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Yakama Nation Land Enterprise Confederated Tribes and Bands of the Yakama Nation (Toppenish, Wash.)

Contact:
PO Box 151
Toppenish, WA 98948
Phone: (509) 865-2251
Web: www.ynle.com

The Yakama Nation Land Enterprise was created in 1950 to provide the Yakama Nation with an institutional vehicle for confronting its longstanding crisis of land loss. By taking an active role as a buyer and developer of land within the exterior boundaries of the Yakama Reservation, the Yakama Nation Land Enterprise presents an excellent model of how Indian nations can reduce reservation checkerboarding decrease attendant jurisdictional disputes with other governments, and develop revenue-generating businesses to complete a cycle of self-sufficient land repurchase.

Lying along the eastern slopes of the Cascade Mountains, the Yakama Nation's reservation encompasses nearly 1.4 million acres of south central Washington State. While this is a large land area, the Yakama Nation and its citizens own only a fraction of the land within the reservation's external boundaries; currently, a mere 90,000 acres are held in trust. The Yakama Nation's struggles with land loss began almost 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 later 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. In sum, allotment further contributed the Nation's land loss and resulted in a highly checkerboarded reservation comprised of trust and fee land.

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 Nation's 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 governments. These disputes, in turn, have slowed the progress of development, compromised the Nation's economic interests, and challenged its stewardship over the environment and local wildlife.

Recognizing the need for a comprehensive and effective program to manage, control, and promote land re-purchase, the Yakama Nation created the Yakama Nation Land Enterprise in 1950. From its inception to today, the Enterprise's objective has remained the same: to purchase, consolidate, regulate, and develop land on behalf of the Yakama Nation. Drawing

upon revenues generated by the Enterprise itself, the quasi-governmental entity buys fee-simple land from non-Yakama entities and trust land from individual tribal citizens who, because of illness, relocation, or an inability to transfer land to heirs, are seeking to sell lands. The process begins when tribal citizens or non-Yakama landowners who want to sell land submit an application to the Enterprise for consideration. If the Enterprise determines that the acquisition is desirable and that it is in a financial position to make a purchase, it pays cash for the property and subsequently begins the land-into-trust application process.

Significantly, these transactions have multiple benefits for the Nation. Each piece of land purchased increases the Yakama Nation's overall land base, facilitates reservation land consolidation, and expands the territory over which the Nation exercises jurisdiction. Notably, expanded holdings not only allow the Nation to regulate more land on its own terms, using culturally appropriate codes and practices, but through decreased checkerboarding, limits the prospects for jurisdictional disputes. By generating increased opportunities for tribal land development, the Enterprise's land purchases also augment the Nation's economic base.

Perhaps the clearest measure of the success of the Yakama Nation Land Enterprise is its impressive record of land purchase and consolidation. Since its creation, the Enterprise has purchased tens of thousands of acres, including tribal citizen-held tracts with complicated heirship as well as large tracts owned by major non-Indian corporations. The Enterprise's most significant acquisition came in July 2001 when it purchased 27,939 acres of forestland located within the closed area (that is, limited-access area) of the reservation from International Paper. As a result of this purchase, the Nation owns ninety percent of the reservation's closed area, thus greatly enlarging the number of acres available for the exclusive use of tribal citizens. Given the importance of land to the Yakama for religious and cultural use, tribal leaders and citizens view this particular purchase as extremely rewarding.

Yet the total number of repurchased acres isn't the sole measure of the Yakama Nation Land Enterprise's success. As noted above, a critical component of the Enterprise's work is land development. These operations contribute significantly to the Yakama Nation's primary economic engines agriculture, timber, and tourism. In the agricultural sector, the Enterprise grows and harvests corn, wheat, alfalfa, asparagus, Merlot grapes, and fruit. Its orchard operations alone realize between three and five million dollars in annual income. With respect to timber, the Enterprise partners with Yakama Forest Products a tribal enterprise with 250 employees to harvest timber on lands purchased by the Enterprise (the recent land purchase from International Paper yielded 10,000 board feet of lumber per acre). The Enterprise plays a key role in bolstering tourism on the reservation as well. One notable success is the 125-pad RV park it owns and operates, which draws over 7,000 campers annually. Significantly, the Enterprise's land development activities also are sparking reservation business development beyond the core activities of agriculture, timber, and tourism. Through the creation of the Wapato Industrial Park, for example, the Enterprise has successfully attracted a number of non-tribal businesses onto the reservation, businesses that provide even more job opportunities for tribal citizens.

A final indicator of the Enterprise'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 Enterprise-purchased lands. These include three daycare centers, two ranger stations, five longhouses, a cultural center, and the Yakama Nation Tribal School.

An important determinant of the Yakama Nation Land Enterprise's success is the synergistic

relationship it has created between its land purchase and land development activities, a relationship that has made the Enterprise financially self-sufficient. Although the Enterprise originally relied on capital contributions from the Tribal Council and long-term, low-interest loans from the US Department of Agriculture, since 1983, the Enterprise's activities have been self-financing. Specifically, profits realized from Enterprise-developed businesses or business arrangements are directed into a trust account that can be drawn down to purchase additional lands. With a current asset value of 130 million dollars which includes land and developments the Enterprise is able to purchase between three and six million dollars worth of land each year.

In no small part, the success of the Yakama Nation Land Enterprise also is 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 Enterprise's broad purposes, institutional structures, sources of capital, and methods of business; it also vests authority over day-to-day operations with the Enterprise's managers (rather than with the Council). Recognizing the desirability of governmental oversight, however, the Plan requires the Enterprise to regularly report on its activities and submit financial statements and projections to the Tribal Council's Land Committee. While the Land Committee affords the Enterprise crucial operational freedom and flexibility, it provides strategic and public policy guidance. For example, the Committee determines what percentage of the Enterprise's trust can be spent for new land purchases, and decides what non-revenue producing projects (construction/renovation of elderly housing and schools, etc.) the Enterprise will fund or develop for the benefit of the larger community. Under this relationship, the Enterprise concentrates on operations and the Tribal Council on issues of policy.

Lastly, the Enterprise's success can be attributed to its strategic orientation. For example, the Enterprise's industrial park takes full advantage of the Yakama Nation's tax-exempt status on trust lands, which enables it to offer non-Indian businesses low lease rates and thereby better attract tenants. Another example of the Enterprise's strategic orientation is demonstrated in its agricultural operations. For years, the Enterprise profited steadily by leasing repurchased agricultural lands to non-Yakama farmers. Recently, however, the Enterprise 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. The Enterprise has sold pears to the Del Monte Corporation and to Monson Fruit, developed three Yakama Nation Apple labels, and popularized its Broken Spear Pickled Asparagus. Inspired by the brands' popularity in the US and the potential for even greater demand for Native American products overseas, the Enterprise now is also marketing its products internationally, recently participating in world food shows in Japan, France, Germany, Mexico, and Taiwan. These efforts are paying off. By diversifying its agricultural holdings, developing its own products, and aggressively marketing them domestically and overseas, the Enterprise has realized a five-fold increase from its previous lease income.

Given the prevalence of checkerboarded American Indian reservations, recent US Supreme Court decisions limiting Indian nations' jurisdiction over fee land within reservation boundaries, and the cultural importance of land and its conservation within Native communities, effective and comprehensive land management is important to most Native nations. The Yakama Nation Land Enterprise is a shining example of how an Indian nation can strengthen its ability to increase and subsequently manage resources on tribal terms. By expanding the Yakama land base, consolidating land holdings and bringing them under tribal jurisdiction, using acquired land for business and governmental purposes, and drawing these

goals together through sound operations and a strategic outlook, the Yakama Nation Land Enterprise proves that for the Yakama Nation, sovereignty is about people, identity, and land.

Lessons:

- Establishing a tribal enterprise to purchase fee lands can be a good way for an Indian nation to expand and consolidate its land base and to regulate activities within reservation boundaries. Consolidation is an especially useful means of mitigating jurisdictional confusion on checkerboarded reservations.
- Although tribal land enterprises require significant initial capitalization (tribal government investment, loans, etc.), they can become self-funding. Land development, for example, can generate revenues to support future land purchases.
- A tribal enterprise's success depends heavily on how it is governed, and specifically on the relationship between managers and elected leaders. Enterprises in which managers have control over day-to-day decision making are more likely to be successful than those in which political pressures drive operational decisions.

79 John F. Kennedy Street • Cambridge, Massachusetts 02138
telephone: (617) 495-1480 • facsimile: (617) 496-3900
website: www.hks.harvard.edu/hpaied