

Peace Accord in Aquinnah

Daffodils are a symbol for hope, and so perhaps it is fitting that the memorandum of understanding between the town of Aquinnah and the Wampanoag Tribe of Gay Head (Aquinnah) comes at the time of year when the daffodils are spread across the Vineyard in great profusion.

Hopeful is the best word to apply to this new juncture between the town and the tribe, which have seen at best uneasy peace in the decades following the long, difficult period that led to the historic 1983 Indian land claims settlement. The principal architects for the memorandum on land use were town attorney Ronald H. Rappaport and tribe attorney Douglas Luckerman, and both deserve high praise for navigating tricky rapids to get there. The outcome was never certain during a short series of summit talks on the issue, but Mr. Rappaport and Mr. Luckerman kept a steady hand on the tiller, and last week the memorandum found accord. The town and the tribe still must vote to ratify it.

The memorandum sets out a parallel land use permitting process that respects the roles of both governments but does not undercut the Massachusetts Supreme Judicial Court decision of last year that found the settlement agreement trumped the doctrine of sovereign immunity, at least on the subject of land use.

This week the tribe applied for a building permit for the illegal shed and pier that triggered the landmark case. That is a good first step, but the tribe must also now apply for permits for a community center that has already gone up on Black Brook Road. The tribe approved the center through its own land use process, but failed to apply for town permits.

The community center, which has no court case attached to it, will be a true test of good faith on the part of the tribe and of whether it will now act with dispatch to follow town bylaws.

There is no reason to wait.