

The Martha's Vineyard Times

Editorial

In Aquinnah, an opportunity

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At their special meeting Tuesday, Aquinnah voters and members of the Wampanoag Tribe of Gay Head (Aquinnah) - who account for a significant plurality among Aquinnah's pool of registered voters - have an opportunity to build a useful bridge between town and tribe. We hope the voters seize the moment.

The politics of Aquinnah are as complex as politics can be. Broadly, the various interest groups include the members of the tribe, many of whom are registered voters, and some of whom are or have been town elected officials. There are the non-Indian year-round residents and voters, many of whom are intensely sympathetic to the unique interests of the Wampanoag community, which is a sovereign (in many respects), federally recognized political entity of its own, within the political entity known as Aquinnah. And there are the non-resident, non-voting, property-owning taxpayers, whose influence depends upon their vigilance and persuasive attention to town affairs, which can affect the distinct interests of these seasonal residents, who have significant financial and emotional investments in the town. And finally, there are the broader interests of the rest of us who are year-round or seasonal residents of the other five Island towns and of the residents of the Commonwealth with a stake in the continued prosperity and well-being of Martha's Vineyard. Among these interest groups there is an immeasurable potential for disagreement and stalemate, both the notorious building blocks of community deconstruction.

The memorandum of understanding known as the "Intergovernmental agreement on cooperative land use and planning between the Wampanoag Indian tribe and the town of Aquinnah," which the voters will consider Tuesday, outlines a parallel permitting process overseen by a special-purpose Aquinnah planning advisory board, including tribe and town members.

Over the issues that may arise and fall under the advisory committee envisioned by the memorandum, either side may ultimately resort to legal action, but the memorandum establishes a series of steps to be taken toward resolution of a conflict before legal action may be taken. And, importantly, it proscribes the use of a claim by the tribe of sovereign immunity on building, zoning, and conservation issues should court action ensue. This itself is a spur to cooperation on such issues.

The Gay Head Taxpayers Association (since renamed the Aquinnah/Gay Head Community Association, Inc.), the town, and the state all signed the 1983 settlement agreement that led to federal recognition of the Wampanoag tribe. That agreement specifically provided that the settlement lands, which are now held in trust for the tribe by the Secretary of the Interior, would be subject to all federal, state, and local laws, including town zoning laws, state and federal conservation laws, and the regulation of the Martha's Vineyard Commission. The question was how to conform this requirement with the award of sovereignty that came with federal recognition. Battling over the question in court has proven exhausting, frustrating, expensive, and time-consuming, and when the legal tussle was over, there remained the matter of working things out on a practical level.

The memorandum of understanding that will be presented to Aquinnah voters on Tuesday defines a

way, certain to be be more productive than lawsuits, to move forward on building, zoning, development, and conservation issues. It deserves tribe and town support.

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