



# governance toolkit

## best practices

**Principle:** Territorial Integrity  
**Government:** Yakama Nation

### OPPORTUNITY

*The Yakama Nation is located in central Washington State. Their struggles with land loss began over 150 years ago when, in 1855, the federal government pressured the Yakama to cede by treaty more than ten million acres of their ancestral homelands. In the latter half of the 1800s and early 1900s, individual tribal citizens were granted fee patent land titles, which both freed surplus reservation land for non-Indian settlement and permitted tribal citizens to sell their land to non-Indians. Faced with difficult economic choices, many tribal citizens did so.*

This pattern of landholding, in which Indian and non-Indian parcels are interspersed across the reservation, creates a jurisdictional morass: a majority of the nation's land is potentially subject to competing state and county claims of jurisdiction. Indeed, the checkerboarded nature of the Yakama reservation has led to numerous jurisdictional disputes over land and water, boundaries, hunting restrictions, environmental regulation, and taxing authority all of which have set the Yakama Nation at odds with individual non-Indian land owners as well as county, state, and federal gov-

### NCFNG

is a national, independent, First Nations-controlled organization dedicated to supporting First Nations as they work to implement their inherent right to self-governance. The development of a set of shared principles that clearly articulate our approach to effective governance is one way in which we support that work. This NCFNG Effective Governance Case Study profiles a best practice in the principle "Territorial Integrity".

To learn more about this case study, contact:  
Yakama Nation Land Enterprise  
[www.ynle.com](http://www.ynle.com)

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ernments. These disputes have slowed development, compromised the nation's economic interests, and challenged its stewardship over the land and local wildlife.

Recognizing the need for a comprehensive and effective program to manage, control, and promote land repurchase, the Yakama Nation Land Enterprise (YNLE) was created in 1950 to provide the nation with an institutional vehicle to confront the crisis of land loss by buying and developing land within the reservation.

### PRINCIPLE IN ACTION

The YNLE's objective is to purchase, consolidate, regulate, and develop land on behalf of the Yakama. Drawing on revenues generated by the YNLE itself, the enterprise buys land from non-Yakama entities and from individual tribal citizens. The process begins when tribal citizens or non-Yakama landowners who want to sell land submit an application to the YNLE. If the YNLE determines that the acquisition is desirable and that it is in a financial position to make a purchase, it buys the property and begins the land-into-trust process.

These transactions have multiple benefits for the nation. Each piece of land purchased increases the nation's overall land base, facilitates reservation land consolidation, and expands the territory over which the nation exercises jurisdiction. By generating increased opportunities for tribal land development, the YNLE's land purchases also augment the nation's economic base and contribute significantly to the Yakama Nation's primary economic engines of agriculture, timber, and tourism. The YNLE orchard operations alone realize between three and five million dollars in annual income for the Yakama.

### SUCCESS FACTORS

Key to the YNLE's success is the synergistic relationship it has created between its land purchase and land development activities; a relationship that has made the YNLE financially self-sufficient. While the YNLE

originally relied on capital contributions from the Tribal Council and long-term, low-interest loans from the US Department of Agriculture, since 1983, the YNLE's activities have been self-financing. With a current asset value of 130 million dollars the YNLE can purchase between three and six million dollars worth of land each year.

YNLE success is also due to the fact that the enterprise possesses a clear and appropriate relationship with the Yakama Nation's elected government. Since its initial formation, the Enterprise has operated under a tribal council-approved plan of operation. The plan codifies the YNLE's broad purposes, institutional structures, sources of capital, and methods of business.

A further indicator of the YNLE's success is the positive effect its land purchase and development activities have had on the nation's social and governmental infrastructure. Today, many of the nation's housing subdivisions, community buildings, and tribal government departments are located on YNLE-purchased lands. These include three daycare centers, two ranger stations, five longhouses, a cultural center, and the Yakama Nation Tribal School.

Lastly, the YNLE's success is the result of its strategic orientation. As an example, for years in their agricultural operations the YNLE profited by leasing agricultural lands to non-Yakama farmers. Recently, however, the YNLE assumed the management of fruit and vegetable operations itself. The years spent leasing allowed the Yakama to gain expertise, and the move to direct management allows them to take advantage of new demands for Native American products and to sell its own brands of fruit and vegetables.

In 2002, the Yakama Nation Land Enterprise was recognized as a recipient of the prestigious "Honoring Nations" award by the Harvard Project on American Indian Economic Development at the Kennedy School of Government. "Honoring Nations" identifies, celebrates and shares information on best practices in exemplary tribal government programs among the over 550 nations across the United States.

**The most fundamental land management goals of the nation are sovereignty, conservation / preservation and economic diversification**  
— Sovereignty and Strategy on the Yakama Reservation

## **CHALLENGES**

The Yakama Nation faces a number of challenges in its efforts to manage its land base in ways that fulfill the tribe's fundamental goals.

Government officials observe a lack of coordination between the agencies within the Yakama Nation's government that are responsible for making decisions relating to land use or acquisition. By not coordinating activities, government agencies miss potential advantages that may result from collaboration or consultation. By not communicating across agencies and the community at large, agencies tend to lose the confidence of other decision-makers and become suspect to public criticism. Finally, coordination and consultation between government agencies is necessary to avoid conflicts over agencies' competing priorities for specific parcels of land.

Another category of challenges involves the nation's lack of control over the ownership, management and regulation of many parcels of land within the open area of the territory. Non-tribal ownership of lands within the reservation has produced, in turn, a number of challenges to the tribe's regulatory control of those lands.

## **NCFNG GOVERNANCE LESSONS LEARNED**

*Territorial Integrity* asserts that it is imperative that First Nations organize to illustrate both their historic and present day connections to the land. While territorial integrity begins with assertion, it must be further supported by land use mapping and stewardship planning that permit the reclamation of responsibility for decision making.

Purchasing fee simple lands can be a good way for a First Nation to expand and consolidate its land base, assert their connection to the land, and to exert their inherent right to self-government. We have begun to see First Nations utilize this strategy under the treaty land entitlement process and many First Nations involved in the B.C. treaty process are currently negotiating to be able to purchase willing-seller, willing-buyer lands.

## **LINKS AND MORE INFORMATION**

Harvard Project: Yakama Nation

[www.hks.harvard.edu/hpaied/hn/hn\\_2002\\_land.htm](http://www.hks.harvard.edu/hpaied/hn/hn_2002_land.htm)

Sovereignty and Strategy on the Yakama Reservation

[www.hks.harvard.edu/hpaied/docs/PRS98-8.pdf](http://www.hks.harvard.edu/hpaied/docs/PRS98-8.pdf)