination
- Sustainable Village (Old Airport redevelopment)
- Community engagement
- Oil-related development

Not mentioned, but potentially valuable, is the master planning effort that the Make it Right Foundation will conduct this year.

While any of these strategies could be valuable tools to address issues and build capacity and public awareness, the rest of this memo addresses the three that build on the most immediate opportunities: regional coordination, development of the Sustainable Village, and the Make it Right Foundation's master planning work.

*Regional coordination* – All of the outcomes of Tribal investment programs are profoundly affected by other governments' policies and investment choices. By deliberately working together, the Tribes and their neighbors may be able to achieve greater benefits from the same investments and identify new resources to solve problems.

*Sustainable Village* – Development of the Sustainable Village is already well under way, with the Make It Right Foundation's 20 units planned and contractors hired to begin work on the Wellness Center. As those uses are developed and others are planned, the developments can be used to promote inter-departmental communication, public engagement, and regional coordination.

*Make it Right Foundation Master Plan* – In addition to building 20 units of affordable housing as part of the Sustainable Village, the Make it Right Foundation is bringing remarkable resources to the Reservation to conduct community outreach and information sessions as part of a Master Plan for the entire reservation. The Sioux and Assiniboine Tribes should capitalize on these resources by encouraging Tribal Members to attend the session nearest them and by committing each Council Member to attend at least two of the sessions. The Master Plan that results from the Make it Right Foundation's investment will be more valuable and useful if it represents many people's perspectives.

### 3. Actions to address policies/strategies

#### Regional Coordination

1. Create ownership and land use maps for the area high-priority locations, such as towns and job centers.
  - a. Use existing tools, such as the Montana Cadastral Mapping Service, to create maps and lists of land owners in places with a strong influence on tribal investments, programs, and Tribal Members' quality of life.
  - b. Identify sites of particular importance as community assets, such as schools and public services, or sites requiring special attention, such as vacant and abandoned properties.
2. Work with tribal attorneys, experts in Montana land use law, and experts in environmental law to describe in detail how County, Town and Tribal laws apply to parcels in different circumstances (for instance, fee land held by Tribal Members, fee land outside of towns, etc.).
3. Establish working relationships with town and county staff and elected officials. Create opportunities to discuss mutual challenges, such as the impact of oil industry growth. Whether these conversations are informal, one-on-one meetings or more organized task forces or working sessions with specific goals, their purpose is to increase understanding of other governments' perspectives, resources, and plans. These conversations are probably already happening, but it would be valuable to make them a priority for Program Managers.
4. Implement intra- and inter-governmental outreach requirements for every major infrastructure and economic development decision the Tribe makes. The purpose of this requirement is not to seek permission or consent for these projects (unless required by law), but to look for additional opportunities to leverage investments to the greater benefit of Tribal Members and other residents inside Reservation boundaries.



The patchwork of tribal and fee lands is evident in this clip of Poplar, MT, from the Montana Cadastral Mapping Service (<http://svc.mt.gov/msl/mtcadastral>).

### Sustainable Village

1. Determine which tools are available to implement plans for the Old Airport Site. This question was raised at the very end of the workshop, but it deserves additional discussion and research. Participants in the workshop had very different impressions of what was going on at the site, what it was called, and how much progress had been made there. The Tribal Council has subsequently approved contracts to begin construction on a Wellness Center, and the Make It Right Foundation's housing investment, while delayed, is a firm commitment. In order to assure that the rest of the site is developed to support the Tribes' goals for these projects and for the site as a whole, it would be helpful to have some legal mechanisms to ensure consistency over time.
  - a. *Zoning* – Montana law requires local governments to adopt a Growth Policy in order to adopt and implement a zoning code. It is unclear whether this requirement applies to the Tribes, or whether it would apply differently to fee lands and tribal lands. Other Tribes have adopted zoning codes enabled by their own constitutions (see additional resources, below). Understanding the Tribes' ability to implement zoning is important for many reasons, including (as noted during the workshop) for the Tribes' Brownfields program's ability to reduce risk at contaminated sites.
  - b. *Other legally adopted development plan* – Zoning is an especially contentious issue in many communities in the Intermountain West, and it may be politically difficult to adopt a Tribal zoning code. Another potential tool is a master plan adopted by the Tribal Council. There are ways to write and illustrate such a plan that would allow some future flexibility without abandoning the current goals for the site.

2. Connect the Village to surrounding neighborhoods. The Old Airport site is well located to complement existing development. Across the street from the Tribal Offices and surrounding three sides of an existing residential neighborhood, the site is also on the boundary of the City of Poplar. Infrastructure investments required to serve the Sustainable Village could be designed to provide easy, safe access for people who want to walk from the Wellness Center to other important resources nearby, such as the Community College and the High School, which are within a mile of the site—less if new sidewalks provide direct access. Additionally, while there is a clear intention to make the Old Airport redevelopment accessible to all, it would be valuable to plan ahead for site circulation that will link the development to Poplar and accommodate all users.
3. Use the Village to develop interdepartmental working relationships. Many of the decisions and investments that will be made in the process of developing the Old Airport site affect multiple Programs within the tribes. The development process may be smoother and more cost-effective if the Tribes create an opportunity for ongoing coordination and communication. The strategies used to achieve coordination could then be replicated as appropriate for other developments and investment programs.
  - a. Assign one department, such as Economic Development, to convene inter-departmental coordination meetings for all impacted Programs.
  - b. Meet regularly, even if a meeting is brief, to ensure that important decisions are communicated.

#### Make it Right Foundation Master Plan

1. Contact the Fort Peck Housing Authority and the Make it Right Foundation project manager to learn more about their housing and master planning projects and processes. The Foundation's initial site visits took place before the current Economic Development Director was on the job. The Foundation expressed an interest in making their master planning work as useful to the Tribes as possible, and would welcome additional inquiries about their plans.
2. Participate in the Master Planning process to the extent practicable. The opportunity to observe the Master Planning process is rare and valuable. The work the Foundation will do can teach Tribal employees and others about planning and development tools and how they are used. The Make it Right Foundation also uses inclusive outreach techniques that could be very useful in future planning work.
3. Identify other uses for the resulting Master Plan and its byproducts, such as community needs assessments, etc.

## 4. Measuring progress

In the context of limited financial and staffing resources, an opportunistic approach to economic development can be the best choice. As Fort Peck representatives have told us, “You start from where you are and work with what you’ve got.”

Increasing the Tribes' capacity to think and invest strategically will have lasting value. Success in this case should be measured as progress towards a new approach to economic and community development that uses strategic investments and collaboration to build the value of existing assets.

Below are short-, medium-, and long-term actions that will help the Tribes achieve these ends:

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*Short-term actions*

- Sit down with the Tribes' Sustainable Village project managers to learn more about opportunities to connect each project to surrounding neighborhoods, both physically and economically.
- Contact the Fort Peck Housing Authority and the Make it Right Foundation project manager to learn more about their housing and master planning projects and processes.
- Participate in Make It Right Foundation Master Planning public workshops.

*Medium-term actions*

- Seek out partners, such as universities or state or federal agencies, who can work with the Tribes to prepare land ownership maps and mark high-priority sites.
- Work with Tribal Brownfields Program staff and the Great Northern Development Corporation to identify grant and loan programs available for assessment and cleanup of vacant and abandoned properties on tribal or fee lands.

*Long-term actions*

- Initiate regular inter-departmental meetings.
- Work with state and/or regional agencies to convene a meeting of city, county and tribal officials to discuss opportunities to restore and redevelop properties along Route 2 in Poplar.