

# ADVANCING TRIBAL PARITY ON PUBLIC LANDS ACT

The lands and waters now known as the United States are the ancestral homelands of Indigenous Peoples. Despite physical removal and displacement from these traditional territories, tribal governments' cultural connections to these places have never been extinguished. Tribal governments and their citizens continue to exercise treaty rights to hunt, fish, and gather on public lands, and continue to access public lands to pray, conduct ceremonies, visit burial sites, and gather plants for traditional purposes.

Public land management laws fail to protect the rights and interests of tribal governments with a historic connection to, or treaty or other reserved rights on, public land. For example, public land containing a tribal sacred site or where a tribal nation has a treaty right may currently be sold to private developers regardless of a tribe's interest in the land. Further, despite being sovereign nations, tribal governments are not even afforded the same rights as State and local governments in public land management processes.

The Bighorn Medicine Wheel is one of the largest and most well-preserved medicine wheels on public land. The Advancing Tribal Parity Act would ensure that sacred sites on public land are not sold to private developers.



Numerous federal laws require public land managers to consult with State and local governments, but many of these requirements omit tribal governments. The Recreation and Public Purposes Act authorizes the conveyance of public lands to State and local governments—and even non-profit organizations—but not to tribal governments. Tribal governments and their partners are urging Congress to update public land laws to ensure that tribal governments are afforded the respect and rights due them as sovereign nations, and to increase protection for public lands that contain tribal cultural sites, or where a tribal nation maintains treaty or other reserved rights. The Advancing Tribal Parity on Public Lands Act would achieve these important goals.

## PREVENTING THE DISPOSAL OF CULTURAL SITES

Despite tribal governments maintaining a historic connection to, and treaty or other reserved rights on, public land, current law allows for the sale of those lands despite the impacts such a sale may have on tribal rights and interests. The Advancing Tribal Parity on Public Lands Act would prohibit the sale of public land containing a tribal cultural site, where a tribal nation retains treaty or other reserved rights, or that contains a former reservation.

## AUTHORIZING TRIBAL GOVERNMENTS TO ACQUIRE PUBLIC LANDS

The Advancing Tribal Parity on Public Lands Act requires that, when selling public land, the United States Forest Service and Bureau of Land Management must offer the land at fair market value first to tribal governments with a historic connection to the land. This ensures that tribal governments with historic connections to public lands have the first opportunity to reacquire those lands. Federal law authorizes the conveyance of public lands to State or local governments, or non-profit organizations, for public purposes. However, tribal governments are not afforded the same opportunity. The Act would correct this deficiency by authorizing tribal governments to acquire public lands for public purposes.

## INCREASED TRIBAL CONSULTATION

Federal law contains numerous provisions directing public land managers to consult with State and local governments, but many of these requirements omit tribal governments. The Advancing Tribal Parity on Public Lands Act would correct these deficiencies by requiring public land management agencies to provide tribal governments with meaningful public involvement opportunities in land use planning. The Act would also require that public land use plans be consistent with tribal plans where feasible.

## ACQUIRING CULTURAL SITES

Federal law establishing criteria for land acquisition currently makes no mention of the presence of sacred sites, or the role of the land in honoring treaty obligations to tribal governments. The Advancing Tribal Parity on Public Lands Act includes the presence of cultural sites and the fulfillment of treaty obligations in the criteria considered by public land managers in prioritizing land acquisition.



The Laramie Treaty of 1868 gave Native Americans the right to hunt on unoccupied lands, like these in the Bighorn National Forest. Yet tribal governments with such rights often have little to no say in the management of these lands. The Advancing Tribal Parity on Public Lands Act would address these and other inequities.

## ENSURING TRIBAL REPRESENTATION ON ADVISORY BOARDS

Federal law authorizes the establishment of advisory boards to provide input on public land management. Currently, there is no requirement that these committees include tribal governments, a glaring omission in light of the strong historic and current connection tribes maintain to their ancestral homelands. The Advancing Tribal Parity on Public Lands Act addresses this inequity by requiring that public land advisory boards include at least one tribal representative.

