

Annual Report
on
Implementation of Joint Secretarial Order 3403
on Fulfilling the Trust Responsibility to Indian Tribes in the
Stewardship of Federal Lands and Waters

U.S. Department of Agriculture, Forest Service
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Background

The United States has a general trust responsibility to the Tribal Nations of this country, as established in treaties, executive orders, statutes, and case law. On November 15, 2021, Agriculture Secretary Thomas J. Vilsack and the Interior Secretary Deb Haaland signed Joint Secretarial Order 3403 (JSO 3403) “Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters.” This Order establishes that both the U.S. Department of Agriculture (USDA) and the U.S. Department of the Interior (DOI) will manage Federal lands and waters in a way that protects the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes and is consistent with the nation-to-nation relationship between the United States Government and federally recognized Tribes and the U.S. Government’s trust responsibility. The Order directs each Department to pursue agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters under each Departments’ purview and, where consistent with applicable law, support opportunities to consolidate Tribal homelands and Tribal stewardship of those resources. In November 2022, Joint Secretarial Order 3403 was amended to include the U.S. Department of Commerce (DOC), providing increased opportunity for co-stewardship of Federal waters.

Since 2004, with enactment of the Tribal Forest Protection Act, the USDA Forest Service has had the ability to enter into co-stewardship agreements with Tribes to plan and execute mission critical risk reduction and restoration work that considers treaty and reserved rights, Tribal indigenous knowledge, and cultural values on the National Forest System. The Forest Service 2012 Planning Rule directs the Agency to, among other things, consult with Tribes, consider Tribal land management plans and policies, review opportunities to achieve common objectives

with Tribes and reduce conflicts, and explore opportunities for joint monitoring. The 2018 Farm Bill authorized the Forest Service to enter into self-determination contracts with Tribes to carry out activities under the Tribal Forest Protection Act and also enabled Tribes and counties to utilize the Good Neighbor Authority for restoration work on the National Forest System.

These legislative and policy frameworks have been incorporated into Strengthening Tribal Consultations and Nation-to-Nation Relationship: A USDA Forest Service Action Plan (February 2023) that brings an integrated approach to the sovereign-to-sovereign relationship between Tribal Nations and the United States, institutionalizes co-stewardship, and takes the Forest Service's trust relationship with Tribal Nations to the next level.

Restoration of Tribal Ancestral Homelands

A focus of the USDA Forest Service in 2024 has been working with Tribes and other federal agencies to restore Tribal ancestral homelands, where applicable authority exists. Tribes have long advocated for the USDA Forest Service, and other federal land management agencies, to return traditional homelands lands removed from Tribal ownership, often through forced cession, termination, and other means. Although the Forest Service has limited authority to transfer land to Tribes, land consolidation and restoration of Tribal ancestral homelands returns those lands to Tribal stewardship, and allows for the preservation of lifeways and provides other benefits to Tribes such as increased opportunities for housing, agricultural operations, and economic development. Included below is information on three projects completed (or nearing completion) by the Forest Service in coordination with Tribes and other Federal partners in 2024.

Leech Lake Band of Ojibwe Land Transfer

In June 2024, the Secretary of Agriculture transferred 11,778 acres of National Forest System lands, located on the Chippewa National Forest in Cass County, Minnesota, to the Secretary of the Interior to be held in trust by the United States for the benefit of the Leech Lake Band of Ojibwe and to be considered part of the Leech Lake Indian Reservation. This transfer implemented Public Law 116-255, the Leech Lake Band of Ojibwe Reservation Restoration Act. The restored lands will enable the Leech Lake Band of Ojibwe to manage their traditional homelands and invest in future generations with economic and residential development.

Yavapai-Apache Nation Land Exchange

In November 2024, the Yavapai-Apache Nation (Nation) and the USDA Forest Service finalized a land exchange allowing the Nation to reclaim a portion of its ancestral homelands. These restored lands will open the door to new economic development opportunities for the Nation as well as provide much-needed space for new housing for its people. The exchange includes 11 parcels of National Forest System lands totaling

approximately 3,207 acres within the Prescott and Coconino National Forests for 6 parcels of non-Federal land totaling approximately 4,782 acres, within the Prescott, Coconino, Apache-Sitgreaves, and Kaibab National Forests. Nearly all of the 3,207 acres are contiguous to the Nation's existing Reservation lands near Camp Verde, Arizona.

Ute Indian Tribe Ashley Stockmore Transfer

A National Forest Administrative Site for the Ashley National Forest in Utah that is within the Ute Indian Tribe of the Uintah and Ouray Reservation's historic exterior boundaries was determined to be excess to the agency's needs by USDA and the General Services Administration (GSA). GSA is working with the Department of the Interior and the Ute Tribe to finalize the transfer of 31.4 acres to be taken into trust for the benefit of the Ute Indian Tribe.

Tribal Co-Stewardship of the National System

In fiscal year 2024, the USDA Forest Service invested approximately \$113 million in 121 grants and agreements with Tribes and Alaska Native Corporations, with more than half of these focused on co-stewardship of the National Forest System. This co-stewardship spans a range of Tribal and Forest Service priorities, honors treaty rights, and protects and maintains resources important to Tribes and cultural lifeways. Co-stewardship investments in fiscal year 2024 were approximately \$70 million, including 14 Tribal Forest Protection Act self-determination demonstration projects (TFPA/638) in the amount of \$15 million and 21 Good Neighbor agreements that have invested more than \$28 million in restoration. Since JSO 3403 was signed, the Forest Service has entered more than 250 new co-stewardship agreements. Fiscal year 2024 continues the trend toward institutionalizing co-stewardship in Forest Service mission critical work to honor the federal trust responsibility and protect traditional Tribal homelands, while stewarding our nation's forests and grasslands.

Co-stewardship in general takes a comprehensive approach to management of the National Forest System, often incorporating multiple elements of importance to Tribes. The following section illustrates how themes around Tribal culture, values, and treaty and reserved rights are being incorporated into the mission critical work of the Forest Service.

Integration and Planning

Most Tribal/Forest Service co-stewardship agreements and efforts seek to address multiple facets of natural resource management, including treatment of disease and infestation, fuels reduction, restoration of fish and wildlife habitat, and watershed health. Some of these collaborations incorporate joint development of the statement of work including plan of operation and quality control. Others have taken a Forest/Grassland-wide approach to develop strategies for trails and road maintenance that ensures Tribal access to exercise reserved treaty rights for gathering or for ceremony, as well as cultural monitoring and environmental planning and studies. These

broader strategies are also intended to ensure that land management planning can be informed by Tribal identification and inventory of cultural resources and places.

Treaty and reserved rights and cultural and religious access

Substantial resources have been placed upon co-stewardship that provides the necessary cultural context and indigenous knowledge for analyses and decision making on fuels reduction that protects cultural and historic features and traditional cultural properties. The Forest Service also collaborates with Tribes on the collection, propagation, and replanting of native plant species with a specific emphasis on Tribal interests as they pertain to gathering native plants for cultural use. The Forest Service consistently works with Tribes and enters into agreements to ensure that reserved treaty and other rights are protected, including access to exercise those rights.

Cultural resource and sacred sites protection

There is a growing body of co-stewardship work focused on Tribes as lead for traditional property and cultural resources and surveys, ethnographic and historic studies, and sacred site services and training, among others, in the working relationship with the Forest Service. Tribes are also increasingly active in interpretive services, traditional/cultural language services, cultural plant identification, and the collection of Tribal information related to the significant cultural qualities of their sacred sites. Tribes are also critical partners in compliance with National Historic Preservation Act, Native American Graves Protection and Repatriation Act, and other key statutes. Tribes are utilizing indigenous knowledge to take a greater co-stewardship role in planning, inventories, monitoring, and treatment of non-native species that infringe on culturally significant and sensitive areas of the National Forest System. National Forests and Grasslands and Tribes have advanced much of this work as a result of JSO 3403 as well as the Cultural Heritage Cooperation Authority (25 USC 32A), which provides access to free forest products for traditional and cultural purposes; limits disclosure of Tribal information under FOIA related to reburials and cultural resource protection; reburial of human remains and cultural items; and temporary closures for traditional and cultural purposes.

Indigenous Knowledge

In addition to day-to-day management decisions and protection of culturally important places, Tribes are increasingly filling a co-stewardship role as propagators of native plant materials through seed and nursery work. These plants provide critical local resources for reforestation and recovery efforts and are frequently of cultural significance to Tribes who possess indigenous knowledge to ensure propagation success and sustainability, while concurrently executing a knowledge exchange between elders and youth while informing Agency decisions. Indigenous knowledge is also a critical factor in more broadly and effectively using prescribed fire and cultural burning on the public landscape and protecting cultural and heritage resources. This knowledge is increasingly being sought and shared through co-stewardship to improve understanding of how to address Tribal interests in fire planning and advancement of restoration based on indigenous knowledge.

Workforce and Youth Capacity Building

Educating, training, and mentoring Tribal youth is a critical component of a number of co-stewardship efforts, with a desire to train Tribal youth in culture and traditional homelands while providing learning through conservation projects and appreciation of natural and cultural resources that may lead to pursuit of higher education or job training for the next generation of stewards. This work is occurring within the Indian Youth Service Corps as well as other programs that provide job training and education programs that include outdoor skills, job ethics, community, and independent living skills. Other efforts are building co-stewardship that takes best advantage of the unique knowledge and status of Tribal Nations to add both value and capacity to Forest Service operations through Tribal staffing and operation of cultural, educational, and interpretive services. Other co-stewardship is providing vocational training to the Tribal workforce to also build natural resources careers. The Forest Service continues to also be engaged in building up Tribal capacity for wildland firefighting through training of 10-person fire modules.

Economic Opportunity

In partnership with the American Indian and Alaska Native Tourism Association, the Forest Service continues to support co-stewardship through the Native American Tourism and Improving Visitor Experience (NATIVE) Act. These grants support Tribal leadership of cultural tourism on the National Forest System as well as cross-boundary and/or multi-jurisdictional efforts and span sharing living traditions, interpretive trails, master planning, and tourism improvements.

Resources and Guides

In fiscal year 2024 the Forest Service continued long-standing partnerships with the Intertribal Timber Council and Tribes as well as multiple Forest Service units to inform the Wildfire Crisis Strategy. This work includes analyses of how the Agency can further the Wildfire Crisis Strategy through Tribal partnership and incorporation of Tribal priorities and indigenous knowledge. The Forest Service Office of Tribal Relations also undertook extensive interviews with both Agency and Tribal practitioners of cultural burning to better understand the barriers and opportunities for expanding cultural burning on the National Forest System, and the Forest Service Community of Practice for Fuels hosted two national webinars to educate Forest Service staff (with other agencies and Tribes invited to participate) in the principles of cultural burning.

The Forest Service partnership with the National Tribal Geographic Information Support Center (NTGIS) provides a variety of technical support services available to Tribes at no cost to assist in the development of geospatial data to support Tribal decision-making, engagement, and consultation. . There is now a staffed Help Desk available to Tribal government employees that provides technical assistance related to geospatial software and a knowledge base of support articles on a variety of topics, as well as on-demand and virtual training opportunities.

The Washington Office of Grants and Agreements has also been delivering staff training on the TFPA/638 authority and is currently revising the Best Practices Guide for TFPA/638. A new Guide to Grants and Agreements with the Forest Service for Tribal Nations and Forest Service

Program Managers is also being developed.

These and other resources will be made available through the Collaborations and Co-Stewardship portal on the Forest Service Office of Tribal Relations website in 2025.

Forest Service Regional Co-Stewardship Agreement Highlights

Northern (Region 1)

Standing Rock Sioux Tribe Dakota Prairie National Grassland. In August 2024, the Standing Rock Sioux Tribe and USDA Forest Service signed a co-stewardship agreement for the Dakota Prairie Grasslands focused on bison restoration that includes transitioning a grazing allotment from cattle to a bison operation, reconstructing or new construction of critical allotment infrastructure, restoring previously cultivated lands within the allotment to native grasslands species, planting native woody species, and integrating a youth engagement component to this work.

Rocky Mountain (Region 2)

Great Sioux Nation Tribes and Black Hills National Forest. In August 2024, the Rocky Mountain Region and eight Tribes from the Great Sioux Nation — Cheyenne River, Crow Creek, Flandreau Santee, Lower Brule, Oglala Lakota, Rosebud, Sisseton-Wahpeton, Spirit Lake, and Standing Rock — signed a historic Memorandum of Understanding (MOU) to outline the co-stewardship of portions of the Black Hills National Forest. The MOU establishes an ambitious framework for consultation, land and water conservation, sustainable forest stewardship, landscape scale restoration, cultural resource and sacred site protection, fuel reduction, wildfire management, youth programs, workforce development and enhanced visitor relations. This is one of the first MOUs with the Tribes and the Forest over the Black Hills where the Tribes hold ancestral and cultural ties to the land.

Southwest (Region 3)

Pueblo of Tesuque, Santa Fe National Forest, and Bureau of Land Management. Through a Memorandum of Understanding signed on November 1, 2024, the Pueblo of Tesuque, Forest Service, and Bureau of Land Management seek to develop a collaborative program to address illegal dumping, looting, and desecration of sacred places within the Caja del Rio Plateau; conduct a landscape-wide ethnographic study; secure access to and the protection of places of cultural importance; and include traditional ecological knowledge in Federal land management decisions. Through this framework, the Pueblo and its Federal partners will collaborate in natural resource management that maintains Pueblo cultural lifeways and works to ensure protection, preservation, and access to culturally significant Pueblo sites within the boundaries of land managed by the Forest Service and Bureau of Land Management.

Intermountain (Region 4)

The Shoshone Paiute Tribes and Region 4. The Shoshone Paiute Tribes received funding under the Infrastructure and Investments and Jobs Act Firewood Banks program. This direct Tribal investment contributes to a broader Wood for Life/Wood Project team which has grown in the past three years to become an integral service to the community of the Duck Valley Indian Reservation, focusing on Tribal elders, single parent homes, and needy families. Burning

firewood on the reservation is a way of life that has been going on for generations. Most homes on the reservation have a wood stove and families burn wood to stay warm during the winter. Burning firewood also helps to offset the cost of their electric bills in colder months. This work will process and deliver an estimated 1,000 cords of firewood to families and members of the community this year and next.

Pacific Southwest (Region 5)

Greenville Rancheria and Plumas National Forest. The Dixie Fire was the largest single wildfire in recorded California history, and it engulfed the town of Greenville and Tribal lands of the Greenville Rancheria Tribe. As fire recovery and restoration occurs, the Tribe and Forest Service are collaborating to protect culturally significant sites of the Mountain Maidu, located on Tribal ancestral lands on the Plumas National Forest. The Tribe will monitor and evaluate site conditions within the Tribe’s ancestral lands to ensure adequate protection measures are in place and that project activities are not adversely affecting site integrity.

Pacific Northwest (Region 6)

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and Wallowa-Whitman National Forest. This agreement initiates Phase 2 of work to improve critical habitat for threatened Steelhead and Bull Trout in the Granite Creek ‘Priority Watershed’ and in support of the Mid-Columbia Steelhead Recovery Plan. This mine reclamation and habitat restoration contributes to CTUIR’s commitment to “to protect, restore, and enhance the First Foods – water, salmon, deer, cous, and huckleberry – for the perpetual cultural, economic, and sovereign benefit of the CTUIR.” Long-standing restoration efforts to benefit Tribal reserved rights to fish, hunt and gather foods and medicines enables CTUIR to be a strong partner of the Forest Service to restore the health of these unique special habitats and ecosystem functions.

Southern (Region 8)

The Comanche Nation and National Forests in Texas. The Comanche Nation and Forest Service are continuing their collaboration with a Supplemental Participating Agreement to undertake a Gulf Coast Cultural Resource Survey. This work brings Comanche Nation crews to assist in resource work that includes heritage paraprofessionals, timber markers, and other skill sets. Archaeological sites will be managed to identify the nature and extent of the archaeological deposits and generate appropriate site documentation including site sketch maps and GPS locational information.

Eastern (Region 9)

Leech Lake Band of Ojibwe and Region 9. The Regional Forester of the Eastern Region signed a Memorandum of Understanding (MOU) on October 21, 2024, with the Leech Lake Band of Ojibwe. This MOU builds on a 2019 MOU with the Band and expands the framework for cooperation between the Forest Service and the Leech Lake Band for natural resource management, economic development and employment, training, and education, enabling the Tribe to maintain Ojibwe cultural lifeways on National Forest System and trust lands within the boundaries of the Leech Lake Reservation.

Alaska (Region 10)

The Central Council of Tlingit and Haida Indian Tribes Cultural Ambassadors Program.

The Central Council of Tlingit and Haida Indian Tribes and Alaska Region continued their shared vision for co-stewardship of the Mendenhall Glacier Recreation Area in fiscal year 2024 through a Cultural Ambassadors program. The Mendenhall Glacier Visitor Center and Recreation Area requires a large interpretive and educational staff throughout the year, and especially during the summer with cruise ship visitation. This agreement will provide training to existing and new staff to add capacity and integrate culture into U.S. Forest Service programs. A Cultural Ambassador Supervisor Manual will also be developed by Tlingit & Haida to guide the day-to-day duties and responsibilities of Tlingit & Haida staff and how they will be incorporated into the existing Mendenhall Interpreter Staff Manual. Supplemental part-time and/or intermittent staff may provide operational, environmental, cultural, educational, or historical knowledge or training.

Conclusion

For the past three years, the Forest Service has made significant progress toward developing opportunities with Tribes to collaborate on the co-stewardship of Federally managed lands and waters.

Tribal co-stewardship agreements that implement Joint Secretarial Order 3403 (JSO) take an approach to managing National Forests and Grasslands that seeks to protect the treaty, religious, subsistence and cultural interests of federally recognized Tribes. These agreements reflect a wide array of Tribal interests and priorities including caring for forest and watershed health, restoring fire-adapted ecosystems, integrating Indigenous Knowledge into federal land management decisions, protecting cultural resources, treaty rights, wildlife habitat, food sovereignty, and ceremonial and traditional activities.

The JSO was developed to guide the federal government's trust responsibility and address Tribal treaty and other reserved rights on federally managed landscapes. Through authorities like the Tribal Forest Protection Act of 2004 and others, the USDA Forest Service and other signatories to the JSO reinforce government-to-government consultation and co-stewardship with Tribes by agencies of the Department of Interior, and the National Oceanic and Atmospheric Administration in the Department of Commerce. This shared commitment between the Forest Service and Tribes propels current and future projects within the National Forest System and embodies the spirit and intent of the Forest Service's 2023 Tribal Action Plan, "Strengthening Tribal Consultations and Nation-to-Nation Relationship: A USDA Forest Service Action Plan."

These co-stewardship investments are meaningful ways in which we live out our federal trust responsibility and to meet the mission of the USDA Forest Service to maintain the health, diversity, and productivity of the nation's forests and grasslands; meet the needs of current and future generations; and achieve quality land management through sustainable multiple-use management. Engaging Tribes in co-stewardship adds the value of their collective knowledge of these landscapes to improve resource outcomes that benefit all users of these shared landscapes. The USDA Forest Service remains committed to working with Tribes, the first stewards of the National Forest System, to continuously improve how we care for the land and serve people.

