

Voluntary Tribal Engagement Strategies for Save the Redwoods League

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Executive Summary

At the behest of state and federal policy governing tribal consultation, there has been a resurgence of natural resource management agencies working in partnership with tribes on a variety of conservation issues. Simultaneously, conservation groups have taken voluntary approaches to working with tribes on conservation projects to achieve shared priorities for land conservation. Conservation partnerships with tribes have restored rights to ancestral territories and expanded the narrative of the contemporary conservation movement. But how do conservation groups work with tribes - as sovereign nations, as peoples with a recent memory of genocide and relocation at the hands of agencies, and as peoples with a deep spiritual and cultural connection to land and all living things?

This report examines this question as it relates to Save the Redwoods League, a century-old nonprofit land trust in California that has long worked to protect and steward ecologically significant lands also identified as tribal ancestral territories that hold cultural and spiritual significance. Over the last decade, the League has engaged with tribes on a project by project basis while recognizing the need for a more holistic understanding of tribal engagement to achieve their ambitious vision for the next century of redwoods conservation.

Redwoods can live to be two to three thousand years old. Tribes in California's redwood range, where Save the Redwoods League operates, have been around for many more thousands of years. This report is a mere snapshot of perspectives on tribal engagement as they relate to conservation projects and does not fully address underlying issues of historical trauma or conflict, the need for a greater understanding of traditional ecological knowledge, or the rich history of tribal cultures and their profound connection to land and all living things. This report does offer useful information and guidance to Save the Redwoods League as they work to develop an organization-wide framework or best practices for engaging with tribes.

To inform this report, interviews were conducted with Save the Redwoods League staff, conservation groups, and agency partners with a demonstrated track record of working with tribes within California's redwood range. These stakeholders offered knowledge, perspectives, and best practices on tribal engagement which are summarized in this report. Numerous attempts were made to speak with tribal representatives directly for their observations and perspective, but ultimately the researchers relied on publicly available information.

First, the researchers reviewed internal files of Save the Redwoods League projects with tribal components. Second, the researchers offer an aspirational case study on the Yurok Tribe and Western Rivers Conservancy that sets the tone for the magnitude of conservation capable of being achieved by working in partnership with tribes. Third, an analysis of federal and state government policies and guidelines serve as a potential framework for tribal engagement. Lastly, perspectives and approaches employed by three primary stakeholder groups: government agencies, conservation organizations, and tribes, set the stage for recommendations for Save the Redwoods League to consider in their development of a framework or best practices for tribal engagement.

Recommendations include: respect the status of tribes as sovereign nations by engaging with them early and often when working on projects in areas they are connected; identify appropriate points of contact both within the league and with each tribe, keeping that list updated; value and support tribal cultures, attending cultural events when possible and appropriate; and establish a standard operating procedure for engaging with tribes with established timelines for communication and engagement.

While these recommendations were developed for Save the Redwoods League, they offer guidance for other conservation groups in the redwood range and beyond that seek to meaningfully engage and build lasting relationships with tribes.

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“The Great Creator made everything, including trees of all kinds, but he wanted to leave a special gift for his children. So he took a little medicine from each tree, he said a prayer and sang a powerful song, and then he mixed it all with the blood of our people. Then he created this special redwood tree from this medicine. He left it on Earth as a demonstration of his love for his Children.”

Minnie Reeves, Chilula Elder ([Barbour, 2001, p.85](#))

1. Introduction

Save the Redwoods League is focused on the protection and restoration of coast redwood and giant sequoia, among the oldest living organisms on the planet, and connecting people to their peace and beauty. Unlike government agencies mandated to consult with tribes on a government-to-government basis, the League, a nonprofit organization, holds no legal responsibility to consult with tribes, many of whom consider protected redwood forests their ancestral home. The League recognizes the importance of voluntarily building and improving tribal relationships as it enters its second century protecting and restoring redwood forests (Save the Redwoods League, 2020).

In the absence of formal tribal engagement guidance, this project seeks to assist the League by providing recommendations on incorporating tribal engagement into their work to protect, connect, and restore redwoods to ensure an inclusive narrative of tribal culture and history in the redwood range, and develop best practices for the inclusion of tribes in the League’s ongoing work.

To better understand frameworks for tribal engagement, the researchers studied federal and state government policies and guidelines that mandate government-to-government tribal consultation and collected direct observations by interviewing staff from conservation groups and agencies working with tribes. Results were compiled and synthesized as part of this Masters Project to provide guidance for the League to use in their ongoing work.

This research aims to inform the League's approach to tribal engagement by exploring three core questions.

1. From a cultural relevance perspective, what is the basis for the League's rationale to work in consultation and collaboration with tribes?
2. Based on formal and informal tribal consultation policies, guidelines, and direct experiences, what useful frameworks and best practices exist in conservation organizations and agencies for working with tribes?
3. What learnings and guidance can be offered to the League in order to increase their capacity to engage and work with tribes?

2. Methods

This project was initiated by foundational conversations with Save the Redwoods League staff and volunteers. During these conversations, we discussed what forms of tribal engagement have occurred, what priorities intersect with tribal cultural relevance, and how the League conceptualizes engaging tribes in their work. We then reviewed

federal and state tribal engagement laws, policies, and guidance, examining how the government works with tribes.

Following our conversations and review of federal and state policies and guidelines, we interviewed 14 staff members and volunteers representing conservation groups and agencies that have worked in partnership with tribes to discuss their tribal engagement and learn from their experience (full list on page 42). After numerous attempts, we were unable to secure interviews with tribal council or staff in the redwood range to understand their direct perspectives and recommendations on working with conservation groups and agencies. In part, this is indicative of the challenges of communicating with tribes faced with a myriad of priorities and requests. Through publicly available information, we were fortunate to include a modicum of direct tribal perspectives on conservation collaborations.

3. Review of Save the Redwoods League Tribal Engagement

Since 1918, the League has acquired lands within the ancestral territory of indigenous tribes throughout the coast redwood and giant sequoia ranges. During the last decade, the League has utilized a number of conservation tools in collaboration with tribes. The League has transferred land, cultural access rights, and actively partnered with tribes on conservation projects. Each project has been approached and implemented independently by League project managers, depending upon the tribe, the context of the project, and other partners. A map and brief review of recent League projects

including tribal engagement components are included below. Project details were retrieved and synthesized from internal documentation provided by Save the Redwoods League. From north to south, League projects over the past ten years with tribal engagement components include:

Redwoods Rising: The League and Northern California's Yurok Tribe share mutual enthusiasm and a strong interest in collaborating on redwood forest restoration in Redwood National and State Parks through Redwoods Rising. For the Yurok, redwood forest restoration is a value ingrained in their Constitution ([Yurok, 1993](#)). This value is shared by the League and an essential component of their vision for the next 100 years. Redwoods Rising is a landscape scale restoration collaboration led by Save the Redwoods League, the National Park Service, and California State Parks. Lead collaborators are working with the Yurok Tribe to incorporate the tribe as a formal partner in Redwoods Rising and signatory to the 20-year Redwoods Rising Memorandum of Understanding (MOU). The project site, Redwoods National and State Parks contains a large amount of Yurok ancestral territory and numerous sites of cultural significance. Yurok forest managers have been engaged as potential contractors for Redwoods Rising restoration treatments. The League also submitted a joint proposal with the Yurok Tribe to monitor threatened Humboldt marten populations in response to road removal restoration treatments that are suspected to be linked to a decrease in endangered species predation.

PROJECT LOCATIONS

Save The Redwoods
LEAGUE®



Map produced by Save the Redwoods League
March 2020 using ESRI software

Fig. 1 Save the Redwoods League project locations. (Save the Redwoods League, 2020)

Orick Mill Property and Visitor Center: After acquiring the Orick Mill property, the League commissioned the Yurok Tribal Heritage Preservation Officer to develop a cultural resources study at the 125-acre former Orick Mill site, located within Yurok traditional cultural property based on its associations with the Yurok cultural practices, traditions, and beliefs. With intention to restore this site and develop a visitor center, the League signed an MOU with the Yurok Tribe pledging to collaborate on the project, ensure Yurok representation as a key stakeholder in cultural aspects of project development, and as appropriate incorporate Yurok input and knowledge on the project overall. The proposed site development plan includes a Yurok Village and space for cultural ceremonies. This property was acquired by the League in 2013 following an attempt in 2011 by the Yurok to acquire the property. Yurok tribal youth crews have also assisted in stewardship activities on the site.

Four Corners: Purchased for \$753,000 in 1997, the League donated the 164-acre Four Corners property to the InterTribal Sinkiyone Wilderness Council (a nonprofit conservation consortium of ten federally recognized Northern California tribes) in 2012. The League retained a conservation easement on the property, receiving \$140,000 from the Council for conservation easement administration and \$10,000 for project costs. The Four Corners property was largely donated based on the property's strong spiritual and archaeological significance to native tribes. Sally Bell, a noted Native American midwife and healer who as a child had survived the massacre of her tribe within view of the Four Corners property, resided nearby and a redwood grove was

named in her honor by the Trust for Public Land. Following the League's transfer of the property, the Council's co-founder and chairwoman Priscilla Hunter, a member of the Coyote Valley Band of Pomo Indians said, "Our ancestors' spirits now are dancing in the wind and the trees knowing that Mother Earth will be saved there and protected."

Andersonia West: The League is currently under option to acquire the 505-acre Andersonia West property with over \$4 million in funding from PG&E's habitat mitigation program. The League has engaged in discussions with the InterTribal Sinkyone Wilderness Council about a potential transfer of this property to the Council, subject to a League held conservation easement.

Stewarts Point: In 2018, the League sold an easement permitting cultural and subsistence access on the 870-acre Stewarts Point Property to the Kashia Band of Pomo Indians for \$25,000. This property is home to the tribe's creation site and was subsequently transferred to the Richardson family (subject to the cultural access easement) after being permanently protected by a conservation easement held by the Sonoma County Agricultural Preservation and Open Space District. "Our ancestors took care of these lands for thousands of years. Having access to our sacred site at Stewarts Point is deeply meaningful," said Reno Franklin, Chairman of the Kashia

San Vicente Redwoods: The League holds a conservation easement on the 8,500-acre San Vicente Redwoods property. In 2016 the League granted access to the

Amah Mutsun Tribal Band, and League staff participated as they ignited a ceremonial fire, the first ceremonial fire on historic Amah Mutsun tribal land in over 200 years, to kickoff a 10-acre prescribed burn led by the California Department of Forestry and Fire Protection.

Though not specific to tribes and conservation transactions, the League has also initiated a journey to develop a holistic diversity, equity, inclusion, and justice program in partnership with The Avarna Group as consultants and a staff led steering group. With the demographic shift of Californians, growing diversity of park visitors, and the League's mission to connect people to the peace and beauty of the redwoods, these issues are fundamental to the League's success and pertinent to tribal engagement.

The League is planning to develop an organization-wide framework or best practices for engaging with California Tribes – exploring various issues such as restoration and stewardship practices, land ownership, park interpretation and programming, site naming, and legal issues. As a first step in this work, the League began practicing land acknowledgement, acknowledging the indigenous people who originally inhabited and cared for the lands the League is addressing online, in social media, and at events. The League also endorsed the Yurok Lands Act of 2019, H.R. 1312, a bill to expand the Yurok reservation and appropriately recognize the role and responsibility of the Yurok Tribe in engaging in the management of federal lands within their tribal territory. Two

tribal leaders volunteer on the League's council offering guidance and leadership to League staff.

4. Case Study: The Crown Jewel of the Klamath River

A critical component of the League's vision for the next 100 years is to protect ancient redwoods and the vibrant forest landscapes that sustain them, with an objective to double the size of redwood forests in parks and reserves. As an example of a project suitable for achieving this vision, the researchers offer a case study on the Blue Creek forest acquisition.

Culminating a partnership that began over a decade earlier, in 2019 the Yurok Tribe, Green Diamond Resource Company and Western Rivers Conservancy celebrated the return of approximately 50,000 acres to the Yurok People. Sue Doroff of the Western Rivers Conservancy said, *"The Yurok Tribe has been reunited with Blue Creek, and we have finally ensured that this all-important tributary of the Klamath River will forever remain a source of cold, clean water and a refuge for the incredible fish and wildlife that depend on it. This is one of the most biologically rich areas on Earth,"* ([Yurok, 2019](#)).

This majestic redwood property, owned by Green Diamond Resource Company before being transferred to the Yurok Tribe - will be managed in two ways. Approximately 15,000 acres will be managed to restore old-growth forest conditions and provide sanctuary for salmon as the most important salmonid habitat in the lower Klamath River.

Approximately 35,000 acres will be managed as a sustainable tribal community forest to support native wildlife, carbon sequestration, and production of traditional Yurok foods and cultural materials ([Yurok, 2019](#)).

Western Rivers Conservancy and their cooperating nonprofit, Western Rivers Forestry, facilitated a tenacious effort to secure the funding and transfer of multiple properties included in this multi-phase, multi-year project. In descending order, significant sources of funding for this over \$55 million project came from the U.S. Environmental Protection Agency's Clean Water State Revolving Fund, Tribal Settlement Funds, California state agencies, foundation grants, new market tax credits, and carbon offset sales ([U.S. Endowment for Forestry and Communities, 2017](#)). The Yurok Tribe has pioneered carbon offset sales for indigenous entities, and now counts offset sales as their largest source of discretionary income ([Kormann, 2018](#)).

"Blue Creek is Jerusalem and Mecca for us," says Amy Cordalis, general counsel for the Yurok Tribe. "These are spiritual lands... We have always been a salmon people and centered our way of life around the Klamath." The tribe is committed to sustainable land stewardship "over the next 100 years and forever," ([Little, 2017](#)).

Green Diamond Resource Company vice-president, Neal Ewald, explained that he had been in negotiations with the Yurok since the early nineties. "The Blue Creek was very tough for us to come to the conclusion to offer up," he said. After many conversations,

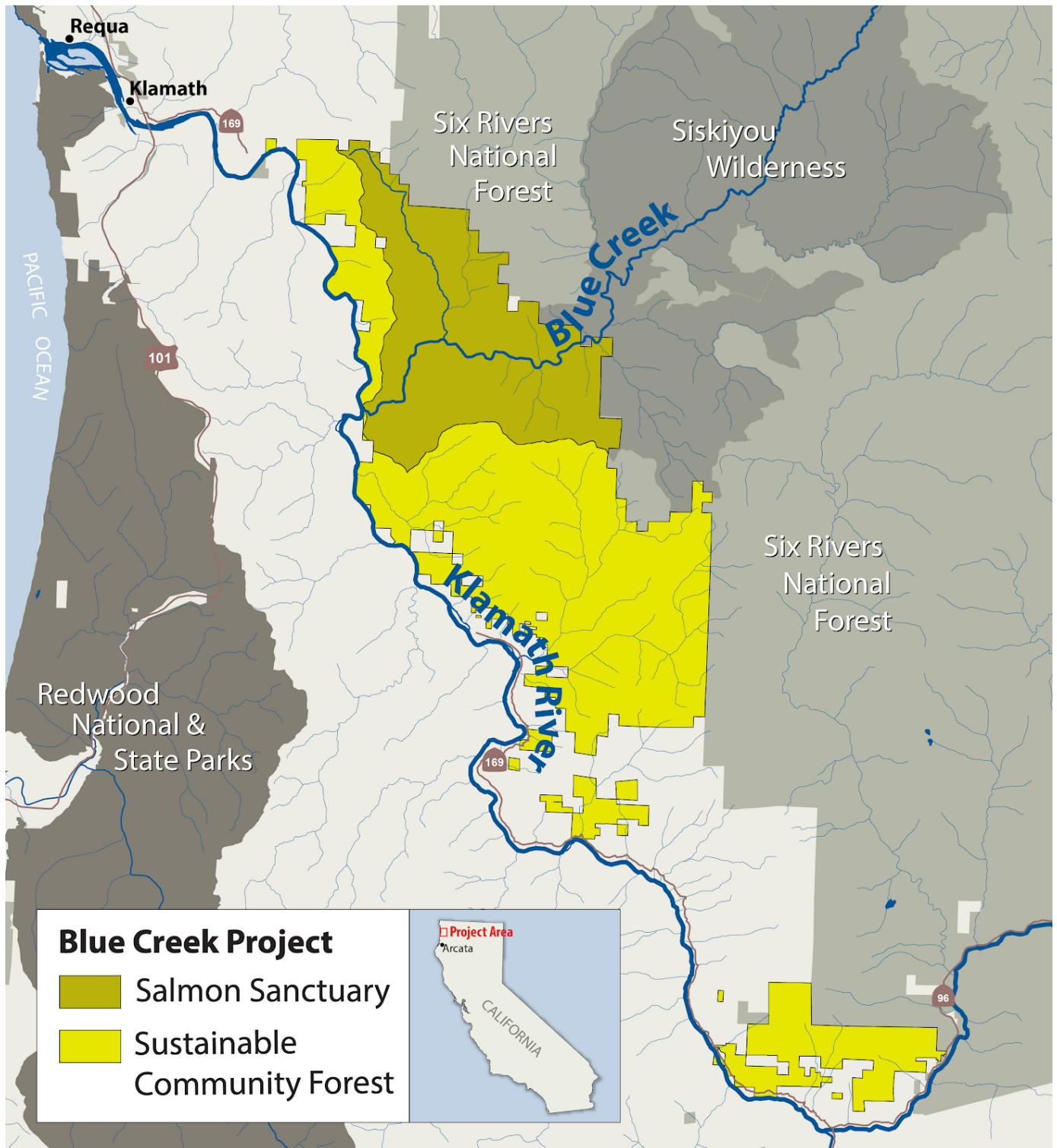


Fig 2. Blue Creek project map. (Western Rivers Conservancy, 2017)

he said, it became clear how important it was to the Yurok culture. “It’s sort of their heartland, if you will,” he said. “But it was a painful thing to sell the Blue Creek piece because it’s so wonderful.” ([Kormann, 2018](#)).

In order to secure funding and accept transfer of the watershed, the Yurok Tribe made a very difficult decision to waive a portion of their sovereign immunity so that key federal and state environmental restrictions benefiting fish and wildlife would apply to Blue Creek in perpetuity, including restrictions to property management from the sale of carbon offset credits ([Kormann, 2018](#)).

5. Analysis of Federal and State Policies and Guidelines

Background

Native American Indians first arrived in the Western Hemisphere approximately 20,000 years ago, settling across North America (National Research Council, 1996). After thousands of years, North America was filled with highly developed, complex, and skilled societies stretching across the landscape. The arrival of European settlers began a difficult period, including “genocidal events that resulted in death on a catastrophic scale and the rapid decimation of Native populations” (Smithsonian Institute, 2020).

In California, when the Spanish arrived and developed a coastal mission system, they brought with them a host of diseases, the likes of which the Native American Indians

had no defense, resulting in a 60% population decline within tribes near the missions (Castillo, 2020).

Native Americans' relationship with the United States Government has been shaped by traumatic interactions including wars, broken treaties and agreements, removal of tribes from their ancestral lands, and forced assimilation such as sending Native American Indian children to boarding schools where they "faced assimilation, abuse, discrimination and ethnocide" (Hemenway, 2019). It wasn't until 1924 that the Indian Citizenship Act was signed into law by President Calvin Coolidge, declaring that "all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States" (National Constitution Center, 2019).

Land Management

The United States federal government is the largest landowner in the United States, stewarding over 650 million acres, 45 million in California alone (Congressional Western Caucus, "Public Lands 101"). As stewards of these federal lands, the United States government is required to engage with tribes, whose ancestral lands they now manage. To outline the manner in which to approach these engagements, the federal government has developed a series of laws, policies, protocols, and guidance which can be useful to the League in both reference and consideration for implementation in their strategy (a list of relevant statutes is included in Appendix A).

Government-to-Government

There are currently 573 federally recognized Native American Indian tribes and Alaska Native tribes and villages, each “recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty)” and “recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation” (Bureau of Indian Affairs, 2020). In California alone, there are 109 federally recognized tribes, with an additional 78 petitioning for recognition (California Tribal Communities, 2020).

Native American Indian tribes, as sovereign governments, have a unique relationship with the federal government, who has a “legal obligation under which the United States has charged itself with moral obligations of the highest responsibility and trust toward Indian tribes” (Bureau of Indian Affairs, 2020). Responsibility for managing this government-to-government relationship, within the federal executive branch, resides with the head of each federal department who must consult with tribes, assess the impacts federal government actions will have on tribes, and remove any roadblocks to engaging with them (Clinton, 1994).

As for individual states working with Native American Indian tribes, such as California, they do not have direct authority over tribal governments without authorization from the United States Congress, though they do have a unique and highly connected relationship (Bureau of Indian Affairs, 2020). Tribal reservations share borders with

individual states, Native American Indians are residents of the states they live, and state managed lands are also the ancestral homes of Native American Indians creating the need for engagement between states and tribal governments. As such, states such as California, have developed their own laws directing state agency tribal engagement.

Consultation

The sovereignty of a tribe is diminished when the government engages with them as they would a civic organization or a private company. This status requires that the government develop specific guidelines on how it must consult with tribes during the development of government policies and actions that have tribal implications.

The federal government is required under the National Historic Preservation Act to manage a National Register of Historic Places and to preserve these places, which can include those that are of religious or cultural importance to Native American Indian tribes. In the researchers' conversations, section 106 of this act was referenced frequently as it requires the federal government to engage in tribal consultation while considering the impacts of proposed actions on these culturally or religiously significant places (National Historic Preservation Act of 1966).

The National Historic Preservation Act mandates that the process to preserve these places must be in partnership with the tribes. When a federal action impacts properties that are on tribal lands or if a tribe views the property as religiously or culturally

significant, the government must consult with the tribe (National Historic Preservation Act of 1966).

Consultation is also mandated at the state level in California, which created a clear definition of consultation as contained in SB-18. The state's definition reads, "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Specifically, it mentions that when consulting with Native American Indian tribes, it is to be conducted in a manner that is "mutually respectful of each party's sovereignty" and "recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance" (SB 18, 2004).

Even moving down from the state level, local governments in California have to notify and consult with tribes during their planning process prior to designating an area open space if the area includes cultural places (SB 18, 2004). When conducting tribal consultations, the state requires local government to focus on how actions might impact cultural places and for both the tribe and local government to, when possible, "seek a mutually agreeable resolution for the purpose of preserving or mitigating impacts to a cultural place" (SB 18, 2004).

One of the many benefits to conducting consultations between the federal or state government and tribes is the ability to utilize the tribes extensive knowledge and

expertise by providing a way for them to participate in the project process. California has a process which requires tribes to notify state agencies in writing that they would like to be notified of projects in an area they are connected. Then, when there is a project, the agency informs the tribe who can request consultation. This gives the tribes a formal role in the process for agency land management projects (AB 54, 2014).

Coordination

At both the federal and state levels, points of contact are required and groups and individuals are identified to assist with tribal engagement. For example, to improve coordination of federal programs and the use of resources available to tribal communities, the federal government established the White House Council on Native American Affairs (Obama, 2013). Whereas at the federal level the head of each federal department is responsible for managing the government-to-government relationship, in California, Executive Order B-10-11 created the Governor's Tribal Advisor. The Tribal Advisor is responsible for implementing consultations between the state and tribes, reviewing legislation and regulations, and serving as a point of contact for tribes (Brown, 2011).

At the federal level, elected officials and other representatives of Native American Indian tribal governments are able to provide input on regulations that impact their communities (Clinton, 1998). Their views are to be included in the decision making process and information received during consultations will be deemed confidential

(Department of the Interior Manual). Confidentiality is important so that, for example, a burial site can remain hidden from the public to avoid “graverobbers” who steal from these sites when discovered.

Cultural

Both federal and state governments have taken steps to protect Native American Indian cultural sites. On the federal side, land management agencies are required to allow access and ceremonial use of sacred sites by Native American Indians while avoiding adverse impacts to natural resources (Clinton, 1996). This use helps connect these tribes, who might have been forcefully removed, to reconnect with their ancestral lands.

When cultural items are found on federal or tribal lands, they belong to the tribe whose lands they are on or who have the “closest cultural affiliation” (Native American Graves Protection and Repatriation Act of 1990). There is a review committee within the U.S. Department of the Interior to assist with the identification and repatriation activities of these cultural items (Native American Graves Protection and Repatriation Act of 1990).

6. Government Tribal Engagement

Background

The breadth of policies and guidance for agency tribal consultation provides a framework for meaningful tribal consultation. Tribes, however, have expressed frustration that agency tribal consultation has been inconsistent at best, with agencies

sometimes violating their own consultation policies ([Advisory Council on Historic Preservation, 2017](#)). In a multi-agency report seeking recommendations for improving the federal tribal consultation process, tribes commented that agencies often view the process as a “box-checking” exercise and approach tribes only after decisions have been made, permit applications have been submitted, and environmental reviews are completed ([Advisory Council on Historic Preservation, 2017](#)). In some cases, tribes have filed lawsuits, and where more egregious infractions have taken place, tribes have exercised their sovereignty by developing their own government to government consultation policies ([Colorado River Indian Tribes, 2017](#)).

For this report, we highlight successful agency tribal interactions while acknowledging agency tribal consultation is often less than desirable and sometimes fraught with conflict. In California, the state tribal consultation process is more robust than federal consultation which has led to greater levels of tribal engagement earlier on in projects with greater success than at the federal level (Clark, 2020). California State Parks, in particular, has demonstrated leadership in tribal engagement by developing a practice of tribal consultation before it was ordered into law.

State Agency Perspective - California State Parks:

At the California State Parks (CSP) headquarters in Sacramento, Leslie Hartzell, a volunteer on the League’s Parks and Public Engagement Committee and Division Chief for CSP’s Cultural Resources Division is responsible for engaging with and representing

tribes on behalf of the agency in the proper management of areas, places, objects or burials associated with tribal heritage, including sacred sites, traditional cultural properties, and cultural traditions. State park administration is organized under 21 districts. CSP's North Coast Redwoods District, the heartland of the redwood region most frequented by League staff, is home to over 45 percent of the remaining protected old-growth redwoods in the world. The district is also home to 14 active tribes with ancestral territories overlapping and adjacent to state park lands. While District Superintendents are ultimately responsible for tribal engagement in their region, each of CSP's 21 districts have a dedicated staff tribal liaison.

Formal consultation between CSP and tribes is required in the acquisition of properties where cultural sites are present; planning, design, and implementation of capital and development projects; issues of concern identified by the tribes; plant and mineral gathering; access to ceremonial sites; and when presenting the story of indigenous peoples in park interpretation ([California State Parks, 2020](#)). Interviews with CSP staff indicated a multitude of ways in which district staff work with tribes. At the highest level, CSP recently signed a joint powers authority (granting authority to jointly exercise common powers) with the Yurok Tribe for their operation of a visitor center in Redwood National and State Parks. For the most active federally recognized tribes, the district meets quarterly with three tribes to review upcoming and ongoing work. The district also has multiple MOUs and agreements with various tribes covering topics including but not

limited to plant gathering, cultural ceremonies, project monitoring, burial grounds, and the return of artifacts (Bjelajac and Collins, 2020).

CSP's North Coast District tribal liaison likened formal tribal engagement as consultation with a capital "C," and informal consultation as communication and collaboration with a lowercase "c." Capital "C" consultation requires formal consultation that typically is managed between the Tribal Council and District Superintendent, while lowercase "c" communication and collaboration (which can be as simple as a text message to gather input) is based on regular communication and collaboration with tribal members that serve on Tribal Council Committees or as staff. The California Native American Heritage Commission was noted as a particularly helpful resource for identifying points of contact for consultation. For federally recognized tribes, the Bureau of Indian Affairs Tribal Leadership Directory provides contact information of tribal leaders ([U.S. Department of the Interior Indian Affairs, 2020](#)). Whether formal or informal, CSP's North Coast District is continually looking for opportunities to support tribes, but can be challenged by statute and policy (Bjelajac and Collins, 2020).

State Agencies, Tribes, and Conservation Groups Perspective

The League has maintained a strong partnership with CSP since helping to establish the agency in 1927. As agency consultation policies have evolved over time, the relationship between CSP and tribes has grown significantly, creating opportunities and challenges for the League. In particular, the League's vision for the Orick Mill Property

and Visitor Center includes elements of federal land transfer and site development with the inclusion of a Yurok Village and ceremonial space. The complexities of navigating this project are amplified by CSP's long standing government to government relationships with the tribe.

Challenges CSP interviewees identified regarding the Orick Mill Property and Visitor Center include the formal consultations processes and associated obligations CSP holds with the Yurok Tribe, along with the sensitivity of relationships developed between Tribal Council and CSP staff. At the early stages of this project, League staff engaged individual tribal members and Tribal Council leadership that has shifted since the project was initiated. CSP staff noted individual tribal members may hold interests different than those shared by the Tribal Council, reinforcing the need to consult with tribal staff and Tribal Council. Opportunities CSP interviewees identified are that the League, as a private conservation group, can enter agreements with the tribe that may offer more rights to the tribe, such as ceremonial food preparation in sensitive habitat, that the agency could not offer due to statutes and policy. This implies the League can form agreements with a tribe in advance of transferring a property to an agency. Such an agreement could include rights beyond what the agency could offer. In such an event, given the government to government relationship between CSP and the tribe, CSP should also be consulted on an agreement, even if not a party to it (Bjelajac and Collins, 2020). Though this may sound simple, the complexity of this multifaceted project warrants careful consideration of each and every agreement.

Independent Special District Perspective - Midpeninsula Regional Open Space District

The Midpeninsula Regional Open Space District (Midpen) is a California government single-purpose district which owns and manages 62,000 acres of land and whose mission is to “acquire and preserve a regional greenbelt of open space and agricultural land of regional significance in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.”

Created in 1972 on a voter initiated ballot measure, Midpen operates across Santa Clara, San Mateo, and Santa Cruz counties (Midpeninsula Regional Open Space District). Midpen follows state and federal tribal consultation policies, engages with tribes as part of their public consultation process, and incorporates tribal consultation into interpretive project elements (Ruiz, 2020).

In 2017, Midpen approved a 36-acre cultural conservation easement atop Mount Umunhum with the Amah Mutsun Tribal Band. The easement gives the Amah Mutsun Tribal Band rights to “help steward the mountaintop for natural resource conservation, cultural relearning, and public education in partnership” with Midpen (Midpeninsula Regional Open Space District, 2017). Mount Umunhum is a sacred site to the Amah Mutsun people and is central to their creation story. The Amah Mutsun Tribal Band consists of descendants of indigenous people taken to Missions San Juan Bautista and Santa Cruz, and who have lived in what is now the central portion of California for thousands of years (Midpeninsula Regional Open Space District, 2017).

The Amah Mutsun are not federally recognized as a tribe but view their obligation to steward their lands in the tradition of their ancestors. This is the first cultural easement Midpen has granted and site development included a ceremonial circle for tribal ceremonial and public use.

Eleanor Castro, Amah Mutson Tribal elder, in being reconnected with this culturally significant site, said that, “we thank them [Midpen] for placing atop Mt. Umunhum a sacred circle for all Native people to hold ceremony.” She went on to say that, “as I came up around to the top of the mountain and saw the beautiful sight of the circle it took my breath away” (Amah Mutsun, 2017)



Fig. 3 The Sacred Circle atop Umunhum. ([Wikiloc, 2018](#))

Former Midpen General Manager Steve Abbors, in highlighting the project, mentioned that, *“we view the conservation easement as a unique opportunity, and a responsibility, to help reconnect the Amah Mutsun people with their culture. That connection, to their culture and the land that supported it, was severed centuries ago”* (Midpeninsula Regional Open Space District, 2017)

The Amah Mutsun view the mountain top as part of their creation story. Castro commented that *“it has been over 200 years since our people held ceremony on this sacred Place of the Hummingbird. To the Amah Mutsun people, hummingbird is part of the Creation story and the symbol of our tribe”* (Amah Mutsun, 2017)

The long and painful history of separation and loss was not missed, as Castro said that *“through no fault of our own the lands were taken from us. Everything was taken from us. First the Spanish came and enslaved us in the missions. And then Mexico and the United States did everything they could to eradicate us, but this ceremony shows all that we are still here. The people will thrive and become a great nation again”* (Amah Mutsun, 2017)

In helping connect the Amah Mutson to this sacred site through the conservation easement, Abbors said that, *“we are in a small way helping to reestablish that connection and the permanence of the conservation easement makes that connection*

truly meaningful. At the same time, it supports Midpen's mission by enhancing our ability to restore and preserve the natural environment at Mount Umunhum for the public and provide a new and richer experience for the preserve visitors by directly sharing the Tribe's traditional culture and ecological knowledge of the mountain" (Midpeninsula Regional Open Space District, 2017).

Amah Mutsun Chairman, Valentin Lopez, commented that, *"we have been separated from this sacred mountain for generations. This guarantees our people the opportunity to return to Mount Umunhum and to restore our cultural relationship with the place of our creation story"* (Midpeninsula Regional Open Space District, 2017)

The easement included a provision that their partnership may include the creation of a native plant garden. Midpen is working on an agreement with the Amah Mutsun to develop this garden atop Mount Umunhum. Midpen's easement was granted at no cost to the Amah Mutsun, but included an exchange of basic "services" including teachings around native land management practices, collaboration on opportunities for interpretation, and offering to the public certain events for shared learning at the ceremonial circle at the top of the mountain. A separate agreement was developed for the native plant garden that specified coordination, collaboration, and communication between the two entities, and how approval processes will be carried out (Ruiz, 2020).

7. Conservation Organization Tribal Engagement

At the national level, The Trust for Public Land (TPL) has worked with over 70 tribes to protect more than 200,000 acres, including areas in California ([TPL, 2020](#)). Following the successful transfer of a 10,000-acre ranch in Oregon to the Nez Perce Tribe, TPL established a Tribal & Native Lands Program to partner with tribal governments in protecting their ancestral lands and cultural resources. TPL led the acquisition and transfer to establish the nation's first intertribal wilderness, the InterTribal Sinkyone Wilderness (3,845 acres), which is currently held and managed by the InterTribal Sinkyone Wilderness Council. The Council also partnered with the League on the aforementioned Four Corners property and is in consultation with the League regarding the Andersonia West property.

A conservation easement on the InterTribal Sinkyone Wilderness property is held by the Pacific Forest Trust (PFT). According to PFT's Co-founder, Co-CEO, and President, Laurie Wayburn *"This easement isn't simply to protect open space or to say, 'Thou shalt never touch this land again.' This document sets out the relationship between people and the land. For the Coastal Conservancy, it protects the values for which the land was acquired. For the InterTribal Council, it is a way to articulate their clear purpose to restore and create a natural balance on the land."* ([TPL, 1998](#)).

TPL also purchased a property along California's Sonoma Coast from the Richardson family, the same clan that now owns the Stewart Point property (originally purchased

and protected by the League) and sold another property to the League in 2018 (the Harold Richardson Redwoods Reserve). TPL purchased the 688-acre Richardson property in 2015, protected it with an easement held by the Sonoma County Agricultural Preservation and Open Space District, and transferred title to the Kashia Band of Pomo Indians to create the Kashia Coastal Reserve on an epic stretch of Sonoma coastline.

Similar to the Stewarts Point property, the Kashia Coastal Reserve will be an extension of the California Coastal Trail, providing the public an opportunity to experience this dramatic stretch of coastline. Significant funding for the acquisition came from the Sonoma County Agricultural Preservation and Open Space District, Gordon and Betty Moore Foundation, and the Indian Land Capital Company, a Native-owned lender specialized in tribal land acquisition projects. TPL approached project financing somewhat creatively, supporting fundraising on behalf of the Kashia, that the Kashia would later use to purchase the property from TPL. After the acquisition, recognizing the resources required to deal with taking on a large new property, TPL offered a grant to the Kashia to support their obligation under the conservation easement to develop a forest management plan.

Brendan Moriarty, TPL's project manager for the acquisition said, *"I feel so thankful to have had the opportunity to work on this project with the Kashia. It's not just a story of important environmental conservation, It's also an important social justice story - an opportunity to do right, and do well"* ([TPL, 2016](#)). Dan Winterson from the Gordon and

Betty Moore Foundation said, *“You not only have a great steward of the land in the Kashia but you are able to give them back some of the land that was taken from them a few hundred years ago, and that’s why this is so cool. Because it’s a win for conservation, it’s a win for Kashia, and it’s a win for the long term stewardship of the land”* ([Bay Area Open Space Council, 2017](#)).

In an interview, Brendan shared practical lessons from his work with the Kashia. Going into meetings and interactions, Brendan stressed the importance of recognizing the history of tribal communities and adversity they have faced, along with having the awareness of one’s privilege. Showing respect, and bringing offerings to meetings can be a valued demonstration of appreciation and respect. Bringing offerings to meetings was mentioned by multiple interviewees. Having an attorney with expertise in Indian Law was noted as particularly valuable, along with learning from project managers with experience working with tribes (Moriarty, 2020).

No local or national conservation organizations interviewed had an institutionalized process or guidance for tribal engagement, while all acknowledged working with tribes as particularly complex in part due to the fact that tribes are seeking to reclaim lands that were taken from them and often carry a history of genocide and displacement, while also presenting complex legal issues with indian law and funding obligations.

At the international level, a number of conservation organizations have developed policies and frameworks for collaborating with indigenous peoples. In 1996, The World Wildlife Fund (WWF) became the first global conservation organization to formally adopt a policy recognizing the rights of indigenous peoples. WWF states, *“Indigenous peoples are among the Earth's most important stewards and are critical to WWF's mission to build a future where human needs are met in harmony with nature. WWF is committed to working with indigenous peoples and organizations to conserve and sustainably use natural resources and to advocate on issues of shared concern. We believe that collaboration depends on lasting partnerships based on recognition of indigenous peoples' rights and interests, appreciation for their contributions to biodiversity conservation and understanding of the links between biological and cultural diversity.”* ([WWF, 2008](#)).

One of WWF's principles of partnership is to exercise due diligence in advance of initiating conservation projects in an area by seeking out information about the historic claims and customary rights of indigenous peoples in that area. Where historic claims or customary rights are present, WWF consults with representatives of relevant indigenous peoples' organizations at the earliest stages.

Another global conservation organization, The Nature Conservancy (TNC) in 2015 established their Global Program for Conservation in Partnership with Indigenous Peoples and Local Communities Program. The program aims to transform the way

resource conservation decisions are made by strengthening the voice, choice and actions of indigenous peoples to shape and manage natural territory in ways that improve lives and drive conservation ([TNC, 2017](#)). TNC's partnerships with indigenous peoples and local communities have spanned 27 countries, led to the conservation or improved management of more than 235 million acres, and had demonstrably positive impacts on the well-being of 925,000 people ([TNC, 2017](#)). TNC's Program is run by a dedicated staff team which offers resources for practitioners.

8. Tribal Approaches to Conservation

“There’s not one inch of land in the United States, that is not native american territory, and so we ask that people recognize that wherever they are, to get to know the tribe on whose land they are, and to say a prayer for them, and to give acknowledgement to them... Mother earth needs a lot of healing... if we don’t recognize we’re near crisis mode right now and step in, there’s not much hope for the future. We need to all work together to heal mother earth, for all people... Our partnership with Midpen is all about healing mother earth, and taking care of mother earth and all living things, including people, and the plants, the wildlife, the rivers, the fog, the rocks, the shadows. They’re all alive and we have a responsibility to take care of them all...”

Valentin Lopez, Amah Mutsun Tribal Band Chairman ([Plus M Productions, 2017](#)).

With a deep history of land loss driven by state and federal government and a desire to reclaim rights and access to aboriginal territories, tribes have developed innovative mechanisms to exercise rights and sovereignty of their natural and cultural resources.

One way tribes have developed leadership in this movement is by creating nonprofits and land trusts, as evident by the work of groups like the Amah Mutsun Land Trust, InterTribal Sinkyone Wilderness Council, Native American Land Conservancy, Native Land Conservancy, and others ([Middleton, 2015](#)). These groups were formed to expand tribal rights and access to land by direct ownership, cultural conservation easements, active stewardship, MOUs, and other models.

When a tribe lacks federal recognition or sovereignty, trust lands or reservations, the formation of these groups can be a solution to reclaim land and protect culturally significant, ethnobotanical or traditional uses. Conversely, when a tribe is federally recognized and holds sovereignty they often face significant challenges from state agencies seeking legally enforceable mechanisms for conservation easements. In the Blue Creek and Kashia Coastal Reserve examples mentioned previously, tribes had to waive sovereign immunity in order to access agency grant funding for conservation easements. This is a complex and sensitive action to undertake, that may require a vote of tribal members.

Mentioned earlier, one of the most successful cases of reclaiming ancestral territory is the Yurok Tribe's acquisition of Blue Creek. As the largest California tribe and one of the first participants in California's carbon market, the tribe employed innovative funding sources to reclaim a large ancestral landscape into their ownership and management, advancing climate resilience by achieving environmental, cultural, legal, and economic

benefits ([Yurok, 2019](#)). The tribes ownership of this landscape will allow for restoration of forest function, recovery of imperiled species, and traditional tribal land uses.

These efforts have not come easy. A theme from the researchers' interviews indicated a natural lack of trust from tribes of agencies and conservation groups. In recent memory, tribes have experienced genocide at the helm of state and federal agencies and a history of broken promises related to land tenure. Likewise, the early American conservation movement was built upon Eurocentric notions of wilderness to protect wild lands from human destruction and to create lands for recreation. The conservation movement failed to recognize the intimate relationship of indigenous peoples and these lands, along with the thousands of years of their responsible stewardship of these resources ([ICE, 2018](#)).

Hawk Rosales, executive director of California's InterTribal Sinkyone Wilderness Council said, *"In their early years, a number of national parks evicted Native people. There's a long history of cultural and social injustice within the conservation movement. It's remarkable that the conservation movement, as well-intentioned as it is, has — by and large — not sought to partner meaningfully with the tribes in order to understand and apply principles that are central to ancient tribal relationships with nature"* ([LTA, 2015](#)). In the parks and protected areas they once occupied, tribes must now formally request agency permission for simple tasks like gathering basket making materials.

Tribes take a slightly different approach to stewardship and land management than conservation groups or other agencies. Their view is informed by people living in harmony with nature, having stewarded land holistically for thousands of years with a strong spirit of interconnection between the many facets of land, people, culture, and ways of life. Conservation groups and other agencies have worked together to prevent people from harming nature, dividing land management and stewardship responsibilities across discrete boundaries and management units. Without a fundamental view that humans are part of the land and have a sacred connection, conservation groups and other agencies often limit their management and conservation objectives to single resource issues and geographic boundaries, rather than acknowledging the connection between land and all living things.

“Within the spirit of the Indigenous, there is a memory, original instructions that can define our humanity. All those original instructions are based on values and teachings that ensure survival and respect for the land and its natural laws. Our people have always understood that ‘all life is connected.’ You cannot fragment the Earth with the policies or structures.” Dave Courchene, Sagkeeng First Nation Elder ([ICE, 2018](#)).

Simultaneously, expansive beliefs surrounding the protection and stewardship of all living things can make tribes terrific conservation partners. Josh Kling, Conservation Director for the Western Rivers Conservancy (WRC) shared during an interview that tribes have been their latest and greatest partner in advancing their conservation vision.

The Yurok identify the stewardship of salmon in their constitution, aligning perfectly with WRC's habitat restoration goals, and furthermore, the Yurok's belief system goes to their very core with regard to stewardship and species recovery. To WRC, tribes offer an opportunity to hold and steward land in geographies where agencies are constrained, while also offering access to funding sources not available during traditional land conveyances to agency partners (Kling, 2020).

9. Summary Findings and Recommendations

This report examined how both government and nonprofit organizations can engage with tribes to advance land conservation and create shared success. Whether mandated or self directed, there is an acknowledgment, supported in law, policy, and conversations throughout this study, that active tribal engagement programs enhance the ability of land managers to protect and steward land. The value of these efforts include connecting tribes to their ancestral homes, valuing and supporting tribal cultures, and utilizing the extensive knowledge and experience of tribal land management best practices, honed over thousands of years stewarding these same areas. Based on our findings, the following recommendations have been developed for the Save the Redwoods League's involvement in tribal relations.

1. *Respect.* When the League engages with Native American Indian tribes, treat them with respect, understanding the status of the tribe as a sovereign nation. The relationship is not a government-to-government one but should be

approached as they would the federal government and federal leaders. In conversations with interviewees, it was mentioned that in respecting tribal customs, coming to the table with an offering is a valued way to show respect, along with approaching conversations with an open mind. As a sovereign nation, tribes are entitled to a seat at the table as a partner in the decision making process. For example, the League could establish a formal communication and engagement procedure for engaging with tribes that is more proactive and consistent with a tribe's status as a sovereign nation. When engaging in discussions with tribal council or tribal leadership, the League should consider bringing in executive or board member leadership to engage at an appropriate level of respect for their tribal counterpart.

2. *Engage early and often.* The League should focus on developing a trusting relationship with the tribes within the redwood range. When projects or land management decisions are being considered, engage with the tribes before and throughout project development and implementation processes. Work with tribes to resolve or mitigate conflicts, to the extent possible. An example would be, when working in an area, make it a standard operating procedure to identify the tribes with connections to that area and to include them in notifications and consultations throughout the project process. Interviewees mentioned that while tribes may not always be responsive due to competing priorities, they are

listening and should be kept informed as projects advance so they can balance competing priorities and jump in when necessary.

3. *Identify appropriate points of contact.* Having a consistent point of contact from the League and with each tribe, while it can often be challenging, was highlighted throughout state and federal examples and case studies as a necessary part of successful tribal relations. Interviewees shared the importance of working with tribal natural resource staff in project identification before advancing a project to tribal council. At the same time, you can run into issues working with tribal members that may not speak for the tribe or tribal council. Recognize tribal councils as the highest level decision making authority and tribal chairs as leaders of sovereign nations - they value engaging with decision makers as they are themselves. An example would be to identify proper points of contact for all of the tribes where the League is working and keep that list updated, engaging with them on current, past, and proposed future work. Another fruitful point of contact is the park district tribal liaisons themselves, as they communicate and collaborate regularly with tribes, and could provide a valuable entre between the League and tribes to understand and advance shared priorities.

4. *Value tribal cultures.* Engage not just on a project to project basis but get to know the tribe, their culture, people, and customs. This includes making an effort to attend and support tribal events. This helps to build trust and an ongoing

relationship. An example would be for senior leaders from the League attending important cultural events to honor the tribes and identifying tribal cultural projects of interest within the redwoods for collaboration. Another example would be compiling a primer on the cultural history of tribes within the redwood range to share with staff working in ancestral territories to ensure a baseline of knowledge and understanding.

5. *Be responsive.* In all communication and engagement with tribes, the League should aim to be both responsive and informative. As a partner, it is important to work both collaboratively, in a timely manner, and to follow through on any promises. An example would be for the League to prioritize communication with tribes and set a standard timeline for engagement and communication.

10. List of Interviewees

Name	Position	Organization
Ana María Ruiz	General Manager	Midpeninsula Regional Open Space District
Annie Burke	Executive Director	Bay Area Open Space Council
Bill Croft	Board Member	Save the Redwoods League
Brendan Moriarty	Real Property Asset Manager	City of Oakland; Former Senior Project Manager for the Trust for Public Land
Brittani Orona	Tribal Affairs Program Manager	California State Parks; Member of the Hoopa

		Valley Tribe
Greg Collins	Cultural Resources Program Manager, North Coast Redwoods District	California State Parks
Jessica Carter	Director of Parks and Public Engagement	Save the Redwoods League
Josh Kling	Conservation Director	Western Rivers Conservancy
Justin Garland	Redwoods Program Manager	Peninsula Open Space Trust
Leslie Parra	Outreach Program Manager	Save the Redwoods League
Paul Ringgold	Chief Program Officer	Save the Redwoods League
Reed Holderman	Board Member; Save the Redwoods League Councilor	Amah Mutsun Land Trust; Former Executive Director of Sempervirens Fund
Sara Clark	Board Member	Save the Redwoods League
Victor Bjelajac	District Superintendent, North Coast Redwoods District	California State Parks

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Appendix A. Federal and State Tribal Consultation Statutes

Federal

- Memorandum on Government-to- Government Relations With Native American Tribal Governments, issued on April 29, 1994
- Executive Order 13007, issued on May 24, 1996.
- Executive Order 13084, issued on May 14, 1998.
- Executive Order 13175, issued on November 6, 2000.
- Executive Order 13647, issued on June 26, 2013.
- 25 U.S.C. 450 et seq. Indian Self-Determination Act
- 25 U.S.C. 458 - Tribal Self-Governance Act
- 25 U.S.C. 32 - Native American Graves Protection and Repatriation Act
- 16 U.S.C. 1B - Archeological Resources Protection Act
- 16 U.S.C. 470- National Historic Preservation Act
- 42 U.S.C. 4321- National Environmental Policy Act
- Department of the Interior Manual, Part 512, Chapters 4 and 5
- Department of the Interior Secretarial Order 335
- Department of Agriculture Regulation 1350-002

California

- Senate Bill 18, issued on September 29, 2004.
- California Executive Order B-10-11, issued on September 19, 2011.
- Assembly Bill 52, issued on September 25, 2014