

A Bridge to Tribal Co-Stewardship

**An Assessment of Joint Agreements Between Tribal Nations
and the U.S. National Park Service**

Prepared by Cameron P. Venable, PhD

**For
The National Parks Conservation Association**

October 2023

Introduction

On March 1st, 1872, The Yellowstone National Park Protection Act established the world's first national park "... dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people." Forty-four years later, in 1916, lessons learned from the management of Yellowstone helped in formation of the National Park Service (NPS), enabled by The National Park Service Organic Act, with a fundamental objective; "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."¹ However, hidden by celebratory conservation efforts, a harsh reality existed for Tribes—the protected lands often resulted in their forcible and sometimes violent removal. When the act said "people" and "future generations," the ancestral connections, sentiments, and past generations of Tribal Nations, the original inhabitants and stewards of North America, were not included. It is no secret that Indigenous peoples have faced atrocities since European settlers first came to North America. I will not dive into the details of Tribal and federal relations, as that story is full of heartbreaking trauma that is still very much felt by first peoples every day. Instead, I will use this space to highlight a pivotal point of restorative justice in American history, where the federal government has the chance to acknowledge past wrongs, build trusting relationships, and embrace a path of actionable healing. As such, I intend to (1) provide insight into co-stewardship efforts between the National Park Service and Tribes as a mechanism to recognize the voices of the original stewards to what is now, the present-day United States of America, (2) highlight traditional ecological knowledge (TEK) as form of environmental justice and a matter of common sense, and (3) suggest potential steps for NPCA

¹ Department of Interior. (1916). [National Park Service Organic Act](#). Pub. L. No. 64-235, 39 stat. 535.

to be the driving force in advocacy efforts for Tribal co-stewardship. Alongside this summary report of my findings: Appendix A will include selected agreements highlighting the current state of co-stewardship agreements and Appendix B is an annotated bibliography containing a collection of information and sources relevant to co-stewardship.

In recent years there has been a concerted effort by governmental agencies to strengthen the role of Tribal communities in federal land management. In a joint effort by Secretary of Interior Deb Haaland and Secretary of Agriculture Tom Vilsack issued Secretary's Order 3403: Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters.² This order (1) acknowledges that federal lands were once owned and managed by Indian Tribes with cultural and natural resources significant to the Tribes, as well as the reserved rights to Tribal way of life and (2) directs agencies to increase opportunity for Tribes to participate in traditional stewardship of present-day federal lands/waters, while integrating TEK practices into federal management and operations.

What Does Co-Stewardship Look Like?

As of July 2022, The National Park Service (NPS) Office of Policy is drafting a memorandum to implement Secretarial Order 3403. Co-stewardship as defined by NPS, “refers to cooperative and collaborative engagements of bureau land managers and Tribes related to shared interests in managing, conserving, and preserving natural and cultural resources under the primary responsibility of Federal land and water managers.” It is a broad umbrella of working relationships with Tribes that can be split into three major categories: (1) co-management through federal legislation, (2) cooperative and collaborative management through specific

² Office of the Solicitor, United State Department of Interior. (2022 November). [*Current Land, Water, and Wildlife Authorities That Can Support Tribal Stewardship and Co-stewardship.*](#)

agreements, and (3) self-governance agreements, including annual funding agreements under the Indian Self-Determination Education and Assistance Act. Each of these methods is a way to engage Tribes in a partnership centered around the common interest of preservation of natural and cultural resources.

Co-Management

Co-management is the most robust and substantive type of agreement, in which Tribes have some direct legal authority over management decisions and implementation and can be seen as the highest level of a co-stewardship relationship. As defined by Secretary Order 3342, co-management is, “a situation where there is specific legal basis that requires the delegation of some aspect of federal decision making or that makes co-management otherwise legally necessary.” In other words, co-management must be derived from federal legislation as it removes power from federal agencies and gives power to Tribes. The best way to describe it is that in co-management relationships decision making is shared, versus that power lying solely at the discretion of federal agencies. To date, there are only four agreements establishing co-management authority with Tribes, as described in their enabling legislation: Canyon de Chelly National Monument, Big Cypress National Preserve, Glacier Bay National Park and Preserve, and possibly the best of example the four, Grand Portage National Monument (GRPO).

GRPO is possibly the best current example of co-stewardship. In the enabling legislation, Congress used very intentional language to reserve the rights of the Grand Portage Band of Lake Superior Chippewa and the Minnesota Chippewa Tribe. Under their agreement, a joint panel of NPS staff and Tribal members was created to supervise the administration of the monument.³ There is also a preference for employing qualified Tribal members for services such as

³ [Enabling Legislation for Grand Portage National Monument](#), Pub. L. No. 85-910, 72 stat 1751 (1958).

construction, maintenance, and visitor services. GRPO is a rare case where the Tribe has equal partnership in day-to-day tasks as well as hiring of personnel (see more detail about other co-management agreements in Appendix A).

Cooperative Agreements

A wide variety of cooperative agreements exist based on circumstances and authorities in each case. Agreements must meet these criteria to be within this category: (a) to transfer money, property, services, or anything else of value from NPS to the partner, (b) NPS anticipates substantial involvement while planning and conducting the activity proposed, (c) record keeping and compliance with any reporting requirements specified in the agreement, and (d) reviewed by the office of the solicitor. However, when these cannot be met, they are considered “General Agreements,”⁴ meant to establish relationships between entities. General Agreements include Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA). Essentially, these mutual agreements ensure park commitment to Tribal partners and serve as an accountability tool in preserving relationships for potential collaborative efforts or a lead into cooperative agreements.

Some impressive examples of cooperative agreements are at Badlands National Park (BADL) and Sitka National Historical Park (SITK). Through BADL’s enabling legislation and a MOA, the Oglala Lakota Nation and NPS cooperatively manage the park.⁵ NPS manages the north unit and the Nation manages the south unit, which is entirely within the Pine Ridge Indian Reservation. Their agreement provides the Oglala Lakota Nation with the authority to fill all NPS positions at the south unit and the right to a cultural center detailing their heritage. Full

⁴ National Park Service, U.S Department of the Interior. (2003). [*Director’s Order #20: Agreements*](#).

⁵ [Memorandum of Agreement Between the Oglala Sioux Tribe of South Dakota and The National Park Service of the Department of The Interior to Facilitate Establishment, Development, Administration, and Public Use of The Oglala Sioux Tribal Lands, Badlands Nati\(1976\).](#)

authority to tell their own story is completely different from consultations with NPS for the agency to tell the story; it puts the power in the Tribe's hand to describe their history completely and truthfully. The agreement currently allows some independence to the Tribe, however, to incorporate a more collaborative approach, in 2012 a general management plan was created to explicitly define roles and responsibilities. As part of the general plan, NPS has allotted funds in recent years to integrate into joint operations.

SITK is another example that encourages cooperation. The MOU objective with the Sitka Tribe of Alaska is “to recognize areas of mutual concern and support, establish a framework for cooperative relationships and promote communication,”⁶ Other aspects of the agreement require Tribal consultation in the storytelling of the area, mutual research projects, a Tribal liaison officer for routine activities, and employment opportunities for Tribal members with NPS. The park staff is also required to reciprocate communication efforts with a Park Liaison Officer. Aligning their interests and enhancing their joint communication efforts are steps towards strengthening their relationship. In 2018 a general agreement was reached between NPS and the Sitka Tribe to co-manage educational programs, including public events and visitor services. Their relationship is a reminder that relationship building takes time, but when done right, they were able to build a framework and provide future points for collaboration.

Indian Self-Determination Education and Assistance Act (ISDEAA) Agreements

Lastly, NPS has made a concerted effort to negotiate with Self-Governance Tribes for annual funding agreements (AFA). In short, this act codifies the moral obligation of the United States to respect Tribal self-determination. “Self-Governance” is a designation by the Department of Interior through an application and negotiation process that provides Tribal governments with

⁶ [Memorandum of Understanding between the Sitka Tribe of Alaska and the Department of the Interior National Park Service Sitka National Historical Park.](#) (2004).

control and decision-making authority over federal financial resources provided for the benefit of the Tribe.⁷ Through AFAs, Tribes are administered the financial means to produce programs, services, or functions that are of special geographic, historical, or cultural significance to a Self-Governance Tribe. There are several examples where ISDEEA recognizes Tribal sovereignty and authority: At Redwood National and State Park, an AFA provides funding for the Yurok Youth Trail Crew to work along with park staff in repairing sections of the California Coastal Trail. River Raisin National Battlefield Park provides funding to the Wyandotte Nation for educational programs, volunteer support, youth programs, and management.⁸ The intent of these agreements is to provide Tribal communities with the means to independently manage their own projects and address community concerns in regards to the park units.

The Integration of Traditional Ecological Knowledge in Federal Land Management

Here is one working definition of TEK: “Traditional ecological knowledge [is] a cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment.”⁹ It is a deeply cultural and multi-generational process for communities and groups of people who live in proximity to and rely on their local natural environment for physical and spiritual sustenance, a deep-rooted connection to the natural world. It only makes sense that through centuries or millennia in a given location, people have gained wisdom and insight into healthy functioning systems that have been passed down. Accordingly, TEK coupled with western science—the guiding governmental voice of natural resource management—can fully understand the history and develop appropriate and

⁷ Bureau of Indian Affairs, Department of the Interior & Indian Health Service, Department of Health and Human Services. (1996). *Public Law 93-638: Indian Self-Determination and Education Assistance Act, as Amended*.

⁸ U.S Department of the Interior. (2020). [*Tribal Self-Governance - Annual Report to Congress*](#).

⁹ Berkes, F. (2018). *Sacred Ecology*, p.8.

effective resource management. To successfully incorporate TEK, the conversation begins with the acknowledgement of Tribal expertise of aligned interests and the proper execution of a trusted partnership.¹⁰

TEK has proven to be beneficial, but the primary hurdle to integrate it into management policies is trust. Tribes have a justifiable level of distrust of the federal government from a history of harms from genocide and forced relocation to violated treaties and a lack of inclusion. In a Park Science Report, a lack of trust was found to be one of the biggest project challenges when working with Tribal governments.¹¹ To earn trust in hopes of building collaborative partnerships, it is on governmental agencies to do the legwork, meaningfully engage with Tribes, and build relationships. Which brings us to the next question: How can federal agencies, such as NPS, build trust with the Tribes? By showing an intent to foster a relationship and correct historical wrongs of exclusion, by ensuring the rights and services to Tribes, incorporating TEK, and formalizing this into agreements that benefit Tribal Nations.

The CARE Principles of Indigenous Data Governance should be considered when TEK is in question. To avoid historical violations of rights that typically occur in more transactional relationships with Tribes, ownership and respect to the nations needs to be fully considered. The CARE Principles¹² are defined as:

1. **Collective Benefit:** (i) For inclusive development and innovation, (ii) for equitable outcomes, (iii) for improved governance and citizen engagement.
2. **Authority to Control:** (i) Recognizing rights and interests, (ii) data for governance, (iii) governance for data.

¹⁰ Bowers, K. (2005). Learning from traditional ecological knowledge. *Ecological Restoration*, 23(3), 149-149.

¹¹ Henn, M., Ostergren, D., & Nielsen, E. (2011). Integrating traditional ecological knowledge (TEK) into natural resource management. *Park Science*, 27(3).

¹² Carroll, SR, Garba, I. et al. (2020). The CARE principles for indigenous data governance. *Data Science Journal*, 19, 43.

3. **Responsibility:** (i) For expanding capability and capacity, (ii) for positive relationships, (iii) for Indigenous languages and worldviews
4. **Ethics:** (i) For minimizing harm and maximizing benefits, (ii) for justice, (iii) for future use.

Ingredients for Success

Agreements can come in a lot of shapes and forms, especially in relation to the objective. For example, it can be regarding natural resource management, visitor services, cultural resources, or wildlife. Evaluating the co-stewardship agreements reveals there are distinct characteristics that influence the efficacy of management and the level of Tribal involvement, simply put, some are better than others. Whether it is about saving a species or creating a historically accurate shrine, the best examples have some overlapping ingredients that make a recipe for successful, respectful, and productive relationships.

The effectiveness of co-stewardship agreements depends heavily on collaboration, communication, and continual interaction between NPS and Indian Tribes. These factors build mutual respect, trust, and understanding for efficient decision-making and resource management. NPS and the Tribes may improve their relationship, enhance joint decision-making, and strike a healthy balance between conservation and preserving cultural heritage by encouraging open and consistent lines of communication. It is almost impossible to exaggerate how crucial cooperation, communication, and continual discourse are between NPS and Indian Tribes since they serve as the cornerstone for sound decision-making and protecting natural and cultural resources.

Ultimately, this is the space in which NPCA can advocate for restorative justice. NPCA and partnering organization are well positioned to nurture Tribal relationships in order to help fortify

equitable agreements and strive towards a sustainable and inclusive approach by implementing these suggestions and fostering a shared vision to co-stewardship.

Below I will list out the key components for success, with examples that can be found in further detail within appendix A:

1. *The duties and obligations of NPS and Tribal Nations must be clearly defined and communicated, especially regarding maintenance, visitor services, and law enforcement.*
Example: Olympic National Park signed an MOU with the Hoh Indian Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Makah Indian Tribe, Quileute Indian Tribe, Quinault Indian Nation, Port Gamble S’Klallam Tribe, Skokomish Indian Tribe to fully recognize their relation and responsibilities to manage resources of concern through and integrated management model.¹³
2. *Promoting better cooperation, communication, and continual discussion among all stakeholders is crucial to balance divergent interests and viewpoints.* Examples: Joshua Tree National Park has an agreement with the Twenty-Nine Palms Band of Mission Indians specifically geared to communication and taking steps to find shared interests in co-stewardship initiatives.¹⁴
3. *Establishing reliable monitoring and evaluation systems will make it possible to evaluate the results and effects of environmental preservation and Tribal participation.* Examples: Yellowstone National Park (YELL) and Mount Rainier National Park (MORA) have research projects that incorporate TEK, but also checkpoints along the research to measure the effectiveness of the management. YELL, The Confederated Salish and

¹³ [Memorandum of Understanding Between National Park Service and “The Tribes”](#). (2008).

¹⁴ National Park Service. (2023 Jan 17). [Joshua Tree National Park announces historic agreement with Twenty-Nine Palms Band of Mission Indians](#). [Press Release].

Kootenai Tribes, Nez Perce Tribe, and the InterTribal Buffalo Council have an interagency management plan to maintain a wild and free-ranging bison population.¹⁵

MORA and the Nisqually Indian Tribe have a 5-year research project focusing on the effects of traditionally harvested species, in order to minimize and monitor the impact to the associated plant communities.¹⁶

4. *Increasing public involvement and knowledge through outreach and engagement techniques involving local Indigenous communities is crucial.* Example: Canyon de Chelly National Monument. In the 2018 Strategic Plan, the agreement defines responsibilities and jurisdictions for all parties (Navajo Nation, NPS, and the Bureau of Indian Affairs).¹⁷
5. *The longevity of a co-stewardship agreement also depends on getting political backing and long-term budgetary commitments.* Example: The Miccosukee Tribe at Everglades National Park has been self-governed since 1965. The enabling legislation not only allows a legal framework for the Tribe to maintain their way of life, but it also requires a long-term intergovernmental commitment to restore the south Florida ecosystem.¹⁸

Bears Ears National Monument as a New Model

A high-profile example of these principles in action is the work done at Bears Ears National Monument. This is not an NPS site, but a presidential proclamation under the Antiquities Act, along with the existing Intergovernmental Cooperative Agreement between the

¹⁵ [The Interagency Bison Management Plan](#). (2000; updated in 2009).

¹⁶ Department of Interior. (2022). [Current Land, Water, and Wildlife Authorities that can Support Tribal Stewardship and Co-stewardship](#).

¹⁷ *Strategic Agreement between the Navajo Nation, National Parks Service, and Bureau of Indian Affairs for the Cooperative Stewardship of Canyon de Chelly*, (2018), document provided by Lyn Carranza, Superintendent of Canyon De Chelly National Monument

¹⁸ [Miccosukee Reserved Act](#). (1998). Pub. L. No. 105-313, 112 stat. 2964.

Bureau of Land Management, the U.S. Forest Service, and five Tribes is an exemplary model of cooperation between agencies and Tribal Nations¹⁹. Bonded by their deep connection to the land, The Bears Ears Inter-Tribal Coalition (BEITC)—Hopi, Navajo (Diné), Ute Indian Tribe, Ute Mountain Ute, and Zuni—developed and advocated for a proposal to protect this immense traditional and cultural landscape of public lands as a national monument, with the most effective form of management in a collaborative framework between Tribes and federal agencies. To fortify and lay the groundwork for this relationship, BEITC produced its own collaborative land management plan with explicit language to address the need to give TEK equal consideration, create clear bylaws for equity, secure long-term funding, and ensure mutual data-sharing.²⁰ There is great potential to use what was learned through the Bears Ears agreements and structural framework to build on and strengthen in working with other Tribes and using similar language in future pursuit of Tribal involvement on a road to co-stewardship.

An Advocacy-Built Bridge

National Parks Conservation Association (NPCA) was founded in 1919 as an advocacy organization with the mission “to protect and enhance America’s National Park System for present and future generations.” In 2019, NPCA celebrated 100 years of advocacy, preservation, and protection of the national park system, but with little mention of Tribal rights and authorities. NPCA’s approach and Indigenous partnerships are growing rapidly, and the organization has celebrated the recent successes in promoting Indigenous connections, inclusivity, legal rights, and cultural preservation with wins at Baaj Nwaavjo I’tah Kukveni – Ancestral Footprints of the Grand Canyon National Monument, Avi Kwa Ame National Monument, the withdrawal of new

¹⁹ [*Intergovernmental Cooperative Agreement for the Cooperative Management of the Federal Lands and Resources of the Bears Ears National Monument*](#). (2022).

oil and gas leasing surrounding Chaco Culture National Historical Park, and Bears Ears National Monument. These celebrations are a sign of the changing tides of what it means to be a modern-day national parks advocate. Once upon a time, during the debate over the 1975 Grand Canyon Enlargement Act—which returned 185,000 acres of Park Service and Forest Service land to the Havasupai Tribe and granted exclusive use of an additional 95,300 acres of land within the park—NPCA opposed the so called “Havasupai land grab.”²⁰ In hindsight, that opposition was no doubt a product of the times, but behind it is the dilemma that has always been at the heart of national parks: protecting some of our most important places—a public commons—while forcibly removing the original stewards who watched over those places for millenia. That is the reality: the often-violent removal and exclusion of Tribal Nations established national parks. Today, national park advocacy is becoming as much about the rights, access, and traditional use for Indigenous peoples as it is about natural resource management and recreation.

Becoming the “leading voice” in a given area is the goal for many advocacy groups, but in this instance, in regards to restorative Tribal justice, it is not the place of non-Native NGOs to lead, but in many cases to follow and support. Modern-day advocacy is listening and lifting the voices of Indigenous people, as they have been silenced, ignored, and over-shadowed throughout history and now is the time to create a new model for engagement. To be an effective support system to tribes means: (1) Providing space to speak on the multiplicity of needs by Tribes and working closely with individual Tribes to understand their specific priorities, such as reliable sources of food, income, or if they have the personnel to undertake management actions. It is a matter of respecting the fact that what NPCA, NPS, or any other NGOs and agencies consider a priority, may not be at the top of a Tribe’s list. Hence, working with local communities to help

²⁰ Keller R.H. and Turek M.F. (1998). *American Indians & National Parks*.

build relationships and trust with the Tribes and better understand Tribal values, circumstances, and barriers will help facilitate work on potential co-stewardship opportunities. (2)

Disseminating information on the available financial resources and additional assistance in obtaining funds. (3) Supporting Tribes in clear language in agreements that is specific to each Tribe involved, as Tribes are not monolithic and should not be approached with the same boilerplate templates. And lastly (4), assisting Tribes with technical support and capacity as needed.

Now more than ever, alongside the pressure of governmental agencies to embrace methods for co-stewardship, it is time to take advantage of the federal initiatives to correct historical injustices. In its next century of advocacy, NPCA and other organizations can use their reach, resources, and expertise to support Tribal rights and interest through co-stewardship agreements on federal lands.

Appendix A

Selected Co-stewardship Agreements

While there are at least 80 agreements that exist between The National Park Service and Tribal Sovereign Nations, this list includes a selection of notable agreements that provide instructive examples of language, responsibilities, and other key components important to future agreements. Contracts are separated into five major categories; (1) Co-management, (2) Collaborative and Cooperative Agreements, (3) Indian Self-Determination Education and Assistance Act (ISDEAA) Agreements, (4) Agreements with Additional Statutory Frameworks, and (5) An example of a Special Agreement regarding Bears Ears National Monument.

1. Co-management

Big Cypress National Preserve

Location: Florida

Tribes Involved: The Seminole Tribe of Florida, The Miccosukee Tribe of Florida

Agreements: Enabling Legislation, Public Law 93-440²¹

As the nation's first preserve, the land that became Big Cypress National Preserve (BICY) was purchased by NPS from the Collier Family, but the family maintained mineral rights. Historically, it has been used for oil and gas exploration, hunting, off-road vehicle use, private land ownership, cattle grazing, as well as being the traditional lands of the Seminole and Miccosukee Tribes of Florida.²² When advocating for the creation of the preserve, originally a part of Everglades National Park, the enabling legislation not only continued the land use activities, but assured the preservation of the traditional and customary uses by the two Tribes.²³ The 1974 public law also stated “before entering into any contract or agreement to provide new revenue-producing visitor services, the Secretary shall offer [the Miccosukee and Seminole Tribes] the right of first refusal to provide these services.” As of today, the Seminole Tribe has residential rights to the land, with a deep connection and traditional ecological knowledge crucial to the preservation of BICY. The Tribe and the Park Service work cooperatively to benefit both parties. However, whole relations are in decent standing with the preserve as their shared priority and with Tribe’s authority to enter into co-management with the BICY, neither Tribe has expressed interest in signing a co-management plan.

In recent years, Burnett Oil had expressed interest in explorations and production²⁴. The Company believes this is out of federal jurisdiction as the mineral rights were maintained by the

²¹ Enabling Legislation for Big Cypress National Preserve, Pub. L. No. 93-440, 88 Stat. 1258 (1974).

<https://www.congress.gov/93/statute/STATUTE-88/STATUTE-88-Pg1258.pdf>

²² Goss, JA. (1995). *Usual and customary use and occupancy by the Miccosukee and Seminole Indians in Big Cypress National Preserve, Florida*. Project by Southeast Region, National Park Service.

<http://npshistory.com/publications/bicy/goss-1995.pdf>

²³ Butler, D (2022, Apr 4). *Seminole Customary Use Rights*. Florida Seminole Tourism.

<https://floridaseminoletourism.com/customary-use-in-big-cypress-national-preserve/>

²⁴ Bayles, T (2022, Mar 14). *Drilling Firm Challenging Denial of Oil Exploration Efforts in Big Cypress Swamp*.

WGCU. <https://news.wgcu.org/news/2022-03-14/drilling-firm-challenging-denial-for-oil-wells-in-big-cypress-swamp>

Collier Family in the original purchase of BICY. Burnett Oil promised to do the utmost in mitigation services, and were granted permission by NPS. After breaking ground, videos, obtained through the Freedom of Information Act, and an assessment of environmental consultants concluded significant damage to the environment as a result of Burnett Oil activities. At least six mitigation measurements were in clear violation of their permits. In 2020, the Environmental Protection Agency shrank their authority of Florida wetlands and gave control to state agencies. With Florida Wetland out of federal control, the Tribes are denied their rights. Burnett Oil temporarily withdrew their permits to drill, until NPS is further along in its review. Oil and Gas exploration would not only be detrimental to the wetland but also to the way of life of the Seminole and Miccosukee Tribe.²⁵ BICY is on the precipice of change in determining the future health of the environment. This is a perfect opportunity for NPS and the Tribes to engage in conversations to co-manage and protect, aligning themselves to ensure the original mission of the BICYs creation: preservation of the land and Tribal way of life.

Canyon de Chelly National Monument

Location: Arizona, entirely within the Navajo Reservation

Tribe Involved: The Navajo Nation

Documents:

- Enabling Legislation, Presidential Proclamation 2036²⁶
- Resolution of the Resources Committee of the Navajo Tribal Council, RCS-51- 85)²⁷
- Strategic Agreement between the Navajo Nation, National Parks Service, and Bureau of Indian Affairs for the Cooperative Stewardship of Canyon de Chelly²⁸

Canyon de Chelly National Monument was established by presidential proclamation in 1931, with the consent of the Tribal Council of the Navajo Tribe of Indians. This is an incredibly unique situation as the monument rests entirely within the Navajo Nation. With this in mind, the enabling legislation maintained all surface and subsurface rights with the Tribe, while NPS was charged with the administration of monument, including care, maintenance, and construction of visitor services. The original document left many aspects of co-managing unclear, as a result, there was confusion between staff and residents pertaining to law enforcement, land use, and jurisdictional authority. In 1985, an MOU established a protection zone of scenic, scientific, natural, and cultural resources from potentially adverse activities and development, until a joint management plan was developed and approved by, Bureau of Indian Affairs, NPS, and the Navajo Nation. There was an attempt in 1990 to make a co-management plan, but it was not signed by the Navajo president at the time. In 2015, the parties renewed their interest in developing a joint management plan. The following year, through numerous hours of public meetings, NPS released the

²⁵ National Parks Conservation Association. (2023, Feb 8). *National Park Advocates Call on EPA to Protect Big Cypress National Preserve from Oil and Gas Exploration*. [Press Release]. <https://www.npca.org/articles/3355-national-park-advocates-call-on-epa-to-protect-big-cypress-national>

²⁶ Enabling Legislation for Canyon de Chelly National Monument, Presidential Proclamation No. 2036. (1933). <https://www.presidency.ucsb.edu/documents/proclamation-2036-canyon-de-chelly-national-monument>

²⁷ RCS-51-85. (1985). *Resolution of the Resources Committee of the Navajo Tribal Council*. <http://nnld.org/docs/homesite/resolutions/RCS-51-85.pdf>

²⁸ *Strategic Agreement between the Navajo Nation, National Parks Service, and Bureau of Indian Affairs for the Cooperative Stewardship of Canyon de Chelly*, (2018), document provided by Lyn Carranza, Superintendent of Canyon De Chelly National Monument

Foundation Document explaining the values of NPS and residents alike. By 2016 the parties agreed on a vision statement outlining equal support for the stewardship of the canyon. In 2018, facilitated by Northern Arizona University, the parties penned *The Strategic Agreement between the Navajo Nation, NPS, and BIA for the cooperative stewardship of Canyon de Chelly National Monument* determining the roles and responsibilities of each organization to increase the coordination of collaborative stewardship efforts.²⁹

From the formation of this park to penning a collaborative agreement, nearly ninety years have passed. The strategic agreement does indeed provide guidance for establishing co-management between NPS and Tribes, but there are some areas that need to be further addressed. A primary example, 36 CFR 7.19; 32 FR 13129 (1967) prohibits visitors from entering the canyons unless accompanied by Park Service employees or by authorized properly qualified guides.³⁰ For example, if a resident of the Navajo Nation wants to start a tour guide business, they cannot be authorized by the Nation, but need approval from the park superintendent. The underlying issue is whether this should be within Navajo jurisdiction. Recognizing the Navajo Nation as a sovereign Nation means respecting their authority to their lands, hence seeking authorization from another government to work on your Tribal land is outdated as they move to a more collaborative relationship.

Glacier Bay National Park and Preserve

Location: Alaska

Tribe Involved: The Huna Indian Association (HIA)

Agreements:

- *Journey to Huna Homelands*, Federal Grant³¹
- Huna Tlingit Traditional Gull Egg Use Act³²

At **Glacier Bay National Park and Preserve** (GLBA), the Huna Indian Association and NPS have a legally mandated agreement with NPS to co-manage the Huna Tribal House. The idea of constructing the Tribal House was first mentioned in the *Comprehensive Environmental Assessment of Bartlett Cove*.³³ Bartlett Cove is the only place at GLBA that allows for construction. As such, this became the prospect location of the Tribal House. The assessment highlighted the importance of recognizing the Huna connection to their ancestral lands, predating the arrival of European settlers. However, while there was public interest, due to financial constraints, construction did not begin for nearly 20 years, until 2015. In 2016, the Huna Tribal House opened to the public, also known as the “Return to Homeland Event.”³⁴ Not only was this a sacred place for the HIA to continue ancestral traditions, but they also opened their doors to share their history and culture with the many visitors to GLBA. The Tribal house continues to provide

²⁹ The NAU Review. (2018, Jul 31). *NAU team facilitates joint agreement for cooperative stewardship of Canyon de Chelly*. [Press Release]. <https://news.nau.edu/joint-agreement-canyon-de-chelly/>

³⁰ National Park Service. (2016). *Canyon de Chelly National Monument Foundation Document*. <http://nps.history.com/publications/foundation-documents/cach-fd-2016.pdf>

³¹ National Park Service. (2011), *Cooperative Agreement, Journey to Huna Homelands*. <https://www.federalgrants.com/Journey-to-the-Huna-Homelands-28858.html>

³² Huna Tlingit Traditional Gull Egg Use Act, Pub. L. No. 113-142, 128 stat. 1749 (2014). <https://www.congress.gov/bill/113th-congress/house-bill/3110/text>

³³ National Park Service. (1997). *Comprehensive Design Plan Environmental Assessment*. <https://parkplanning.nps.gov/document.cfm?parkID=12&projectID=44042&documentID=49695>

³⁴ National Park Service (2016, Sept 2). *Xunaa Shuká Hit: A Collaborative Milestone*. [Press Release]. <https://www.nps.gov/glba/learn/news/a-collaborative-milestone.htm>

understanding of the Indigenous connections in a historical and modern context highlighting their knowledge of the natural and cultural resources attached to the lands.

Since its inception, the Tribal house was always intended to be co-managed by NPS and members of the Huna Tribe. As of today, this agreement is still in action and a perfect example of healing and growth between a sovereign Nation and NPS.³⁵ However, this relationship was not always on good terms. In the 1960s, through the passing of the Migratory Bird Treaty Act, an important cultural tradition by the HIA became illegal. This was with the intention of preserving the bird population, but the HIA were never truly consulted in this matter, which might have made a difference regarding this particular bird species. For generations, the HIA had an ancestral sacred practice to harvest Glaucous-winged gull eggs. Historically, the yearly harvest was a way to promote the intergenerational transmission of their culture, the opportunity to solidify and continue their way of life through storytelling. From an outside perspective, it may appear that the eggs could be over-harvested and driven to extinction, but this practice is of utmost cultural significance to the Huna. Through generations, the HIA have been able to continue this practice and with their connection to the land, they were able to use their ecological knowledge to ensure the population health of the Glaucous-winged gull. In 2010, an EIS by NPS concluded that infrequent early season harvesting would not impact the reproductive success of the gulls.³⁶ Through years of campaigning and building trust with NPS, and a collaborative effort of data collection, in 2014, the Huna Tlingit Traditional Gull Egg Use Act allowed the HIA to once again continue their tradition. On June 1, 2020, with a cooperatively developed sustainable harvesting plan, the Tribe was freed from U.S. law and harvested eggs as their ancestors once did throughout the deglaciated islands of the lower bay.

The relationship between NPS and HIA in GLBA is a perfect example of how healing can be slow, but once on equal footing and support from stakeholders occurs, it can create opportunities for respectful compromise. Without peaceful protesting, conversation, and collaborative science, the co-management of the Huna Tribal house and the Huna Tlingit Traditional Gull Egg Use Act would never have been possible. Moving forward, GBNPP and HIA will continue to comprise ecological reports to measure the safety and impact of the egg harvesting and the sharing of traditional ecological knowledge from the Huna Tribe.

Grand Portage National Monument

Location: Minnesota

Tribes Involved: The Grand Portage Band of Lake Superior Chippewa, and The Minnesota Chippewa Tribe

Agreements: Enabling Legislation, Public Law 85-910³⁷

The unique agreement enabled by Public Law 85-910, currently might be the best example of co-management. The national monument was created through joint efforts urging the Department of Interior

³⁵ Siber, K. (2017). *The Long Way Home*. National Parks Conservation Association.

<https://www.npca.org/articles/1490-the-long-way-home>

³⁶ National Park Service (2010). Final Legislative Environmental Impact Statement for the Harvest of Glaucous-Winged Gull Eggs by the Huna Tlingit in Glacier Bay National Park, 75 FR 29574.

<https://www.federalregister.gov/documents/2010/05/26/2010-12608/final-legislative-environmental-impact-statement-for-the-harvest-of-glaucous-winged-gull-eggs-by-the>

³⁷ Cockrell, R. (1982). Grand portage national monument, Minnesota: An administrative history. NPHISTORY.

<http://npshistory.com/publications/grpo/adhi.pdf>

to designate Grand Portage as a historical site. During the planning of naming the land a historic site, the original enabling legislation acknowledged the Tribe's rights and involvement.³⁸ In 1958, The Reservation Tribal Council ceded 707.9 acres of Tribal land via donation. In 1960, National Park Service designated the land as Grand Portage National Monument with the help of the Tribe and jointly included language in the legislation to maintain the rights and active involvement in monument management.³⁹

While there was original language to ensure Tribal rights, it was not until 1999 that the Grand Portage Band and National Park Service reached the current agreement. In 1994, The Tribal Self Governance Act was passed after a long history between Tribes and the government. In summary, the act gave Tribes the power over federal programs that benefit the Tribes and provides funding for those efforts. In 1999, the current agreement created a joint panel to supervise the administration of the monument and designated the maintenance of the national monument would be conducted by band employees and the staff would be hired by the Reservation Tribal Council.⁴⁰ The council extended this practice to other departments as well, hiring band members to interpretation and resource management positions.

In 2018, The Grand Portage Band and the National Park Service jointly created the Grand Portage Conservation Crew, a youth organization serving under resource management.⁴¹ This was yet another example of equal partnership on multiple levels, resource management to ensure jobs for Tribal members. There have been many improvements to the unique relationship over the years with the continued involvement between NPS and the Tribe with preserving the monument as their shared priority. As of 2023, this example of stewardship provides a historical lesson in building a co-management agreement, including (1) clear language to preserve Tribal rights and responsibilities, (2) the continued improvement of Tribal involvement (conservation crew), and (3) joint efforts in preserving Tribal culture and historical preservation of the land. This should act as a great starting point when Tribes are considering co-stewardship agreements with NPS.

2. Collaborative and Cooperative

Acadia National Park

Location: Maine

Tribe Involved: The Wabanaki Nations of Maine

Agreements: Authorized by 36 CFR 2.6- Gathering of plants or plant parts by federally recognized Indian Tribes⁴²

³⁸ Enabling Legislation for Grand Portage National Monument, Pub. L. No. 85-910, 72 stat 1751 (1958).
<https://www.congress.gov/85/statute/STATUTE-72/STATUTE-72-Pg1751.pdf>

³⁹ National Park Service (2005). Grand Portage- Administrative History.
https://www.nps.gov/parkhistory/online_books/grpo/adhi1.htm

⁴⁰ National Park Service (2016). *Grand Portage National Monument Foundation Document*.
<http://nps.history.com/publications/foundation-documents/grpo-fd-2016.pdf>

⁴¹ National Park Service (2023). *Stewardship at Grand Portage National Monument*.
<https://www.nps.gov/articles/grand-portage-national-monument-ojibwe-management.htm>

⁴² National Park Service, Department of Interior (2016). *Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes*. 81 FR 45024.
<https://www.federalregister.gov/documents/2016/07/12/2016-16434/gathering-of-certain-plants-or-plant-parts-by-federally-recognized-indian-tribes-for-traditional>

Once a vacation destination for rich families (such as the Rockefellers, Carnegies, and Vanderbilts), Acadia National Park was the first park created from gifted private lands. Considered to be private property, these lands were once occupied by the Wabanaki Nations. For years, the Wabanaki Nation had to discreetly navigate through private lands and shores to conduct the traditional gathering of Sweetgrass, commonly used for basket-making. To make matters worse, they were completely prohibited from such practices via the National Environmental Policy Act of 1970, where a harvesting agreement would require an environmental assessment, to determine “no significant impact.”⁴³ This was a difficult burden for some Native communities to conduct their own research. However, through years of working with Tribal members, they were able to provide such evidence that harvesting would positively impact the sweetgrass communities. In 2015, NPS issued regulations for the gathering of certain plants for Tribes, including sweetgrass, finally lifting the prohibition of traditional gathering for the Wabanaki. With funding from the National Park Service, a student from the University of Maine, researchers from the U.S. Department of Agriculture’s Forest Service, and Wabanaki community gatherers are studying harvesting effects on sweetgrass⁴⁴. This partnership is a great example for Tribal engagement and the incorporation of TEK into management policies.

Badlands National Park

Location: South Dakota

Parties involved: National Park Service, Oglala Lakota Nation, (formally called Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota)

Agreements:

1. Public Law 90-468⁴⁵
2. *Memorandum of Agreement Between the Oglala Sioux Tribe of South Dakota and The National Park Service of the Department of The Interior to Facilitate Establishment, Development, Administration, and Public Use of The Oglala Sioux Tribal Lands, Badlands National Monument*⁴⁶

As a result of the Second Treaty of Fort Laramie, the Badlands were to forever be the property of the Sioux. However, in 1889, the United States broke the treaty and confiscated the land. On March 4, 1929, the land was designated as Badlands National Monument. In 1968, Congress, by order of Public Law 90-468, revised the boundaries to “authorize exchanges of land mutually beneficial to the Oglala and the United States...” A Memorandum of Agreement (MOA), signed by the Tribe and NPS in 1976, promised the cooperative management of the South Unit, entirely within the Pine Ridge Indian Reservation. Finally, on November 10, 1978, the Badlands were redesignated as a national park. In 1980, the U.S Supreme Court awarded compensation to the Tribe for breaking the 1868 treaty, however the Tribe did not accept the money.

⁴³ National Environmental Policy Act (1970). Pub. L. No. 91-190, 83 stat. 852. <https://ceq.doe.gov>

⁴⁴ Schmitt C. (2021). *Gathering Sweetgrass and Renewing the Past: How Science at Acadia is Making a Course Correction*. Park Science Magazine. <https://www.nps.gov/articles/000/gathering-sweetgrass-and-renewing-the-past.htm>

⁴⁵ Enabling Legislation for Badlands National Park (1968). Pub. L. No. 90-468, 82 stat 663. <https://www.govinfo.gov/content/pkg/STATUTE-82/pdf/STATUTE-82-Pg663.pdf>

⁴⁶ *Memorandum of Agreement Between the Oglala Sioux Tribe of South Dakota and The National Park Service of the Department of The Interior to Facilitate Establishment, Development, Administration, and Public Use of The Oglala Sioux Tribal Lands, Badlands National Monument*. (1976). <https://www.nps.gov/badl/upload/1976-508.docx>

Since 1976, the Oglala Lakota have co-managed the south unit with NPS. As decreed in the MOA of 1976, they were entitled hunting rights, grazing, allowing the Tribe will fill all NPS positions in the South Unit, and other rights pertaining to their way of life, including a cultural resource center detailing their heritage.⁴⁷ In 2012, a south unit general management plan was made to explicitly define roles, however, the Tribe has largely been able to act independently, within the law and agreements with NPS.⁴⁸ Although they have not truly been integrated into park operations, with both parties partially operating as independents, to truly embrace co-management, more cooperation and relationship building is necessary to bridge the gap, especially in regards to data sharing, maintenance resources, and general conservation of the land. In recent years, the Park Service has allotted funds to integrate into joint operations, while promising, it is not entirely in favor with everyone in the Tribe. To date, there is a majority that insist that they do not like the way the Park Service manages the land and believe a Tribally managed park would be more efficient if they were completely independent. With this mindset, there has been a push to create a Tribal National Park on the south unit, but this cannot be done without federal legislation.⁴⁹

Bighorn Canyon National Recreation Area

Location: Montana and Wyoming

Parties involved: Crow Tribe of Montana

Agreement: *Memorandum of Agreement Between the Crow Indian Tribe of Montana and The National Park Service of the Department of the Interior to Facilitate Establishment, Development, Administration, and Public Use of the Bighorn Canyon National Recreation Area*⁵⁰

Bighorn Canyon National Recreation Area was established and signed into law (Public Law 89-664) by congress on October 15, 1966, which also included some Crow Reservation land that was acquired by the Bureau of Reclamation. Within section 4 of Public Law 89-664, the Tribe was also allowed to continue hunting and fishing on Tribal lands, while members of the public were only permitted to certain areas during established periods.⁵¹ In 1967, the Crow Tribe requested that some of the Tribal lands in Montana be included within the recreation area. The agreement allowed Tribal-owned resources to be used for a public recreational advantage.⁵² However, this allowed for the Tribe to gain substantial economic benefits via tourism; some of the benefits include the sale of fishing and hunting permits, handmade goods,

⁴⁷ National Park Service (2012). *South Unit Badlands National Park, Final General Management Plan and Environmental Impact Statement*.

<https://parkplanning.nps.gov/document.cfm?parkID=117&projectID=17543&documentID=47117>

⁴⁸ Zach E. (2016 Dec 14). *In the Badlands, Where Hope for the Nations First Tribal Park Has Faded*. The New York Times. <https://www.nytimes.com/2016/12/14/travel/badlands-faded-hope-for-indian-tribal-park.html>

⁴⁹ National Park Service (2017). *Badlands National Park Foundation Document*. <http://npshistory.com/publications/foundation-documents/badl-fd-2017.pdf>

⁵⁰ *Memorandum of Agreement Between the Crow Indian Tribe of Montana and The National Park Service of the Department of the Interior to Facilitate Establishment, Development, Administration, and Public Use of the Bighorn Canyon National Recreation Area*. (1967). [1967-MOA-Between-Crow-Tribe-and-NPS.pdf](#)

⁵¹ Enabling Legislation for Bighorn Canyon National Recreation Area (1966). Pub. L. No. 89-664, 80 stat. 913. <https://www.congress.gov/89/statute/STATUTE-80/STATUTE-80-Pg913.pdf>

⁵² US Department of the Interior, Bureau of Indian Affairs (1967 Dec 1). *Agreement Adds Some Crow Indian Lands to Bighorn Canyon National Recreation Area*. [Press Release] <https://www.bia.gov/as-ia/opa/online-press-release/agreement-adds-some-crow-indian-lands-bighorn-canyon-national>

overnight accommodations, and boat, camper, and auto supplies.⁵³ Overall, the Tribe has been able to retain their way of life and negotiate a way to boost their own economy, not overnight, but through continued efforts and compromise to preserve their Native lands.

Effigy Mounds National Monument and Ioway National Tribal Park

Location: Kansas

Tribe Involved: Ioway Tribe of Kansas and Nebraska

Agreement: *Sister Park Agreement*

Ioway National Tribal Park was established on June 17, 2020 as the second National Tribal Park in the U.S.⁵⁴ (though not part of NPS). The park is composed of lands acquired via the return of land to the Tribe by the Kansas Historical society, donated lands from the Nature Conservancy, and Tribal lands. The park was made to tell the story of Ioway heritage. As a product of *Executive Order 13175 Consultation and Coordination with Indian Tribal Governments*, in a first-of-its kind agreement, leaders of the Iowa Tribe of Kansas and Nebraska and Effigy Mounds National Monument established a “Sister Park” agreement to promote cooperation and support between the two parks. As descendants of Tribes associated with Effigy Mounds, NPS recognized the history in the land to the Tribe, hence, both parties hope to share the burden of preserving the heritage and building a strong partnership to work collaboratively through the sister park agreement. The agreement supports the sharing of data, natural and cultural resources, and general management practices.

Grand Canyon National Park

Location: Arizona

Tribes: The Havasupai Tribe

Agreement: Public Law 93-620⁵⁵

In 1880, President Rutherford B. Hayes designated 38,000 acres to the Havasupai. However, two years later that was reduced to a total of 500 acres. In 1919, when Grand Canyon National Park was established, the Tribe was relocated to the southwest corner of the park.⁵⁶ After years of litigation, in 1975, as a result of Public Law 93-620 (also called “The Grand Canyon National Park Enlargement Act”), 185,000 acres were returned to the Havasupai. In addition, the Tribe was granted exclusive use of another 95,300 acres of “Traditional Use Lands” adjacent to the reservation but within park boundaries. Besides returning land, the Act protected their rights to the traditional use of land, including hunting, agriculture, and religious practices. More importantly, the Act required consultation with the Tribal Council to discuss development and management of lands. In recent years, NPS and the Havasupai Tribe Entered a general agreement to

⁵³ National Park Service (2016). *Bighorn Canyon National Recreation Area Foundation Document*. https://www.nps.gov/bica/learn/management/upload/BICA_FD_PRINT.pdf

⁵⁴ National Park Service (2022 Nov 22). *Effigy Mounds National Monument becomes a Tribal Sister Park to Ioway Tribal National Park*. [Press Release]. <https://www.nps.gov/efmo/learn/news/2022-11-28-tribal-sister-park.htm>

⁵⁵ Grand Canyon National Park Enlargement Act (1975). Pub. L. No. 93-620, 88 stat. 2089. <https://www.govinfo.gov/content/pkg/STATUTE-88/pdf/STATUTE-88-Pg2089.pdf>

⁵⁶ Terrill M. (2019 Feb 25). *Indigenous peoples historically have been disrupted by the American government and left to fend for themselves where the Grand Canyon is concerned*. ASU News. <https://news.asu.edu/20190211-discoveries-how-native-americans-view-grand-canyons-centennial-celebration>

recognize the historic use and occupancy of Supai Camp, as well as updated the constructed residences from the 1930s where the Tribe was relocated.⁵⁷

Joshua Tree National Park

Location: California

Tribes Involved: Twenty-Nine Palms Band of Mission Indians

Agreement: Cooperative Agreement

On January 17th 2023, the park and Twenty-Nine Palms Band of Mission Indians formally signed an agreement for the continued cooperation and identifying specific steps toward shared stewardship of park resources.⁵⁸ The agreement identified specific areas to assess: (1) trail development, (2) mutual aid to support law enforcement, fire, and search and rescue, (3) continued joint planning of educational and interpretive activities, (4) the Desert Tortoise Program, and (5) a future transport program.

Mount Rainier National Park

Location: Washington

Tribes Involved: The Nisqually Indian Tribe

Agreement: The Nisqually Indian Tribe -- Mount Rainier Cooperative Agreement⁵⁹

In 1998, the Nisqually Indian Tribe and Mount Rainier National Park were able to reach a Memorandum of Understanding for the gathering of plant resources for traditional and cultural use. As of 2022, the Tribe and park are working on a 5-year research project on three species that the Tribe traditionally harvest.⁶⁰ The research will hopefully offer some considerations for traditional harvesting while also focusing on ways to minimum the impact in the associated plant community.

Olympic National Park

Location: Washington

Tribes Involved: Hoh Indian Tribe, Jamestown S’Klallam Tribe, Lower Elwha Klallam Tribe, Makah Indian Tribe, Quileute Indian Tribe, Quinault Indian Nation, Port Gamble S’Klallam Tribe, Skokomish Indian Tribe (collectively “Tribes”)

Agreement: Memorandum of Agreement⁶¹

⁵⁷ National Park Service. (2010). *National Park Service and Havasupai Tribe hold a ribbon cutting ceremony on new housing for Supai Camp constructed with funds from the American Recovery and Reinvestment Act*. [Press Release]. https://www.nps.gov/grca/learn/news/5aug10-2_news.htm

⁵⁸ National Park Service. (2023 Jan 17). *Joshua Tree National Park announces historic agreement with Twenty-Nine Palms Band of Mission Indians*. [Press Release]. <https://www.nps.gov/jotr/learn/news/historic-agreement-with-twenty-nine-palms-band.htm#:~:text=Through%20this%20unprecedented%20agreement%2C%20the,established%20trails%20on%20NPS%20land>

⁵⁹ Department of Interior. (2022). *Current Land, Water, and Wildlife Authorities that can Support Tribal Stewardship and Co-stewardship*. <https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>

⁶⁰ Kautz G & Burtchard G. (2017). *Traditional Plant Collection in Mount Rainier National Park*. <https://nr.tulaliptribes.com/Base/File/13-traditional-plant-collection-at-mount-rainier-national-park>

⁶¹ *Memorandum of Understanding Between National Park Service and “The Tribes”*. (2008). <https://www.nps.gov/olymp/learn/management/upload/Tribal-ONPMOU-Print%20Final.pdf>

In the enabling legislation to designate Olympic National Park (June 29, 1938), NPS mandated that the protection of resources must be conducted without infringing on the rights reserved by treaty to Tribes.⁶² On July 10, 2008, the Tribes and NPS signed a MOU to fully recognize their relationships. The parties entered the MOU to clarify responsibilities and expectations to manage resources of concern through an integrated management model. By improving their relationship, they passed the Quileute Tribe Tsunami Protection Act, giving land within the park to the Tribe to provide lands for development.⁶³ This was the optimal solution in relocating the Tribe outside of the range of a tsunami and, more notably, the Quillayute River flood zone, which caused annual flood damage, the destruction of Tribal developments, and hazardous living conditions.

Pinnacles National Park

Location: California

Tribes Involved: Amah Mutsun Tribal Band

Agreement: Memorandum of Agreement⁶⁴

The Amah Mutsun Tribal Band signed a MOU to legally formalize an ongoing relationship with Pinnacles National Park.⁶⁵ The partnership is built from projects that also include University of California-Berkeley, UC Santa Cruz, and the Bureau of Land Management. The objective of the MOU is an exchange of TEK, in such practices as fire management, native plant restoration, and cultural resource management. The MOU, in supporting cultural practices, tests how the ritual of annual deergrass and white root sedge management can be used in ecosystem management. One of the more notable achievements, after years of restorative management, is they were able to reintroduce the condor to Pinnacles.⁶⁶

Pipe Springs National Monument

Location: Arizona

Tribes Involved: The Kaibab Band of Paiute Indians

Agreement: General Agreement- Water Privileges from Pipe Spring⁶⁷

⁶² National Park Service. (2017). *Olympic National Park Foundation Document*.

https://www.nps.gov/olymp/upload/OLYM_FD_2017_508.pdf

⁶³ The Quileute Tribe Tsunami Protection Act. (2012). Pub. L. No. 112-97, 126 stat. 257.

<https://www.congress.gov/bill/112th-congress/house-bill/1162/text>

⁶⁴ National Park Service. (2015). *Pinnacles National Park Foundation Document*.

<http://npshistory.com/publications/foundation-documents/pinn-fd-2015.pdf>

⁶⁵ Staff Report. (2013 May 2). "Historic Partnership with Tribe, Pinnacles". San Benito News. [Press Release].

<https://sanbenito.com/historic-partnership-with-tribe-pinnacles/>

⁶⁶ National Park Service. (2023). *Pinnacles National Park - Native Peoples*.

<https://www.nps.gov/pinn/learn/historyculture/native-peoples.htm>

⁶⁷ National Park Service. (2006). *Cultures at a Crossroads: An Administrative History of Pipe Spring National Monument, Appendix XVII: Agreement with Kaibab Paiute Tribe*.

<http://npshistory.com/publications/pisp/adhi/app7.htm>

Under proclamation by President Warren G. Harding, Pipe Springs was declared a national monument.⁶⁸ The proclamation addressed water concerns, as this was the only source of water within 62 miles. As such, the proclamation declared water access privileges to the Tribe, while also stating “subject to all prior claims.” In 1933, after a dispute between the Tribe, monument, and cattlemen, the Assistant Secretary of the Interior signed “Regulations for the Division of the Waters of Pipe Springs”, effectively giving one-third to each of the respective parties.⁶⁹ However, the Tribe still felt slighted in this agreement and overall discontent, until 1972 when the Tribe and NPS signed a general agreement, in exchange for one third of the spring flow, NPS was required to build and maintain a water well and delivery system to reservation lands north of the monument, which also included a rental charge of the water from the well to be paid annually to the Tribe.

Pipestone National Monument

Location: Minnesota

Tribes Involved: 23 affiliated Tribes, primarily with the Yankton Sioux Tribe

Agreement: Enabling Legislation⁷⁰

As a sacred site, Pipestone National Monument was the only place where Tribes with ancestral ties to the land have quarried red pipestone (catlinite) since early times, as mentioned in their own history and observed by early European settlers. When Congress established the park on August 25, 1937, one of the purposes of Pipestone National Monument was “to administer and protect the pipestone quarries, reserving the quarrying of pipestone for American Indians of all tribes.”⁷¹ As such, only the federally recognized Tribes are able to quarry, but only using hand tools, as well as obtaining permits from NPS. This is a case where there are specific agreements to Tribes, all pertaining to quarry claims, but it is noted as having a heterogenous Native Indian community that works with NPS to manage their traditional ways.⁷² However, Tribes like the Yankton Sioux are more hopeful of a full co-management agreement instead of NPS having the final say on Tribal activities at the Monument.

Sitka National Historical Park

Location: Alaska

Tribes Involved: Sitka Tribe of Alaska

⁶⁸ National Park Service. (2015). *Pipe Springs National Monument Foundation Document*. <http://npshistory.com/publications/foundation-documents/pisp-fd-2015.pdf>

⁶⁹ National Park Service. (2004). *Biophysical Description of Pipe Spring National Monument*. <https://www.nps.gov/im/ncpn/bpd-pisp.htm>

⁷⁰ National Park Service. (2017). *Pipestone National Monument Foundation Document*. https://www.nps.gov/pipe/learn/management/upload/2017-10-FoundationMgtDocumentPNM508_1A2-D18.pdf

⁷¹ National Park Service. (2005). *A History of Pipestone National Monument, Minnesota: Background to Establishment of Pipestone National Monument*. <http://npshistory.com/publications/pipe/history/sec7.htm>

⁷² *History of Pipestone National Monument, “An Indian-oriented park”: Native Americans and the Monument*. (Accessed on 2023 Jul 23) http://www.pipekeepers.org/uploads/3/1/3/0/31306445/history_of_pipestone_national_monument.pdf

Agreement: *Memorandum of Understanding between the Sitka Tribe of Alaska and the Department of the Interior National Park Service Sitka National Historical Park*⁷³

The Sitka Tribe has two formal agreements with the National Park Service concerning Sitka National Historic Park. The first is an MOU “to recognize areas of mutual concern and support, establish a framework for cooperative relationships and promote communication.” The MOU requires the Tribe to assist NPS in telling the history of the area, participation in mutual research, assign a Tribal Liaison Officer for routine activities between parties, and to disseminate employment opportunities at the park with NPS. The park staff are to reciprocate communication efforts, assign a Park Liaison Officer, and overall consultation on best management practices with the Tribe. The second, is a result of the MOU. In 2018, the parties signed an agreement to co-manage educational programs, including activities and the visitor centers, in order to tell the history of the Tribe, including the 1804 Battle of Sitka, where they fought Russian settlers.⁷⁴

Wrangell- St. Elias National Park and Preserve

Location: Alaska

Tribes Involved: Ahtna Intertribal Resource Commission (AITRC), established by the Ahtna Regional and Village Corporation. Including the following federally recognized Tribes: Cantwell, Cheesh’na, Chitina, Kluti-Kaah, Gakona, Gulkana, Mentasta, and Tazlina

Agreement: *Memorandum of Agreement Between United States Department of the Interior and Ahtna Inter-Tribal Resource Commission for A Demonstration Project for Cooperative Management of Customary and Traditional Subsistence Uses in the Ahtna Region*⁷⁵

In 2016, AITRC entered an MOU for the purpose of developing a wildlife management partnership with The Department of Interior. The agreement focuses on the allocation and harvest of moose and caribou by rural residents of the villages in the Ahtna region. The second objective is to establish a process for the formation of a local advisory committee for developing a regional management plan to better inform decision making around wildlife populations traditionally taken by the Ahtna Villages. Subsistence hunting has been the traditional way of life for the Tribes to put food on their tables.⁷⁶ As the population in Alaska continues to grow, the hunting pressure on their traditional land has caused shortages in their food supply, hence this is a collaborative way to stabilize the ecosystem and protect their way of life. As

⁷³ *Memorandum of Understanding between the Sitka Tribe of Alaska and the Department of the Interior National Park Service Sitka National Historical Park*. (2004). <https://www.sitkatribes.org/uploads/cms/NPSMOU.pdf>

⁷⁴ Schipani S. (2018). “*Sitka Tribe of Alaska, National Park Service Form Historic Partnership*”. Sierra Club.Org. <https://www.sierraclub.org/sierra/sitka-tribe-alaska-national-park-service-form-historic-partnership#:~:text=Earlier%20this%20April%2C%20the%20Sitka,front%20desk%2C%20leading%20interpretative%20walks>

⁷⁵ *Memorandum of Agreement Between United States Department of the Interior and Ahtna Inter-Tribal Resource Commission for A Demonstration Project for Cooperative Management of Customary and Traditional Subsistence Uses in the Ahtna Region*. (2016). https://www.doi.gov/sites/doi.gov/files/uploads/ahtna_doi_moa_with_signature_pages_final.pdf

⁷⁶ “*Historic Agreement Gives Ahtna Seat at the Table- AITRC will help manage subsistence hunts*”. (2016). Ahtna News. <https://www.ahtna.com/kanas/historic-agreement-gives-ahtna-seat-at-the-table/>

of Spring 2022, the park staff and AITRC are partners in a subsistence and anthropology report to assess the cultural landscape and Tribal engagement and incorporating TEK in park wildlife management.⁷⁷

Yellowstone National Park

Location: Wyoming, Montana, and Idaho

Tribes Involved: The Confederated Salish & Kootenai Tribes, the InterTribal Buffalo Council, and the Nez Perce Tribe

Agreement: The Interagency Bison Management Plan⁷⁸ (Tribes joined in 2009)

The Interagency Bison Management Plan is a multi-agency effort, developed by NPS, U.S. Forest Service, USDA Animal & Plant Health Inspection Service, Montana Department of Livestock, and Montana Fish Wildlife & Parks. In November 2009, three Tribal entities joined; (1) The Confederated Salish & Kootenai Tribes, (2) the Inter-Tribal Buffalo Council, and (3) the Nez Perce Tribe. The plan's objectives are to maintain a wild, free-ranging bison population, reduce the risk of brucellosis transmission from bison to cattle, manage bison that leave the park and enter the State of Montana, and maintain Montana's brucellosis-free status for domestic livestock. In a cooperative effort to manage bison in and around Yellowstone, while also respecting state and Tribal hunters, the plan has to have healthy populations with some migration outside the park. By incorporating Tribal Nations in decision-making, the parties have come to an agreement to manage in three main ways: (1) Tribal and state hunts outside park boundaries, (2) capture and transfer to Tribes for shipment to slaughter, and (3) capture brucellosis testing and transfer to Tribes to start their own bison herds.⁷⁹ In doing so, by 2018, the park and partners, started the Bison Conservation Transfer Program to document migrating brucellosis-free bison and transfer them to a new area. In 2019, 290 bison have been transferred to associated Tribes, the largest ever transfer to Tribes in history.

3. *Indian Self-Determination Education and Assistance Act (ISDEAA)*

Redwood National and State Parks

Location: California

Tribes Involved: The Yurok Tribe

⁷⁷ Cellarius B. (2022). *Wrangell-St. Elias National Park and Preserve Subsistence and Anthropology Report*. United States Department of the Interior- National Park Service. <https://www.doi.gov/sites/doi.gov/files/10c-nps-wrst-subsistence-anthro-for-winter-2022-racs-508.pdf>

⁷⁸ *The Interagency Bison Management Plan*. (2000; updated in 2009). <http://www.ibmp.info>

⁷⁹ National Park Service. (Accessed on 2023 July 28). *Bison Management*. <https://www.nps.gov/yell/learn/management/bison-management.htm>

Agreement: 1. Memorandum of Understanding on California Condor Conservation;⁸⁰ 2. Annual Funding Agreement to create the Yurok Youth Trail Crew;⁸¹ 3. Resighini Rancheria Tribe of Yurok people, National Park Service, and California State Park at Redwood National Park General Agreement⁸²

The Yurok Tribe is the largest Tribe in California with more than 6,300 members. As such, they have leveraged their size and resources to engage with California state parks and NPS. For example, they are part of MOU focusing on California Condor reintroduction into their historical range and future conservation, alongside state and federal jurisdictions. The Tribe has also secured funding via an Annual Funding Agreement to create the Yurok Youth Trail Crew, through the Public Lands Corps Program to assist park staff with repairing trail surfaces on the Crescent Beach and Klamath sections of the California Coastal Trail.⁸³ Additionally, the crew participates in resource stewardship education, resource management education, and career opportunities with Park Service. On April 26 2023, the Tribe, Park Service, California State Parks signed a general agreement focusing on the protection of cultural sites and resources, Tribal participation in Yurok cultural interpretations, twice a year government-to-government consultations to cooperate on economic development and park management projects.

River Raisin National Battlefield Park

Location: Michigan

Tribes Involved: Wyandotte Nation

Agreement: Annual Funding Agreement for Educational programing, visitor services, maintenance and research⁸⁴

In the Tribal Self-Governance 2020 Report, the Wyandotte Nation entered an Annual Funding Agreement with River Raisin National Battlefield Park. \$57,350 was granted for educational programs, visitor services, volunteer support, and management. An additional \$50,000 was used to expand youth programs, such as fishing and kayaking. Lastly, entering a special study with other federally recognized Tribes to do a historical assessment and connection to the battlefield and the aftermath history.

Valles Caldera National Preserve

Location: New Mexico

Tribes Involved: Pueblo of Santa Clara

Agreement: Annual Funding Agreement for cyclic road maintenance⁸⁵

⁸⁰ *California Condor Restoration Memorandum of Understanding*. (2018).

<https://parkplanning.nps.gov/document.cfm?parkID=336&projectID=66364&documentID=88289>

⁸¹ U.S Department of the Interior. (2020). *Tribal Self-Governance - Annual Report to Congress*.

http://osqdb.org/OSG/InformationFiles/FileLibrary/Broadcasts/FY2022_Broadcast%20News/2020%20Self%20Governance%20Annual%20Report%20to%20Congress%20&%20Signed%20Transmittal%20Letters.pdf

⁸² "Redwood Parks and Resighini Rancheria sign historic agreement". (2023 May 23). Del Norte Triplicate News.

https://www.triplicate.com/news/redwood-parks-and-resighini-rancheria-sign-historic-agreement/article_2c5fc962-edca-11ed-88a1-7f32858eb80d.html

⁸³ National Park Service. (2015). *Yurok Tribe Land Conservation Corps with NPS YPP FY15*.

<https://www.grants.gov/web/grants/view-opportunity.html?oppld=276985>

⁸⁴ see 61

⁸⁵ see 61

In 2020, the Pueblo of Santa Clara received \$443, 978 for cyclic road maintenance on 54 miles of dirt roads within the Preserve.

4. *Additional Statutory Frameworks*

Everglades National Park

Location: Florida

Tribes Involved: Miccosukee Tribe

Agreement: Public Law 105-313: Miccosukee Reserved Area Act⁸⁶

The Tribe has lived and self-governed since 1964, on the northern edge of the park through permits from Park Service. The Tribe was able to do this by special use permits, but as their populations increased, there was a need to modernize their housing and facilities. As such, through the Miccosukee Reserved Area Act (1998), a legal framework will replace the special use permits, where the Tribe can permanently live and govern their own affairs within the park. Secondly, with both parties interested in the ecosystem, they participate in intergovernmental efforts to restore the South Florida ecosystem.

Nez Perce National Historical Park

Location: Idaho, Montana, Oregon, and Washington

Tribes Involved: Nez Perce Tribe

Agreement: Public Law 89-19⁸⁷

In the enabling legislation, Public Law 89-19, the Park Service is authorized to cooperate with the Nez Perce Tribe “in research into and interpretation of the significance of any site so designated and in providing desirable interpretive services and facilities and other facilities required for public access to and use and enjoyment of the site and in conservation of the scenic and other resources...”. As such, out of the 38 sites in Nez Perce Historical Park, the Park Service owns and manages nine of those sites, while the Nez Perce Tribe oversees the remaining sites.

5. *Special Agreement with Bureau of Land Management and U.S Forest Service*

Bears Ears National Monument

Location: Utah

Tribes Involved:

Bears Ears Commission

- The Hopi Tribe
- Navajo Nation (Diné)
- Ute Mountain Ute Tribe
- Ute Indian Tribe of the Uintah and Ouray Reservation
- The Pueblo of Zuni

⁸⁶ *Miccosukee Reserved Act*. (1998). Pub. L. No. 105-313, 112 stat. 2964.

<https://www.congress.gov/105/plaws/publ313/PLAW-105publ313.pdf>

⁸⁷ Enabling Legislation for Nez Perce National Historical Park. (1965). Pub. L. No. 89-19, 79 stat. 110.

<https://www.govinfo.gov/content/pkg/STATUTE-79/pdf/STATUTE-79-Pg110.pdf>

Agreement: *Intergovernmental Cooperative Agreement for the Cooperative Management of the Federal Lands and Resources of the Bears Ears National Monument*⁸⁸

In June 2022, the Bears Ears Commission signed a collaborative stewardship agreement with BLM and USFS. By working with the commission, BLM and Forest Service will prepare a management plan for federal lands within the boundaries of the monument. The agreement will also address other Tribal issues, such as a more robust outreach to Tribes and a more effective mechanism for government-to-government coordination. For example, the partnership will encourage TEK incorporation into management plans, create and secure funding for a full-time Tribal management staff, and funding of a Traditional Knowledge Institute that would have a Native benefit.⁸⁹

⁸⁸ *Intergovernmental Cooperative Agreement for the Cooperative Management of the Federal Lands and Resources of the Bears Ears National Monument*. (2022). <https://www.blm.gov/sites/default/files/docs/2022-06/BearsEarsNationalMonumentInter-GovernmentalAgreement2022.pdf>

⁸⁹ Bears Ears Inter-Tribal Coalition. (2022). *A Collaborative Land Management Plan for the Bears Ears National Monument*. https://www.bearscoalition.org/wp-content/uploads/2022/08/FINAL_BENM_LMP_08252022.pdf

Appendix B

Annotated Bibliography

Blake, E. (2021). Tribal Co-Management: A Monumental Undertaking? *Ecology LQ*, 48, 249.

<https://doi.org/10.15779/Z38JS9H855>

Blake reviews the historical relationship of public lands and federal agencies. The control of public lands is historically rooted in the fundamental injustices in which they were acquired, or rather “conquered.” The sad fact is, the beautiful parks throughout the country were seized from Tribes, most often through violence, genocide, or forced removal. This paper addresses the settler-colonialist legacy of public lands, potential violations of trust duties by federal land-management agencies, and lastly, a critique and suggestions on how the Biden administration should use the antiquities act. Overall, this is an opinion piece that strives to answer one question, “Who should control public land?”

Bureau of Indian Affairs, Department of the Interior & Indian Health Service, Department of Health and Human Services. (1996, August). *Public Law 93-638: Indian Self-Determination and Education Assistance Act, as Amended.*

https://www.bia.gov/sites/default/files/dup/assets/bia/ots/ots/pdf/Public_Law93-638.pdf

Public Law 93-638, The Indian Self-Determination and Education Act became in effect on August 23, 1996. The act was a joint rule, by the Department of Interior and The Department of Health and Human Services, to implemented section 107 of the Self-Determination act. Allowing the departments to provide financial services, via grants or contracts, to Indian Tribes without the burden of two sets of rules for single program legislation. The intention was to increase Tribal participations by enacting a requiring Tribal representative in a negotiated rulemaking process.

Clinton W.J., 42nd President of The United States of America. (1994 April 29). *Memorandum for the Heads of Executive Departments and Agencies, Government-to-Government Relations with Native American Tribal Governments.* https://www.justice.gov/archive/otj/Presidential_Statements/presdoc1.htm

This Executive Memorandum required all federal agencies to negotiate with American Indian Tribes on a “government-to-government” basis. Noted as a statement of support of federal and Tribal relationships, agencies were required to “... consult, to the greatest extent practicable and the extent permitted by law, with tribal governments prior to taking actions that affected federally recognized tribal governments.”

Clinton W.J., 42nd President of The United States of America. (1996 May 24). *Executive Order 13007: Indian Sacred Sites.* <https://www.doi.gov/pmb/cadr/programs/native/Executive-Order-13007>

Essentially as a reiterated version of the American Indian Religious Freedom Act, the order required federal agencies to “accommodate access to and ceremonial use of Indian Sacred sites by Indian religious practitioners,” and “avoid adversely affecting the physical integrity of such sacred sites.”

Clinton W.J., 42nd President of The United States of America. (2000 November 6). *Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.* <https://www.epa.gov/laws-regulations/summary-executive-order-13175-consultation-and-coordination-indian-tribal>

The purpose of this order was “to establish regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications, to strengthen the United States, government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon tribes.”

Lander E.S., Executive Office of The President, Office of Science and Technology Policy, & Council on Environmental Quality. (2021, November 15). *Memorandum for the Heads of Departments and Agencies: Indigenous Traditional Ecological Knowledge and Federal Decision Making.*

<https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf>

[A memorandum for the heads of departments and agencies focusing on the need to include Indigenous Traditional Ecological Knowledge in federal decision rulemaking. In order to contribute to advancements of the US and collective knowledge regarding our environment, it is deemed necessary, where appropriate, for agencies to consult with Tribal nations.](https://www.whitehouse.gov/wp-content/uploads/2021/11/111521-OSTP-CEQ-ITEK-Memo.pdf)

Grabenstein R. (2016) *Co-management Between Federal Agencies and Native American Tribes: Applications and Lessons.* Undergraduate Theses, Professional Papers, and Capstone Artifacts. 114. <https://scholarworks.umt.edu/utpp/114>

The Badger Two Medicine Area in Lewis and Clark National Forest has had ongoing conflict over the management of the historically sacred lands. The author looks at examples of co-management between federal agencies and Native American Tribes in order to elucidate options and obstacles that the Blackfeet Tribe will face in future management. Specifically, they examine National Bison Range and Badlands National Park co-management efforts. Their primary conclusion is the success of these efforts is completely dependent on successful communication and respect.

Jewell S., Secretary of the Department of Interior. (2016, October 21). *Secretarial Order 3342: Identifying Opportunities for Cooperative and Collaborative Federally Recognized Indian Tribes in the Management of Federal Lands and Resources.* <https://www.doi.gov/file/3342-identifying-opportunities-cooperative-and-collaborative-partnerships-federally-recognized>

This secretarial order is a great step in mending relationships between federal agencies and Indian Tribes. Noting the need to include Tribal nations in the management of federal land in resources, this order urges federal agencies to engage in partnerships with Tribes where applicable with shared interests. It also establishes a formal process, with institutional support to seek out opportunities that benefit Tribes and federal agencies alike. While the idea of partnerships with Tribes is not new, this was a proper push to actively develop relationships with Tribal nations.

Keller R.H. & Turek M.F. (1998). *American Indians and National Parks.* University of Arizona Press. <https://doi.org/10.2307/j.ctv1mgmc6p>

American Indians and National Parks is a thesis of the untold stories of conflict and collaborations between Native Americans and National Parks. By Acknowledging that the public lands conversation has always been a struggle between the rights of Tribes and the wants of the American Government, and the evolution of policy to preserve cultures just as much as land.

King M.A. (2007). *Co-management or contracting? Agreements between Native American tribes and the U.S. National Park Service pursuant to the 1994 Tribal Self-Governance Act.* Harvard Environmental Law Review 31.

http://www.buffalofieldcampaign.org/legal/tribalbriefing/king_co-management.pdf

King focuses how on the 1994 Tribal Self-Governance Act (TSGA) dictates the relationship between Indian Tribes and the National Park Service. Since the TSGA amended the 1975 Indian Self-Determination and Education Assistance Act, primarily by including options for management of federal land and natural resources, it has allowed a giant leap towards more co-management opportunities and the integration of traditional ecological knowledge.

Mills M. & Nie M. (2020). *Bridges to a New Era; A Report on the Past, Present, and Potential Future of Tribal Co-Management on Federal Public Lands.* Margery Hunter Brown Indian Law Clinic/Bolle Center for People and Forests, University of Montana. <https://www.umt.edu/bolle-center/files/mills.nie-bridges-to-a-new-era-2020.pdf>

By analyzing the historical reform of federal policy recognizing the rights of sovereign nations, the authors hope to reintroduce and catalyze the conversation for the further advancement, empowerment, and involvement of Tribes in public land management. They acknowledge how public lands essentially wouldn't exist, without the removal and exclusion of Tribes from traditional lands. However, this is the drive behind their reasoning and importance of cooperative federalism in designing more "Tribal-friendly" management legislation and rulemaking.

Murray M., Congressional Research Service. (2023 May). *Tribal Co-Management of Federal Lands: Overview and Selected Issues for Congress.* <https://sgp.fas.org/crs/misc/R47563.pdf>

The Congressional Research Service, a federal legislative branch agency within the Library of Congress, provides analysis of federal co-management for Members of Congress. They determine that uniqueness of government-to-government relationships influences the varying degrees of Tribal influence in federal decision-making. They provide a framework to determine the terms, requirements and responsibilities to define in a formal agreement.

National Congress of American Indians. (2015 January) "Tribal Nations and the United States: An Introduction."

https://www.ncai.org/attachments/PolicyPaper_VmQazPEqbvZDMeaDvbupWTSZLmzyzBKOknQRXnUyoVMoyFkEWGH_Tribal%20Nations%20and%20the%20United%20States_An%20Introduction.pdf

The National Congress of American Indians provides an in-depth analysis to the history, current state, and direction of relationships between Tribal Nations and the United States.

National Park Service. (2019 September). *Summary Narrative Report: Consultation and Partnerships with Federally Recognized Tribes & ANCSA Corporations.* https://legacy-assets.eenews.net/open_files/assets/2021/02/18/document_pm_04.pdf

This report is a summary of Department of Interior required consultations by the National Park Service during fiscal year 2018 and 2019. The main topics for consultation were the National Historic Preservation Act, cultural resource management, the National Environmental Policy Act, facilities, and general management.

Office of the Solicitor, United State Department of Interior. (2022 November). *Current Land, Water, and Wildlife Authorities That Can Support Tribal Stewardship and Co-stewardship*. <https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>

As determined by Secretarial Order No.3403, this final report is a legal review of current land, water, and wildlife treaty responsibilities of co-stewardship or Tribal stewardship to be finalized within one year.

Ramos S.C., Shenk T.M., & Leong K.M. (2016). *Introduction to traditional ecological knowledge in wildlife conservation*. <https://www.fcpotawatomi.com/wp-content/uploads/sites/39/2016/10/Introduction-to-Traditional-Ecological-Knowledge-in-Wildlife-Conservation.pdf>

Traditional Ecological Knowledge (TEK) describes the knowledge and traditional relationships with the environment held by Indigenous peoples. As one of the National Park Service top priorities, increasing opportunities to engage with Tribal communities, this report describes how TEK can be incorporated into resource research and management and also strengthen trust between American Indians and federal agencies.

Round River Conservation Studies. (2012). *Collaborative Management of Protected Areas, with Examples Collaboration Between Native American Tribes and US Federal and State Agencies*. <https://www.roundriver.org/wp-content/uploads/pubs/navajo/reports/Co-mgt-Backgrounder-Report-1-20-12.pdf>

Round River Conservation Studies conducts ecological research to provide partners with science first long-term conservation studies. In this report, they provide introductory information on collaborative management and the spectrum of stakeholder involvement in natural resource management. Lastly, they highlight examples of varying degrees of co-management agreements between BLM, NPS, and Indian Tribes.

Sams III C. (2022 March 8). Director of National Park Service, Department of The Interior, *Statement by Director Sams, Before the House Committee on Natural Resources, Regarding Tribal Co-Management of Federal Lands*. <https://www.congress.gov/117/meeting/house/114483/witnesses/HHRG-117-II00-Wstate-SamsIIIC-20220308.pdf>

In an official statement before members of congress, NPS director Charles Sam III explains the current agency wide priority to increase co-stewardship opportunities with Indigenous communities. This commitment served as a key moment in bringing the need for Tribal co-stewardship into the public's eye.

Spence M.D. (1999). *Dispossessing the Wilderness: Indian Removal and the Making of National Parks*. Oxford University Press.

Spence examines the troubling consequences of the American Wilderness Ideal. He explores the ideal that parks and monuments were uninhabited and for the taking, when in fact they were known and stewarded by Indigenous people well before European settlers even knew the land existed.

Treuer D. (2021). *Return The National Parks to The Tribes*. The Atlantic.

<https://www.theatlantic.com/magazine/archive/2021/05/return-the-national-parks-to-the-tribes/618395/>

The Author leads an in-depth discussion into the birth of National Parks. They describe the intent was to appreciate the land and embrace, but this did not include Tribes. In fact, the National Parks are built upon stolen that were legally constructed to keep Indigenous peoples out. He notes “the parks are the best of America, the jewels of its landscape,” and urges the nation to engage and ultimately return sacred land to the original stewards.

United States Department of Interior. (2021 November). *Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites*.

<https://www.doi.gov/sites/doi.gov/files/mou-interagency-coordination-and-collaboration-for-the-protection-of-indigenous-sacred-sites-11-16-2021.pdf>

Signatory agencies enter into this MOU to uphold their objective of improving and protecting Indigenous sites. The agencies included (but not limited to), will collaborate across agencies and departments, early in the process of any decision-making and/or regulatory processes.

United States Department of Interior & Department of Agriculture. (2021, November 15). *Order No. 3403: Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*. <https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3403-joint-secretarial-order-on-fulfilling-the-trust-responsibility-to-indian-tribes-in-the-stewardship-of-federal-lands-and-waters.pdf>

Signed by Secretary of Interior Deb Haaland and Secretary of Agriculture Thomas J. Vilsack, this joint order guarantees the departments responsibility to encourage nation-to-nation relationship building agreements with Indian Tribes in regards to managing federal lands and water.

United States Department of The Interior. (2022 November). *First Annual Report on Tribal Co-Stewardship*. https://www.bia.gov/sites/default/files/dup/inline-files/doi_annual_report_on_co-stewardship.pdf

This report explains how the Department of Interior has acted on its commitment consistent with Joint Secretarial Order 3403. They also include a legal review on current authorities in co-stewardship and Tribal Stewardship, highlights of landmark agreements since the Order was signed, and best practices in Tribal engagement.

United States Department of the Interior. (2022). *Policy Memorandum 22-03: Fulfilling the National Park Service Trust Responsibility to Indian Tribe, Alaska Natives, and Native Hawaiians in the Stewardship of Federal Lands and Waters*. https://www.nps.gov/subjects/policy/upload/PM_22-03.pdf

Policy Memorandum 22-03 acts as a guidance on how NPS will implement Secretarial Order No. 3403. This memorandum supplements guidance in previous documents, orders, pertaining to cultural and resource management agreements with Tribal governments.

Washburn K. (2022). *Facilitating Tribal Co-Management of Federal Public Lands*. Wis. L. Rev. 263-328, U Iowa Legal Studies Research Paper No. 2021-45, Available at SSRN:

<http://dx.doi.org/10.2139/ssrn.3951290>

Washburn conducts a legal analysis of successful cases of Tribal co-management and noting how every contract has differing dynamics. They also discuss how crucial Indigenous-led conservation

is addressing climate change and conservation goals, but also how it can encourage nation-to-nation relationships, all for the betterment of public lands.

Zipfel Z. (Year?). *Shared Boundaries: American Indian Tribes and the National Park Service.* A Report for National Parks Conservation Association.

The author reports on the historical relationship, current status, and future steps of the relationship between the Park Service and Tribes. Specifically, the author provides a historical lesson on the significant growth in Tribal legal and political power. They also explain the internal push for NPS to build long-lasting relationships. Lastly, Zipfel concludes with examples of success and key points to consider in the future to formulate effective policy.