

Executive Summary

Tribal comments received during
Council on Environmental Quality consultations on the
President’s America the Beautiful Initiative
September 27th - November 23rd, 2021

Background: In response to the [Conserving and Restoring America the Beautiful Report](#), the White House Council on Environmental Quality (CEQ), in coordination with the Departments of the Interior and Commerce, held two virtual Tribal consultation sessions on October 26 and 28, 2021 and received written comments from September 27, 2021 to November 23, 2021. These opportunities were provided with the intent of engaging with Tribes and Tribal leaders to better understand their needs, interests, and best ways to work together on the America the Beautiful initiative. While input on all aspects of the America the Beautiful initiative was welcomed, there was a set of [specific questions](#) shared in advance. Written comments were received and are reported here from the Tribes, Commissions, Communities, Councils, and Confederations listed at the end of the report. This document summarizes the thoughtful individual written and verbal responses the CEQ received from these consultations; it does not represent a consensus of opinion from Tribes, nor does the document reflect the government’s endorsement of the views expressed herein.

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Accounting for the conservation and climate contributions of Tribally managed lands and waters

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **It was noted that the Federal government can use direct Tribal outreach** to ascertain Tribal contributions to conservation goals.
- **There was a recommendation to partner with Tribal organizations** like the National Tribal Lands Association and the National Indian Carbon Coalition to stay more informed on Tribal conservation work.
- **There was a suggestion to use Bureau of Indian Affairs and Forest Service data on Tribally managed forests**, including Tribal trust lands and Federal lands over which Tribes have management agreements, to account for existing conservation and climate contributions of Tribally managed lands and waters.
- **Many Tribes expressed resistance** to the idea of the Federal government counting Tribal conservation actions toward Federal conservation goals given historical injustices and continued infringement on Tribal treaty rights by the Federal government.

Defining “co-management”

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **Several Tribes shared that co-management means to them that Tribal decision-making authority is equal to Federal decision-making authority, and it is oriented towards long-term management**, rather than mere consultation on discrete issues. Tribes must be allowed to determine what is important to them, rather than Federal agencies; Tribes should be a primary partner in planning and implementation. Furthermore, co-managed decisions must follow the fundamental principles of free, prior, informed consent of Tribal peoples.

Improving co-management agreements

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **It was suggested that the Federal government actively expand and seek out co-management agreements**, while offering Tribes options and capacity to take on co-management agreements. It was noted that Joint Secretarial Orders on co-management at the Federal level could be used to direct agencies and regional decision-makers on implementation. Another suggestion was made that the Federal government could implement requirements for agencies working on Tribal lands and/or culturally important portions of public lands to create co-management memoranda of understanding (MOUs) with Tribal governments.
 - Several Tribes commented that the Federal government should welcome collaboration of Tribal partners and the local knowledge they bring. In addition, comments were made that planning and implementing co-management requires mutual respect, honesty, reciprocity, and transparency. **Many Tribal leaders and representatives noted that for successful collaboration, Federal partners must respond promptly, be transparent**

about process, and openly engage in and develop the co-management agreement jointly—from initial scoping to final agreements.

- A specific statement was made that there may be opportunities to establish co-management agreements with Alaskan Tribal fish and wildlife entities such as the Yukon River Inter-Tribal Fish Commission and Ahtna Intertribal Resource Commission.
- **Several Tribal leaders noted the need to utilize regional task forces**, calling for the creation and expansion of regional task forces and work groups to co-manage natural resources.
 - Tribal leaders suggested that consultations at the regional level might be a better approach to ensuring a focused, more relevant interaction; it was noted that the **Biden-Harris Administration’s emphasis on the importance of engaging Tribes is not getting funneled down into regional staff on the ground.**
 - Tribal leaders noted that site-specific conservation work groups that include all relevant Federal and Tribal entities can provide a framework for identifying potential sites for co-management and improve the integration of Indigenous Traditional Ecological Knowledge (ITEK)¹ into conservation practices.
- **The 2021 report [Bridges to a New Era](#) was shared as a model guide for co-management.**² This report notes that dispute resolution mechanisms are a required tenet of co-management; **Tribes must have some power to say ‘no’ to decisions** that affect their lands, wildlife, and communities, even off-reservation.
- **Tribal Leaders recommended that the Federal government evaluate and learn from Canadian and Australian co-management models.** Tribal leaders suggested visiting at least two national parks/wildlife areas that are co-managed by First Nations and Parks Canada to learn about best practices.

Improving communication, consultation, and transparency

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **Tribal leaders touched on the need to require frequent, regular, early, ongoing, and meaningful Tribal consultation** to improve co-management and conservation outcomes.
 - The co-management of marine mammals was identified as a model of Tribal consultation in the Northern Bering Sea.
- **There were requests to implement requirements for early notification and detailed reporting/discussions** related to potential efforts to occur within an agency’s jurisdiction. Many Tribal leaders emphasized the need to move beyond Tribal consultation as an administrative, “box-checking” exercise.
- To enable full and equal collaboration, Tribal leaders noted that agencies need to **provide timely and complete disclosure of cultural and scientific data** to Tribal Nations.

¹ The terms “Indigenous Knowledge” (IK), “Traditional Knowledge” (TK), “Traditional Ecological Knowledge” (TEK), and “Indigenous Traditional Ecological Knowledge” (ITEK) were all used by Tribal leaders and representatives during the consultation process to refer to the knowledge of Tribes and Indigenous peoples about the lands and water they have inhabited for generations. For the purposes of this summary, the term ITEK will be used to refer generally to this type of knowledge. However, the Administration is currently working with Tribal leaders and representatives to identify the proper agreed-upon terminology moving forward.

² Mills, Monte and Nie, Martin (2021) "Bridges to a New Era: A Report on the Past, Present, and Potential Future of Tribal Co-Management on Federal Public Lands," Public Land & Resources Law Review: Vol. 44, Article 2. <https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=1741&context=plrlr>

- Many Tribes pointed out that listening sessions or **one-time broad inquiries are not sufficient**, especially given the historical lack of timely, proactive, frequent, meaningful, and constructive consultation by Federal agencies.
- **It was recommended that Federal agencies coordinate their requests for consultation** to ensure that time is well spent in these sessions, as Tribes are now receiving many requests for consultations.
 - There was a request that Tribal input be required with sufficient advance notice to prepare Tribal leadership.
- Many Tribes emphasized that engagement with Tribes should be conducted on a **sovereign-to-sovereign basis**; Tribes are not mere stakeholders.
- It was noted that the Federal government needs to **show how Tribal comments and recommendations impact its decision making**. Additionally, it was noted that the Federal government needs to respond to Tribes after receiving information from them and make it clear that they have considered Tribal input.
- **A request was made that the Federal government mandate Tribal consultation** for all categories under the National Environmental Policy Act (NEPA) and American Rescue Plan Act (ARPA) including permit applications/violations across Federal agencies.
- Alaska Native Corporations (ANCs) manage all Alaska Native Claims Settlement Act (ANCSA)-conveyed lands. A specific statement was made that when notifying and consulting with Tribal governments on all Federal policies that impact Tribes or Federal-Tribal relations—as outlined in Executive Order 13175—**Federal agencies should also notify and consult with all Alaska Native Village Corporations and Alaska Native Regional Corporations in the region**.
- **Tribal leaders requested that the Federal government clarify the authority of Federal agencies to engage in true co-management**. To do so, it was suggested that the Federal government make clear that agencies have the statutory authority to engage in true co-management. If necessary, it was suggested that Federal land agencies (such as the Department of the Interior) be delegated the express authority to enter into co-management agreements that allow for Tribal jurisdiction; if needed, amend the Federal Land Policy and Management Act of 1976, U.S.C. 1701 et seq.
 - In addition, it was noted that there may be existing areas of the law where there is language that empowers co-management but currently is not being fully utilized.
- **A suggestion was made to institute a co-management training program** and make it available to all Tribal and Federal land managers. There was a recommendation that the National Park Service and Tribal land managers co-develop this program. Furthermore, it was noted that the Department of the Interior and its Bureau of Indian Affairs should take the lead in coordinating with other agencies and educating them about how to develop appropriate programmatic agreements that institutionalize co-management communication.
- The importance of considering the effect of unratified treaties on consultation was expressed. It was noted that the lack of ratification can prevent Tribes from coming to the table and accessing funding.

Improving funding for co-management

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **Several Tribes expressed the need for non-competitive, dedicated, and stable Federal resources** to reduce administrative burden on Tribes and support permanent conservation.

- The need for the development of funding mechanisms to allow Tribes to purchase lands for conservation and treaty-based harvest activities was noted. It was recommended that a non-taxable conservation lands tenure status be co-developed for Tribally owned lands not held in trust.
- A recommendation was made that targeted Federal funds be made available to Tribal co-management partners and that specific sources be identified in agreements.
- Moreover, a suggestion was made to remove requirements that Tribes be required to provide matching funds for Federal conservation projects that affect them.
- **Many Tribal leaders and representatives touched on the need to shift funding towards a self-governance model and to increase funding for capacity building.** Tribal leaders advised the Federal government to:
 - Divide funding for co-management using the shares model commonly applied by the Bureau of Indian Affairs and Indian Health Service self-governance agreements, in which there is fixed division of full-time employees assigned to project/site at all levels of leadership.
 - Provide additional direct and ongoing support as it relates to the administration of conservation programs.
 - Provide permanent funding for Alaska Native co-management activities.
- **Several Tribal leaders touched on the importance of providing funding to support Tribal management of natural resources.** It was noted that States often have access to Federal funding not available to Tribes. Tribal leaders recommended that the Federal government ensure Tribes are explicitly included along with states in statutes and competitive funding opportunities that promote conservation programs and partnerships. For example, it was recommended that the Coastal Zone Management Act be re-authorized to formally recognize and include Tribal governments.
- **A specific statement was made to provide competitive funds for “Tribal-Federal Co-Management Demonstration Projects,”** for (federally-recognized) Tribes with management capacity to co-manage with Federal agencies in Tribal areas of rights and interests.

Creating opportunities for Tribal leadership in conservation

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **The importance of increasing Tribal leadership, decision-making power, and advisory capacity across the Federal government—as well as opportunities for Indigenous scholars—was expressed.**
 - Tribal leaders recommended that the Federal government hire and promote Tribal members to positions of influence across all agencies, not just the Department of the Interior, to improve co-management and help to increase Tribal access to and use of existing conservation programs.
 - Tribal leaders also recommended that CEQ work with Tribes to collaboratively develop and implement a **permanent Tribal Advisory Committee and/or a permanent Federal Tribal liaison role** at the Department of Commerce and other departments, to facilitate consistent and meaningful Tribal representation at the highest level of Federal environmental decision-making. Requests were also made for a Tribal liaison specifically focused on the America the Beautiful initiative.

- A request was made that Tribes have **designated voting seats on applicable Advisory Councils and Federal natural resources decision making bodies**, especially those related to fishing and energy production.
 - Advisory Councils that include Native American representatives are essential for establishing strong relationships and building shared knowledge systems. However, it was noted that current institutional processes across departments can hinder meaningful progress. Thus, these **working groups must be coupled with institutional shifts**.
- There was a request to provide office space in Federal regional facilities for Tribal agency representatives.
- **The importance of funding for Indigenous scholarship**, especially in conservation, was noted. Collaboration with Tribal colleges for research was encouraged.

Utilizing education to improve co-management and conservation practices

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **Tribal leaders recommended that the Federal government educate both Federal government employees and the general public on Tribal history, law, culture, and the importance of Tribal stewardship for conservation.**
 - To inform co-management, it was recommended that **trainings be made available to Federal staff across all agencies to educate staff about Tribal history, law, and culture**. Many Tribal leaders and representatives touched on the need to develop and share agency best practices for Tribal consultation regarding conservation, sovereign status of Tribes, Indigenous Traditional Ecological Knowledge, treaty rights, and other contexts; Tribal leaders emphasized that **this education must reach front-line Federal staff in regional and field offices**.
 - Additionally, it was suggested that Tribes have voluntary roles in education and outreach to both Tribal and non-Tribal communities.
 - It was suggested that the Federal government assist Tribes, as co-managers, in **educating the public as to the location of Tribal homelands, why Tribal co-management is in the public interest, and how the public can help protect, restore, and preserve these lands**.

Honoring treaties and expanding conservation for critical off-reservation resources

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **Tribal leaders recommended that Federal agencies work directly with affected Tribes to locate specific areas to be protected outside reservation boundaries, develop conservation operations, and implement these programs.** Tribes frequently have cultural affiliations to land outside of their reservation boundaries (fee land owned by Tribes, Tribal sacred sites, and culturally significant land and resources), often as a result of historical disregard of treaty rights by Federal and state governments.
 - The need to support local governments in addressing treaty rights protection issues was expressed.

- Impacts of **increased recreation and land degradation have profound effects on hunting and gathering**, as well as impacts to irreplaceable cultural resources and sacred sites and extends beyond the treaties to impact the ancestral homelands of all Tribes.
- **Tribal leaders expressed a need for improved environmental analyses or alternative processes, as current environmental analyses do not account for how a project is disconnecting Tribal people from resources.** It was noted that these analyses do not capture that Native communities cannot exist without these natural resources.
 - Tribal leaders emphasized that, by considering the big picture and the long term that extends beyond Tribal boundaries, Tribes prioritize conservation of natural resources, while conservation has been a secondary concern to commodity production by the non-Indian public.
 - There was passion expressed about the need to protect waters and ecosystem services from pollution and degradation. It was noted that Tribes can have intense interactions with the Federal government over lands and waters that are important to cultural and spiritual traditions and economies
- **The importance of honoring treaty rights to harvest and use off-reservation resources, prioritizing the restoration of Tribal homelands to Tribes, was expressed.**
 - Before pursuing co-management, Tribal leaders recommended that the Federal government **prioritize direct restoration of Tribal homelands** via the land-into-trust process, or direct sale to Tribal governments.
 - A recommendation was made to co-develop a streamlined process that allows **fast-tracking placement of land into trust for conservation purposes** and to hire more realty staff to increase the capacity for processing priority land-into-trust applications at the Bureau of Indian Affairs.
 - Some Tribes advocated for **the return of culturally critical and/or sacred landscapes to Tribes** by all Federal agencies without triggering the need for protracted NEPA reviews, or unnecessarily onerous and protracted applications. Alternatively, it was suggested that, at the Tribe's discretion, culturally-appropriate management of such landscapes be mandated, to include ensuring access to these places by citizens and limiting access by the general public.
 - Additionally, it was expressed that the use of the Land and Water Conservation Fund for purchasing Tribal land should be prohibited.
 - A specific statement was made to honor ANCSA section 14(e) by giving Calista title to subsurface lands.
 - **It was recommended that Tribes have unfettered access to, and be a part of the co-management of, off-reservation culturally important resources.**
 - The importance of ensuring Tribal say in off-reservation treaty resource decisions at all levels of government (Federal, state, and local) by working with Tribal governments to advocate for laws, implement rules, and establish MOUs was noted.
 - A request was made to provide fee waivers for (federally recognized) Tribal members to access Federal lands.
 - **It was recommended that the Federal government consider impacts to treaty-reserved resources when making land and resource decisions** (i.e., timber sale, access closure, or Federal species protection/management).
- **Many Tribal leaders recommended that Federal agencies support Tribal-led efforts and co-conduct research and monitoring of First Foods and treaty-guaranteed resources like wild salmon.** It was noted that Treaty Resources and Tribal First Foods must be protected and

maintained, or restored, to ensure continuously available harvest and use for Tribes. Tribal leaders advised the Federal government to:

- Increase funding to Bureau of Indian Affairs for Tribal subsistence programs.
- Protect Indigenous rights to hunting and gathering on ancestral homelands in perpetuity.
- Improve co-management structures with National Parks and National Marine Sanctuaries while protecting treaty harvest.
- **The urgency of designating Indigenous protected areas** and ecological marine conservation areas to protect Tribal values and resources was expressed. In addition, it was suggested that America the Beautiful should emphasize ocean and marine resources which are on the verge of collapse; **establish more Marine Protected Areas.**
 - Some of the suggested spatial areas for designation include: Norton Bay Protection Area, the Northern Bering Sea Climate Resilience Area, Southeast Alaska, the Pribilof Islands Marine Ecosystem (PRIME), and anadromous Columbia Basin fish species habitat (the Columbia Basin, Pacific Northwest-Columbia River Estuary, Columbia Basin tributary freshwaters, Columbia Basin Basalt aquifers and floodplains, Columbia Basin watershed uplands)

Strengthening the National Historic Preservation Act (NHPA)

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **Many Tribal leaders recommended that the NHPA be strengthened to better preserve culturally important Tribal sites and Tribal cultural information.** Tribal leaders and representatives advised that the Federal government:
 - **Audit Federal agency NHPA implementation**, evaluate Programmatic Agreements, and eliminate agreements that undermine Tribal-led management of Tribal resources.
 - Commit to legislation to protect Indigenous holy places, sacred sites, and practices on par with non-Indigenous churches and religions.
 - Consider oral traditions at the same level as archeological, biological, and other forms of available evidence under the Section 106 process of NHPA.
 - Increase dedicated funding for Tribal Historic Preservation Offices and Traditional Management.
- **It was noted that data sharing agreements must protect sensitive Tribal cultural information.** Several Tribal leaders commented that Tribes need to be able to steward and control how their Traditional Knowledge is shared and used.
 - It was expressed that, at a minimum, **data-sharing agreements should comply with the NHPA and Native American Graves and Repatriation Act.** Furthermore, it was noted that **The Freedom of Information Act may need to be amended** to exempt culturally sensitive Tribal information.
 - It was suggested that the Federal government develop data sharing agreements to share Federal agency data with Tribes so that Tribes can identify, extract, and account for Tribal treaty resources in Federal datasets.

Incorporating Indigenous Traditional Ecological Knowledge into conservation programs

Comments on this topic included the following perspectives and recommendations from Tribal leaders and representatives:

- **There was a recommendation that the Federal government clearly define the terms used to refer to the knowledge held by Indigenous people about the lands and water they have inhabited for generations**, as it was noted that the language varies across Federal laws and guidance.
- **It was strongly recommended that the incorporation of Indigenous Traditional Ecological Knowledge (ITEK) into conservation practices be led by Indigenous communities.** At the very least, it was suggested that the collection and use of this knowledge must be collaboratively managed by Indigenous communities, and intellectual property rights must be respected. Tribal leaders recommended that the Federal government:
 - Fund Tribal-led efforts for achieving incorporation of ITEK into conservation.
 - Provide Federal resources to help Tribes create their own climate centers focused on ITEK.
 - Incorporate ITEK into all co-management agreements and day-to-day management plans; recognize Tribal partners in these agreements as the knowledge owners and holders.
 - Hire ITEK experts to partner on management plans and lead commissioned studies.
- **Several Tribal leaders and representatives noted the need to fund and expand Tribal programs that collect data on Tribally managed lands and waters.** Tribal leaders advised that the Federal government:
 - Track all Federal lands and waters that are under co-management agreements; expand Tribal-led programs that collect data on baseline conditions on Tribally managed lands.
 - Support remote sensing data collection (ex: Forward Looking Infra-Red (FLIR) and Light Imaging Distance and Ranging (LiDAR)) to measure change at the regional scale and inform Federal and Tribal priorities and goals for research, monitoring, and restoration.
 - Support development of an active mentorship program for passing down ITEK from one generation to the next. For Tribes to be effectively sovereign, they need to preserve information about cultural and natural resources. Indigenous Traditional Ecological Knowledge of special places and plants, and their function and prominence, must be identified and preserved before a changing climate leads to their loss.
- **It was strongly recommended that the knowledge systems and expertise held by Indigenous groups be accorded parity with western scientific knowledge.**
 - Several Tribal leaders noted that ITEK has proven its effectiveness to preserve and protect natural resources and ecosystems over thousands of years, and is critical to long-term stewardship of cultural landscapes and sacred sites.
 - It was suggested that the Federal government formally recognize that ITEK is a form of scientific observation.
 - Many Tribal leaders and representatives recommended that the Federal government mandate the use of ITEK science frameworks to guide the Federal Government's conservation and climate management decisions—simply trying to integrate pieces of ITEK into western science frameworks is insufficient. Tribal leaders advised the Federal government to consider how ITEK could be incorporated into regional and state policies and procedures.

- A specific statement was made to consider oral traditions at the same level as archeological, biological, and other forms of available evidence under the Section 106 process of the National Historic Preservation Act 1966.

Next Steps

This consultation summary will be made available on the [Council on Environmental Quality | The White House](#) website. Upon consideration of these comments, staff working on the America the Beautiful initiative will share these comments with relevant agencies and groups, continue to consult with Tribes on specific projects, initiate regional consultations as needed and on an ad hoc basis, and host follow-up nationwide consultations on specific issues and questions.

Written responses received from:

- Aleut Community of Saint Paul Island
- Calista Corporation
- Citizen Potawatomi Nation
- Coast Miwok Family
- Confederated Salish and Kootenai Tribes
- Confederated Tribes of the Umatilla Indian Reservation
- Federated Indians of Graton Rancheria
- Fort Mojave Indian Tribe
- Kuskokwim River Inter-Tribal Fish Commission
- Makah Tribal Council
- Norton Bay Inter-Tribal Watershed Council
- Oglala Sioux Tribe
- San Manuel Band of Mission Indians
- Sault Ste. Marie Tribe of Chippewa Indians
- Snoqualmie Indian Tribe
- White Mountain Apache Tribe

Verbal comments received from:

- Akiak Native Community
- Alaska Nannut Co-Management Council
- Aleut Community of St. Paul Island
- Karuk Tribe
- Nez Perce Tribe
- Organized Village of Saxman
- Pueblo of Acoma
- Rosebud Sioux Tribe
- Scotts Valley Band of Pomo Indians
- Sicangu Lakota Treaty Council
- Suquamish Tribe
- Zuni Tribe