

**STATEMENT OF CHARLES F. SAMS III, DIRECTOR, NATIONAL PARK SERVICE,
U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE COMMITTEE ON
NATURAL RESOURCES, REGARDING TRIBAL CO-MANAGEMENT OF FEDERAL
LANDS.**

MARCH 8, 2022

Chairman Grijalva, Ranking Member Westerman, and members of the Committee, thank you for the opportunity to discuss Tribal co-management of federal lands. President Biden and Secretary Haaland are committed to improving the stewardship of our Nation's lands and waters by strengthening the role of Tribal communities in federal land management.

I am the first Tribally enrolled member to lead the National Park Service (NPS). I come from the Umatilla Indian Reservation in Northeast Oregon where I am Cayuse and Walla Walla with blood ties to the Cocopah and Yankton Sioux. As the 19th Director of the NPS, I share the Biden-Harris Administration's commitment to strengthening the role of Native American Tribes, Alaska Natives, and Native Hawaiian Organizations, and will focus my comments today on the NPS's cooperative stewardship of our national parks.

The NPS preserves unimpaired the natural and cultural resources and values of 423 parks, 23 national scenic and national historic trails, and 64 wild and scenic rivers, for the enjoyment, education, and inspiration of this and future generations. In addition to welcoming over 300 million visitors each year to these special places, we administer nationwide programs to preserve local history, celebrate local heritage, and create opportunities for close to home recreation. The NPS collaborates with a variety of Tribal nations, partners, and communities, to carry out our important mission.

The Biden Administration is committed to strengthening the role of Tribal communities in federal land management, honoring Tribal sovereignty and supporting the priorities of Tribal Nations. On November 15, 2021, Secretary Haaland and Secretary of Agriculture 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*. This Secretary's Order recognizes that federal lands were previously owned and managed by Indian Tribes and that these lands and waters contain cultural and natural resources of significance and value to Indian Tribes and their citizens; including sacred religious sites, burial sites, wildlife, and sources of Indigenous foods and medicines. In addition, many of those federal lands and waters lie within areas where Indian Tribes have the reserved right to hunt, fish, gather, and pray pursuant to ratified treaties and agreements with the United States.

The Secretary's Order also directs agencies to increase opportunities for Tribes to participate in their traditional stewardship of present-day federal lands and waters and the integration of thousands of years of Indigenous knowledge and sustainability practices into federal management and operations, subject to the interest of each Tribe.

The Department, including the NPS, recognizes and values Tribes' thousands of years of traditional ecological knowledge of the lands the Department administers. Our collaboration

with Tribes, through co-stewardship and the incorporation of tribal traditional ecological knowledge into federal management practices, strengthens the management of the nation's public lands. It also ensures a continued connection between Tribes and their culturally significant and sacred sites, many of which are located within national park boundaries.

As Director of the NPS, I am committed to seeking ways to increase opportunities for co-stewardship with Tribes in the interest of all peoples of the United States and in accordance with the laws and policies governing the NPS. The NPS works cooperatively with Tribes in the stewardship of national parks. This co-stewardship takes many forms, including co-management obligations in law, collaborative and cooperative agreements, and self-governance agreements.

The NPS is implementing the Secretary's Order in a variety of ways. First, together with the Department as a whole, the NPS is reviewing its sources of authority to enter into the full range of co-stewardship agreements, inclusive of but not limited to formal co-management. The NPS is also assessing its Tribal consultation processes to ensure that parks and regional offices have the necessary support and guidance to work with Tribal Nations on these agreements and to enhance Tribal member opportunities to work in and connect to national park sites that hold significant cultural and spiritual importance, consistent with President Biden and Secretary Haaland's direction on meaningful consultation.

Park Specific Tribal Co-Management Agreements

There are currently four parks in the national park system that have co-management authority with Tribes. The four parks are Canyon de Chelly National Monument, which is located within the boundaries of the Navajo Nation in Arizona; Glacier Bay National Park and Preserve in Southeast Alaska; Grand Portage National Monument, which is located within the boundaries of the Grand Portage Indian Reservation in northern Minnesota; and Big Cypress National Preserve in Florida, which I was fortunate enough to visit a couple of weeks ago.

Canyon de Chelly National Monument is located entirely within the Navajo Reservation and the monument's enabling legislation preserves some land and mineral rights of the Navajo as well as the preferential right to provide some visitor services. An Agreement for Cooperative Management of Canyon de Chelly was negotiated and signed by the Navajo Nation President, NPS Park Superintendent, and Bureau of Indian Affairs (BIA) Regional Area Director. This process involved extensive Tribal consultation and community involvement. Development of a joint/co-management plan is anticipated to begin in FY2023 and will include determining how joint management will work. A model plan has been proposed based on the success realized at Uluru-Kata Tjuta National Park in Australia, which is operated with a board that makes major decisions. This board consists of park personnel and community members and is advised by three advisory committees, all of which include local Indigenous people.

For centuries, the Huna Tlingit harvested gull eggs at rookeries scattered throughout the recently deglaciated islands of lower Glacier Bay, now located within Glacier Bay National Park. Egg harvests not only provided a healthy spring food source, but also served as a mechanism for families to bond through intergenerational food harvests. These traditional harvests were curtailed in the 1960s when the NPS began enforcing the Migratory Bird Treaty Act and related

NPS policies that prohibited egg harvest. In recent years, the NPS and the Hoonah Indian Association collaborated on a range of programs designed to encourage and reinvigorate cultural activities within the park, including the harvest of gull eggs. With the support of both the NPS and the Hoonah Indian Association, in 2014, Congress passed legislation authorizing harvest of glaucous-winged gull eggs by the Huna Tlingit in their traditional homeland of Glacier Bay National Park. Hoonah Indian Association Tribal members harvested gull eggs in Glacier Bay in 2020 and 2021 in accordance with cooperatively developed sustainable harvest plans, returning hundreds of eggs to community elders. This collaborative effort has ensured intergenerational transmission of ancestral traditions, strengthened Huna Tlingit ties to their traditional homeland, and bridged relationships between the Tribe and NPS.

Grand Portage National Monument is co-managed by the Grand Portage Band of Chippewa Indians and the NPS, as provided through the monument's enabling legislation. The NPS and Tribe have had a unique and special relationship over the last 20 years. The Tribe donated the land that became the park, which sits in the middle of its reservation. Since 1999, self-governance annual funding agreements for maintenance, interpretation, and resource management positions and projects have been negotiated between the Tribe and NPS totaling over \$27 million. In 2018, the NPS and the Grand Portage Band created the Grand Portage Conservation Crew. This youth organization now provides resource management at Grand Portage National Monument, Grand Portage Indian Reservation, and Isle Royale National Park. Examples of co-management practices and projects include preservation of historic structures, ethnobotanical restoration, construction of a LEED platinum dormitory, archeological excavation at the Monument; wildland fire activities, timber stand improvement, and archeological surveys on the Reservation; and moose browse surveys and exclosure construction on Isle Royale. The stewardship of Grand Portage National Monument exemplifies how successful co-management can be, while infusing valuable dollars into the local Tribal economy.

The fourth park, Big Cypress National Preserve, through its enabling legislation, provides for usual and customary rights to the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida, as well as right of first refusal to provide visitor services. Although the Tribes have the authority to enter into co-management with the Preserve, neither Tribe has yet expressed interest in pursuing co-management agreements and there are currently none in place.

Collaboration and Cooperative Agreements

The majority of NPS working relationships with Tribal Nations are collaborative or cooperative opportunities rather than co-management and are supported through official agreements, often with accompanying Tribal Council resolutions. The NPS has approximately 80 agreements of this type in place, and we expect that number to increase. Two examples of these widely varied agreements include the following.

The Nisqually Tribe is currently collaborating with Mount Rainier National Park to publish the report *Plants, Tribal Traditions, and the Mountain Practices and Effects of the Nisqually Tribal Plant Gathering at Mount Rainier National Park*. The report will contain the results of five years of traditional plant gathering research on three species traditionally harvested by Nisqually tribal members on Mount Rainier. It will offer summary considerations and recommendations

for administering traditional plant gathering activities in a manner that minimizes impact to harvested plants and associated plant communities. The park's consultation with the Cowlitz Tribe and Yakama Nation in developing the Ohanapecosh Visitor Center exhibits will give visitors historical and contemporary context of the traditionally associated Taidnapam. The park's consultation with the Nisqually on interpretive programs has resulted in the document *Mount Rainier Interpretive Themes and the Nisqually Tribe*, a great resource for developing interpretive programs.

Acadia National Park has been involved in a multi-year project with the Wabanaki Nations of Maine for traditional gathering of sweetgrass within the park. The interdisciplinary work focuses on Wabanaki stewardship approaches through centuries of learned traditional ecological knowledge, as well as cultural protocols to assert Indigenous sovereignty in natural and cultural resource management on ancestral lands. This research project aims to provide a template of culturally appropriate engagement between Native American gatherers and national parks. The results of the project have proven how effective incorporation of traditional ecological knowledge can be, how plant gathering has a positive impact on the plant colonies when gathered in a culturally appropriate traditional manner, and how beneficial it is to include this knowledge at the initial stages of a project.

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

In addition to co-management and collaborative and cooperative agreements, the NPS has made a concerted effort in negotiating with Self-Governance Tribes for annual funding agreements (AFA), as authorized under the Indian Self-Determination Education and Assistance Act (ISDEAA). The ISDEAA, as amended, recognized the obligation of the United States to respond to Tribal self-determination in education and other federal services to Indian communities. Under Title IV, Tribal Self-Governance, of the ISDEAA, any non-BIA program, service, function, or activity that is administered by the Department of the Interior that is "otherwise available to Indian Tribes or Indians," can be administered by a Tribe through a self-governance funding agreement. These include programs, services, functions, and activities or portions thereof that are of "*special geographic, historical or cultural significance*" to a Self-Governance Tribe.

On an annual basis, the NPS works with the Office of Self Governance to publish a list in the Federal Register of potential activities and locations of national parks with close proximity to Self-Governance Tribes that may be eligible for inclusion in funding agreements for the upcoming fiscal year. Elements of programs that may be eligible for a Self-Governance AFA include resource management research and activities, planning documents, fire protection, housing construction and rehabilitation, interpretation and educational programming, maintenance functions and services, road and trail repair or rehabilitation. Federally recognized Tribes that are traditionally associated and have cultural, historical, or geographical significance to a park in the National Park System may initiate the request to enter into negotiations for an AFA. Funds are transferred through AFAs to the Tribe to carry out the agreed upon programs, services, functions, and activities. Overall, since the NPS began entering into AFAs with Self-Governance Tribes, the Tribal communities have received an aggregate amount of over \$38 million. The following are examples of these AFAs.

In addition to the earlier mentioned co-management of Grand Portage National Monument, the National Monument entered into an AFA with the Grand Portage Chippewa Tribe for 35 total projects plus the base agreement to do all maintenance and construction work at the National Monument. This includes project work at Isle Royale National Park.

The Yurok Tribe has an AFA for three projects at Redwood National and State Parks. The Yurok Youth Trail Crew, established through the Public Land Corps program, will assist Redwood National and State Parks with performing repairs to failing and damaged trail surfaces on the Crescent Beach and Klamath sections of the California Coastal Trail. This work will bring approximately three miles of trail back to acceptable trail standards and help reduce the park's deferred maintenance and repair backlog. The crew will participate in resource stewardship education opportunities, gain exposure to various resource management operations, and receive orientation to career opportunities within the park system.

River Raisin National Battlefield Park entered into AFAs with the Wyandotte Nation for educational programming, visitor center operations, volunteer program support, maintenance, research, and to expand youth kayaking and educational programs. Additionally, the Wyandotte Nation will complete a special history study with 78 federally recognized Tribes on their connections to the battlefield and its aftermath. The study will provide valuable information which will be used in the future in development of the park's interpretive stories.

In October 2019, Valles Caldera National Preserve entered into a multi-year funding agreement with the Pueblo of Santa Clara for cyclic road maintenance on 54 miles of public and administrative use dirt roads within the preserve.

Additional Statutory Frameworks for Tribal Engagement

Some Tribes have specific kinds of authority in or related to national parks provided by statute. Nez Perce National Historical Park, in parts of Idaho, Montana, Oregon, and Washington, consists of 38 sites. The NPS owns and manages nine of those sites and the Nez Perce Tribe owns and operates the others. The park is authorized in its enabling legislation to cooperate with the Nez Perce Tribe through research and to provide interpretive services. The park partners with the Nez Perce Tribe, the Confederated Tribes of the Colville Reservation, and the Confederated Tribes of the Umatilla Indian Reservation.

In 2000, the Timbisha Shoshone Homeland Act, based on a study by the NPS identifying lands suitable for a reservation for the Tribe, transferred lands within Death Valley National Park to the Timbisha Shoshone Tribe. This law also created a "Timbisha Shoshone Natural and Cultural Preservation Area" consisting of NPS and BLM lands and included other provisions pertaining to access and Tribal cooperative management with the NPS and BLM.

Since 1964, the Miccosukee Tribe lived and governed their own affairs on the northern edge of Everglades National Park through NPS permits. In 1998, legislation was passed to replace the special use permit with a legal framework under which the Tribe could live permanently and govern their own affairs in a modern community within park boundaries.

Although the NPS has entered into a number of co-management, cooperative, collaborative, and self-governance agreements, we still have many opportunities to expand the use and scope of these agreements with interested Tribes pursuant to Secretary's Order 3403. We recently reestablished a dedicated national Office of Native American Affairs, which reports directly to me, and I am working to ensure that that office is appropriately staffed.

The National Park Service is a very special agency with a timeless mission that is symbiotic with Tribes: to protect and preserve our resources and to inspire current and future generations. I am impressed with the dedication and skill of the NPS's workforce and look forward to continuing to work with these professionals as we engage, collaborate, and enter into agreements with Tribes.

Chairman Grijalva, Ranking Member Westerman, thank you again for inviting me to testify before you today. I would be happy to answer any questions that you or other members of the Committee may have.