

# Respectful Tribal Consultation Protocols from Native California Perspectives

BEVERLY R. ORTIZ and GREGG CASTRO

## ABSTRACT

For public land management agency managers and staff, co-stewardship and co-management may just be another element of the job, but for Native peoples it's their very life. This article details respectful Tribal consultation from Native California perspectives, the foundation upon which successful co-stewardship and co-management of public lands rests. For those managers and staff who are unfamiliar with the Tribes and Tribal communities in their area, we begin by providing a note about naming terminology and some sources for identifying Native groups who are/were historically located in a given area. From there, after introducing the concept of respectful Tribal consultation, we describe the relationship and trust-building process between Tribal governments and their designated representatives and public land management agency managers and other staff, relationships that must be proven and nurtured across time, rather than initiated as time- and process-challenged business arrangements. We also explicate "community protocol," the etiquette, customs, and traditional ways of interacting that support, protect, and promote the community, so once you get to the "business" part of the relationship, there can be equality, honor, and respect within it. Next, we provide links to best-practice models, resources, and agreements for effective collaboration and consultation in the stewardship of public lands. We end by making a case for the integration of natural and cultural "resources" in the procedures and policies under which Tribal consultation and co-stewardship and co-management of public lands takes place. Many of these processes are time tested and active in current co-management projects.

## SOME PLACES TO START IN IDENTIFYING TRIBES AND TRIBAL COMMUNITIES IN A GIVEN GEOGRAPHICAL AREA

For those unfamiliar with the specific Tribes and/or Native communities in your area, the place to begin when accessing that information is the *Handbook of North American Indians*, a series of sixteen volumes published between 1978 and 2008 by the Smithsonian Institution under the general editorship of the late William Sturtevant. Many libraries carry the series and 12 of the 16 individual volumes can still be purchased from the US Government Printing Office Bookstore at <https://bookstore.gpo.gov/catalog/handbook-north-american-indians>. Of particular interest will be volumes 5 through 15, each of which focus on the Tribes and Tribal communities of one of ten Culture Areas, with two volumes devoted to the Southwest.

For those of you who may be unfamiliar with the Culture Area concept, in the late 1800s and early 1900s, when non-Indian anthropologists first began to try and understand the cultural diversity that was and is Native North

Some of the content of this article was previously published in a different form by Beverly Ortiz with Gregg Castro under the title "America's Byways and North American Indians: Recommended Sources, Consultation Best Practices, and Interpretation Considerations" in *Journal of America's Byways* 1(2): 4-19 (October 2011), <https://nsbfoundation.com/wp-content/uploads/2020/02/2-Pleasure-Driving-Nonprofits-American-Indians-Bicycles.pdf>.

**CORRESPONDING AUTHOR** **Beverly R. Ortiz**, PhD, has conducted and advised Tribal consultations for parkland planning and interpretive signage; museum and visitor center exhibitions, programs, and special events; community outreach projects; and art installations in her varied capacities as Native California Research Institute co-founder and chair; an ethnographic consultant for more than 25 years; and, from 1994-2021, an East Bay Regional Park District naturalist, Ohlone cultural programs coordinator, first-ever cultural services coordinator, and senior planner. [beverly.ortiz@nacri.institute](mailto:beverly.ortiz@nacri.institute)

**Gregg Castro** (t'rowt'raahl Salinan/rumsien-ramaytush Ohlone) has worked to preserve his Ohlone and Salinan heritages for over three decades. He is Native California Research Institute co-founder and vice-chair; Association of Ramaytush Ohlone culture director; Society for California Archaeology Native American Programs Committee chair; California Indian History Curriculum Coalition co-founder and advisor; and Salinan t'rowt'raahl board member. He and his co-author serve as advisors and co-facilitators of the overall California Indian Conference. [gcastro@pacbell.net](mailto:gcastro@pacbell.net)

## A NOTE ABOUT TERMINOLOGY

Preferred terminology is one of many subjects that should arise when consulting with American Indians. It's not about semantics and "political correctness," as often presumed. Rather, "English" itself is commonly the issue, as it's a language that doesn't have the terms and nuances to accurately convey Indigenous values that have developed over thousands of years. Native peoples' own terms reflect how they and their communities view themselves, with the more commonly used names usually "outsider" terms based on outsider categories, often not relevant to the people being described. Using the more "accurate" terms reflects how Native people view themselves, often for thousands of years, in a way at times quite differently than other people see them.

### "Native American" versus "American Indian"

Throughout this article, when speaking in generalities about the first peoples of this land, the term North American Indians or American Indians will be used, rather than Native Americans. This does not negate the importance of the term Native American, which was popularized during the Civil Rights era of the 1960s and '70s to emphasize the fact that North American Indians were and are the first peoples of this land. While "Native American" continues to be preferred and used by many first peoples, "American Indian" is also preferred and used in multiple contexts.

Writing in the August 16, 2002, opinion section of *The Olympian* (Olympia, Washington), Kyle Taylor Lucas (Tulalip), a Tribal liaison in Washington state government, had this to say about the continuing importance of the term "Indian" to Native peoples throughout the United States:

Some tribes have elected to drop 'Indian' from their names. But I like the word 'Indian' and I want to protect its legitimacy. The word has strong roots in the United States Constitution and in critically important case law. Those roots provide some of the most important protections for my people.

The need for a shared term, such as "American Indian" or "Native American," will always exist because of the shared history of colonization that all first peoples have experienced, with the preferred one varying nationally, regionally, and locally. Whatever the preferred term may be, knowing and using the specific Tribal name(s) of the specific Tribal group(s) in each area is always preferable. So, it is always appropriate to simply *ask* at the beginning of consultation.

In this article the term "Tribe" will be used when referring to North American Indian sociopolitical groups, while noting that regionally and locally, "Nation," "Band," or another term may be preferred.

America, they observed that North American Indian social and political groups in specific geographic regions tended to have more in common with each other than with sociopolitical groups in other geographic regions. Based on this observation, anthropologists identified the following "Culture Areas": California, Northwest Coast, Plateau, Subarctic, Arctic, Northeast, Southeast, Plains, Great Basin, and Southwest, with the California Culture Area the only one named for a state, although its boundaries are not the same as those of the state of California. A small portion of the California Culture Area extends into southern Oregon to include all of Tolowa, Karuk, and Shasta territory; and into northern Mexico to include all of Kumeyaay (Ipai/Tipai) territory. While the present-day state contains most of the California Culture Area, it also includes North American Indian groups

located in four other culture areas—the Southwest, Great Basin, Plateau, and Northwest Coast.

That said, each volume in the *Handbook* series has chapters that focus on the specific cultures, languages, "prehistory," and history in that Culture Area. Volume citations and references are extensive and detailed, enabling the reader to use these as a means to access other publications with greater detail about a given Tribe or Native community. Each volume also addresses the devastating impact of non-Indian colonization on Native peoples in each geographic area, including the injustices, upheavals, dislocations, and forced removals that have resulted in some states having no, one, or a very small number of federally recognized Tribes within their current borders.

### Federally Recognized Tribes

Federally recognized Tribes, whether established through treaty, congressional act, or other means, have a government-to-government relationship with the United States, limited only by federal law. Federally recognized “tribal entities” can be comprised of more than one Tribe for which trust land (reservations and rancherias) was set aside. While trust land often exists within the ancestral homelands of given Tribes, this is not always the case. In some instances, federally recognized Tribes may lack trust land. Trust land may also extend across the boundaries of two to three states.

The complete list of federally recognized Tribal entities is published annually in January in the *Federal Register* by the National Archives. As of this writing, the most recent list of 574 “Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian

Affairs” (BIA) was published on January 8, 2024, at <https://www.govinfo.gov/content/pkg/FR-2024-12-11/pdf/2024-29005.pdf>. At <https://www.bia.gov/service/tribal-leaders-directory>, you will also find contact information for each federally recognized Tribe and an “electronic, map-based, interactive directory” that “also provides information about each BIA region and agency that provides services to a specific Tribe. Additionally, the directory provides contact information for Indian Affairs leadership.”

The website of the National Association of Tribal Historic Preservation Officers, <https://www.nathpo.org/>, also provides links to this material, its own directory, the US Department of the Interior National Park Service (NPS) Tribal Historic Preservation Officer Directory, the State Historic Preservation Officer Directory, and the Advisory Council on Historic Preservation’s (ACHP’s) Federal Preservation Officer List.

▼ Bay Miwok village site eroding on public land; April 15, 2014, photo by Beverly R. Ortiz. Climate change coupled with the draining, filling, diking, and construction of levees in wetlands has resulted in increasing erosion of ancestral cultural and burial sites located along shorelines, one of many issues that warrants timely and respectful Tribal consultation.





▲ LEFT TO RIGHT Ruth Orta (Ohlone/Bay Miwok), her granddaughter Brenda Morris, and her daughters Rachel Benivedes and Ramona Garibay visit an interpretive panel that features their family, one of 14 panels created by the East Bay Regional Park District in collaboration with the National Park Service along the route of the 1776 de Anza expedition, with each panel welcoming viewers to the homeland of the Tribe within which the panels are placed; April 1, 2012, photo by Beverly R. Ortiz. Tribal consultation is an important part of the development of interpretive panels, interpretive programs, exhibitions, and brochures in public parklands.

NPS also has a searchable National Native American Graves Protection and Repatriation Act (NAGPRA) Indian Tribe and Native Hawaiian Organization contact list, <https://grantsdev.cr.nps.gov/NagpraPublic/Home/Contact>.

States have committees and commissions on Indian affairs. Among other duties, these keep lists of statewide Tribal contacts, including Most Likely Descendant (MLD) lists for response and recommendation when human remains are located and identified at an ancestral site. Links to these committees and commissions are available from the National Congress of State Legislatures website, <https://www.ncsl.org/quad-caucus/state-committees-and-commissions-on-indian-affairs>.

It should be noted that when it comes to federally unrecognized tribes, these lists are only a starting point, as they are not always comprehensive nor up to date.

*Due to the traumatic displacement of Native communities during the colonization period, today there can be several Tribal communities in the same homeland areas.*

### **Unrecognized Tribes**

While federally recognized Tribes are primary contacts for Tribal consultation, large numbers of Tribes have never received federal recognition. Many of these are in the process of seeking federal recognition through the BIA's Office of Federal Acknowledgment (OFA), <https://www.bia.gov/as-ia/ofa>, which includes a link to its "List of Petitioners by State," [https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/ListPetByState\\_2013-11-12.pdf](https://www.bia.gov/sites/default/files/dup/assets/as-ia/ofa/admindocs/ListPetByState_2013-11-12.pdf), last updated on November 12, 2013. The OFA main page also includes contact information for nine active petitioners for federal acknowledgment as of August 28, 2024, and five others who are in the process of supplementing their petitions.

### **TRIBES AND TRIBAL COMMUNITIES WITH WHOM TO CONSULT**

When a project takes place in the ancestral homeland of a federally recognized Tribe, the agency, institution, or organization has a duty to give primacy to consultation with that Tribe. In instances where the project will impact a place held sacred by more than one Tribe by agreement, while primacy should still be given to consulting with the Tribe within whose homeland the place exists, outreach should also be conducted with the other Tribes.

Due to the traumatic displacement of Native communities during the colonization period, today there can be several Tribal communities in the same homeland areas. In those situations where a project will occur in a region with no affiliated, federally recognized Tribes, care should be taken to identify and consult with the unrecognized Tribe or Native community most culturally affiliated with that region (being of a lineage that goes back prior to colonial contact). In situations where there is more than one culturally affiliated unrecognized Tribe or Native community, all should be given the opportunity for equal participation in the consultation process. In that situation, one-on-one, government-to-government consultation should occur separately with each Tribal entity, not just collectively. Whenever collective consultation is warranted, ground rules should be established to ensure equality of participation by all.

### **TIPS ABOUT RESPECTFUL TRIBAL CONSULTATION**

#### **Background**

Native people are part of *socially* oriented, *relationship-based communities*. No matter how dedicated and enthused someone is about their "vocation" or "avocation," that commitment can't be compared to the intimate bond that Indigenous people have with their place of creation, their *homeland* (territory). As co-author Gregg Castro explains it,

What defines us as Indigenous People is the landscapes we come from—our homelands. These places are ingrained in our physical bodies, as well as our mental, emotional, and spiritual beings. Our origin stories reveal we are part of the land and the land is part of us: they are inseparable. Because of that, our work in protecting our resources and culture is deeply personal and intimate—not just 'business.'

Agreements with Native people are based on trust developed through the relationship-building process. Making a "deal" in the moment, based on a letter of request for consultation in the context of a constrained, process-challenged timeline, is unlikely to be either acknowledged or of value to a Native community, as an agreement based on a relationship that has been nurtured and proven over time will be. In other words, Native people have to believe in the project individually and collectively.

While for agency, institution, and organizational managers and staff, plans and projects may be part of the job, for Native peoples, it's about their *life*. Also, while staff may view projects as something revolving around



▲ LEFT TO RIGHT Culture Bearers Lois Conner Bohna (North Fork Mono/Chukchansi Yokuts), Dyann Eckstein (Chukchansi Yokuts), Jennifer Bates (Northern Sierra Mewuk), Dixie Rogers (Karuk), and Meyo Marrufo (Eastern Pomo) discuss issues around the impact of climate change on the gathering of cultural materials at a California Native Homeland Festival, with the tule boat in the foreground made by Redbird Willie (Pomo/Paiute/Wintu/Wailaki); April 27, 2024, photo by Gregg Castro. The festival is a creation of the nonprofit Association of Ramaytush Ohlone (ARO) in collaboration with the Exploratorium in San Francisco, one of many projects about which the Exploratorium consults with ARO.

“resources” and “assets,” for Native peoples it’s about *homeland*. As Gregg puts it,

Our homelands are all one community comprised of entities that contribute equally and have equal value (in the form of respect) to that community. People, other animals, plant life, and landscape are all equivalent parts of homeland. Native communities have deep, intimate connections to their homeland, and everything in it. This connection transcends time. We are connected to all that was and will be.

Thus, while from some people’s perspective, project planning should focus on “assets,” for Indigenous people, “success” happens when you focus on *communities*. This is why the physical place, and the meaning of that place, are of such monumental importance to Native communities.

Entities in one’s homeland (territory) cannot be disrespected nor diminished simply to promote other “assets.” Said another way, “We cannot easily nor quickly give up one asset to save another. They are all *equal*.”

#### General Guidelines

First and foremost, Tribal consultations should be as broad and inclusive as possible, occur on the front end of a project, and continue throughout project planning and implementation, rather than being after-the-fact, *pro forma* attempts to validate existing plans.

Put another way: Start *now*, not in the heat of deadlines formulated in the context of a business-oriented process. Tribes are inundated with requests for consultation, yet many, especially the smaller ones and those that are unrecognized, don’t have the resources nor staff to react

quickly to those requests. Against this backdrop, it's recommended that whenever possible, funding be made available to compensate Tribes for their contribution, especially small Tribes and those that are unrecognized.

Tribes also have internal communication and review processes that take time to unfold. So, in order to create a mutually enriching arrangement for consultation, agency, institution, and organizational managers and staff should create and nurture a relationship with Tribes over time, preferably *before* projects.

Relationship-building includes:

- Following up letters with phone calls and one-on-one, in-person appointments and discussions.
- Hosting a gathering that brings together agency, institution, or organization staff and managers with the Indigenous community in a social setting where everyone can get to know one another and learn from and about each other.
- Reciprocity and *balance* in the relationship are essential. Volunteer to help the Tribe or Native community with their issues, projects, and open-to-the-public community events if you expect them to work on yours.
- In seemingly mundane, everyday tasks, Native people will see you and what you are about—as you will see them, if you are open, aware, and listening.

In creating and deepening that relationship, it is vital to become familiar with a particular community's "protocol." These are the internal community processes on how to respectfully relate to each other and all other "relatives" (in the greater sense, meaning not only how to relate to other people, but also to the other living entities of one's homeland, i.e., those relatives that came before them and will come after them; and even the homeland itself—a living relative, a womb that nurtures them and sustains them). All need to be acknowledged and valued.

Learning and utilizing these protocols will go a long way to validating for the Native community that you value, honor, and respect what they hold dear. Since these interactions often involve highly spiritual, emotional, and personal aspects of the community, the way in which consultation shows acknowledgement of such values will reassure a Native community that the information they will be sharing is given the consideration they view as necessary for the consultation to continue forward in a good way. Each community's protocols are unique to them but will share common themes if grounded

in an understanding of their ancient heritage and responsibilities to each other and their homeland.

Many Indigenous communities utilize a "consensus" protocol to reach agreement within the community. This type of consensus is not the same as the "modern" process of consensus-building, which is often misinterpreted and misused. Consensus within an Indigenous community enables all viewpoints to be expressed in some way in the outcome of a discussion, in a way that all can live with, rather than its modern counterpart, where issues are "held hostage" so that a particular viewpoint gains advantage. Traditional consensus looks to the long-term integrity of the community, not the short-term gain of a few people or only one. It's about reciprocity and balance—the obligation of the community to the individual and the individual to the community.

*Consensus within an Indigenous community enables all viewpoints to be expressed in some way in the outcome of a discussion, in a way that all can live with.*

#### **Other Considerations**

Since consultation is government-to-government, the agency, institution, or organization needs to conduct it with managerial staff or their designees who have the authority to make commitments on behalf of the agency, institution, or organization. Those individuals also need to be conversant enough in internal processes and policies that they can be transparent from the outset about exactly which aspects of a project are non-negotiable heading into the consultation, and exactly why those aspects are non-negotiable. At the same time, they must be able to enter into the consultation with the willingness to alter and readapt most aspects of the project based on the feedback and input received.

Because agency, institution, and organizational staff with the authority to conduct tribal consultation may be used to wielding power, a conscious effort should be made to set aside that status to ensure that they enter into the process ready to listen more than talk and to not only share power, but be willing to cede power to the Tribe or Native community, including over the very process within which consultation meetings and planning takes place and how often and when those meetings take place,

even if that means meetings occurring outside of regular business hours. Put another way, an essential part of the trust-building process and positive project outcomes centers on concessions and compromises about not just the project under discussion, but all aspects of the conduct of the consultation.

### **Obligation to Consult**

When federal funds or permits are involved in the implementation of cultural “resources” projects, agencies have a legal obligation under Section 106 of the National Historic Preservation Act (NHPA) to conduct government-to-government consultation with federally recognized Tribes centered on Traditional Cultural Properties (TCPs), what many American Indians prefer to call “Cultural Landscapes.” Those unfamiliar with NHPA, Section 106, and TCPs are encouraged to carefully review the guidance related to NHPA’s preservation programs and policies,

and the Section 106 review process, provided by ACHP’s Office of Tribal and Indigenous Peoples, which oversees its Indigenous initiatives.

Beyond any statutory obligations, we suggest that an ethical obligation exists to conduct comprehensive Tribal consultation on all place-based projects, as well as interpretive programs, events, naming, and other initiatives that center on Native history, cultures, cultural practices, and issues of concern past to present.

Before closing this discussion of the obligation to consult, as an elevated standard from the one put forward in Section 106, we’d like to introduce Articles 19 and 32 of the 2007 United Nations Declaration on the Rights of Indigenous Peoples, [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf), beginning with the text of Article 19 (p. 16):

▼ LEFT TO RIGHT Culture bearers Zona Ferris (1924–2021) and LaVerne Glaze (1932–2017), both Karuk, discussing mapped locations for planned cultural burns with Randy Nulph, fuels technician, Six Rivers National Forest, April 28, 2013. BEVERLY R. ORTIZ



States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Here's the text of Article 32 (pp. 23–24):

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

### Cultural Sites and Landscapes

As part of the consultation process, it's crucial to discuss when, *if ever*, it's appropriate to reveal and/or interpret site-specific information related to ancestral cultural places.

### Keep It Professional

In all your interactions with Tribes and Native communities, always keep in mind that these are professional, not personal relationships. If, in the course of your interactions with Native people, you hear comments made about Tribes, Tribal governments, or individuals, you should listen, but not respond, never repeat what you've heard to others, and always refrain from judgement, neither presuming nor assuming the veracity of any comments you may hear. The bottom line: Maintain

*As part of the consultation process, it's crucial to discuss when, if ever, it's appropriate to reveal and/or interpret site-specific information related to ancestral cultural places.*

neutrality and equity in all interactions no matter your personal feelings.

### Confidentiality

Prior to embarking on Tribal consultation, a determination should be made of which aspects of any discussions, whether collective or one-on-one, should remain confidential, which ones should be documented and made publicly available, and the means for documentation and public release.

### Staff Turnover

For Tribes and Native communities, staff turnover presents one of the more challenging aspects of Tribal consultation, since the entry of someone previously unknown can slow or even upend the process just when the trust has been built and the relationship is going well. For this reason, it's important for agencies, institutions, and organizations to have a proactive succession plan in place, with robust documentation of agreed-upon processes, procedures, and outcomes, and any remaining issues to resolve. While it's optimal for there to be a period of overlap between outgoing and incoming consultation staff, robust documentation assists in ensuring a smooth transition whatever the circumstances.

### CONSULTATION MODELS AND RESOURCES

As part of reciprocity, we recommend deferring to Tribes and Native communities in the establishment of Tribal consultation protocols and standards. This said, there are many models for effective Tribal consultation. As a starting place, we suggest the following ones,<sup>2</sup> presented here alphabetically:

- ACHP's *Consultation Process Pursuant to E.O. 13175: Consultation and Coordination with Indian Tribal Governments*, <https://www.achp.gov/sites/default/files/2021-05/ACHPConsultationProceduresPursuanttoE01317526Apr21.pdf>, updated on April 26, 2021.
- ACHP's *Consultation with Indian Tribes in the Section 106 Review Process: The Handbook*, <https://www.achp.gov/sites/default/files/2021-06/ConsultationwithIndianTribesHandbook6-11-21Final.pdf>, updated in June 2021.
- ACHP's February 2018 *Guide to Working with Non-Federally Recognized Tribes in the Section 106 Process*, <https://www.achp.gov/sites/default/files/whitepapers/2018-06/GuidetoWorkingwithNon-FederallyRecognizedTribesintheSection106Process.pdf>.
- ACHP's September 14, 2015, *Recommendations for Improving Tribal–Federal Consultation*, <https://www.achp.gov/sites/default/files/guidance/2018-06/RecommendationsforImprovingTribal-FederalConsultation14Sep2015.pdf>.

- The California Department of Parks and Recreation’s November 16, 2007, *Native American Consultation Policy & Implementation Procedures*, <https://www.parks.ca.gov/pages/22491/files/dn%202007-05%20native%20american%20consult.pdf>.
- The National Association of Tribal Historic Preservation Officers’ 2005 report on *Tribal Consultation: Best Practices in Historic Preservation*, [https://www.nathpo.org/assets/pdf/NATHPO\\_Best\\_Practices/](https://www.nathpo.org/assets/pdf/NATHPO_Best_Practices/).
- The National Conference of State Legislatures’ April 2009 *Government to Government Models of Cooperation Between States and Tribes* publication, [https://documents.ncsl.org/wwwncsl/LegislativeStaff/Quad-Caucus/2009\\_gov\\_to\\_gov.pdf](https://documents.ncsl.org/wwwncsl/LegislativeStaff/Quad-Caucus/2009_gov_to_gov.pdf).
- The US Department of the Interior Bureau of Land Management’s December 15, 2016, *Tribal Relations Manual*, <https://www.blm.gov/sites/blm.gov/files/uploads/MS%201780.pdf>.
- The Bureau of Land Management’s December 15, 2016, *Tribal Relations Handbook*, [https://www.blm.gov/sites/blm.gov/files/uploads/H-1780-1\\_0.pdf](https://www.blm.gov/sites/blm.gov/files/uploads/H-1780-1_0.pdf).
- The US Department of Agriculture Office of Tribal Relations’ “Tribal Consultations” guidance, <https://www.usda.gov/tribalrelations/tribal-consultations>.
- The US Department of Agriculture Forest Service’s (USFS’s) “Tribal Relations Manual,” Chapter 1560 of USFS’s *External Relations Manual*. [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd517821.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd517821.pdf), amended on February 29, 2016.
- USFS’s “Consultation with Indian Tribes and Alaska Native Corporations” guidance in Chapter 10 of its *American Indian and Alaska Native Relations Handbook*, [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd517668.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd517668.pdf), amended on February 29, 2016.
- NPS’s guidance on Tribal consultation about Traditional Ecological Knowledge and Indigenous knowledge in general, <https://www.nps.gov/subjects/tek/g2g.htm>, which includes a link to the Department of Interior’s *Policy on Consultation with Indian Tribes*.

### THE INTEGRATION OF NATURAL AND CULTURAL RESOURCES IN TRIBAL CONSULTATION

We’d like to end with a brief discussion of the critical need for the integration of natural and cultural “resources” into the procedures and policies under which Tribal consultation and co-stewardship and co-management of public lands takes place.

Commonly, agencies, institutions, and organizations wall off their guidelines, procedures, policies, and projects involving culture from those involving nature. Yet, for Native peoples the two have always been inextricably intertwined, since what affects one affects the other. Or,

as Gregg expresses it, “People, other animals, plant life, and landscape are all equivalent parts of homeland.”

Native peoples knew and understood the natural world with an intimacy unfathomable to society today. They thrived here for countless generations because they knew how to balance human needs with that of the land and all of its other inhabitants. They used, and continue to use, specialized land management techniques, like landscape burning, to increase habitat diversity. Such methods also increased the numbers of, and improved the health of, the plants and wildlife on which people relied.

With colonization came human, other animal, and plant invaders with an enduring impact on every aspect of life and homeland (aka “the natural world”). By integrating, rather than disconnecting, our thinking about nature and culture, we move closer to a healing of the land and the human heart. As Lucy Lozinto Smith (1906–2000, Mihilikawna Pomo) put it when describing an early lesson learned from her mother about everyone’s responsibility and obligation to place:

We had many relatives and ... we all had to live together, so we’d better learn how to get along with each other. She said it wasn’t too hard to do. It was just like taking care of your younger brother or sister. You got to know them, find out what they liked and what made them cry, so you’d know what to do. If you took good care of them you didn’t have to work as hard. Sounds like it’s not true, but it is. When that baby gets to be a man or a woman, they’re going to

▼ Lucy Lozinto Smith gathering sedge rhizomes at Warm Springs, ca. 1978. SCOTT M. PATTERSON



help you out. You know, I thought she was talking about us Indians and how we are supposed to get along. I found out later by my older sister that mother wasn't just talking about Indians, but the plants, animals, birds—everything on this earth. They are our relatives, and we better know how to act around them, or they'll get after us.<sup>3</sup>

## CONCLUSION

We'll conclude with a reminder of the intimate bond that Indigenous people have with their place of creation, their *homeland*, no matter how their homeland may have changed since colonization. Conducting good-faith, respectful tribal consultation with Tribes, whether recognized or not, is a challenging, but deeply vital and fulfilling process through which human connections to our collective home and to each other are broadened and deepened.

## ENDNOTES

1. Please note that separating prehistory from history is an etic (outsider's) perspective. Most North American Indians do not make nor endorse this distinction. Some anthropologists have replaced it with "precontact."
2. The links provided were last checked on January 1, 2025.
3. Peri, David W., and Scott M. Patterson. 1979. *Ethnobotanical Resources of the Warm Springs Dam-Lake Sonoma Project Area, Sonoma County, California*, Final Report of the Ethnobotanical Element of the Vegetation Management Plan, prepared for the US Army Corps of Engineers, San Francisco District, as part of the Warm Springs Cultural Resources Study. Rohnert Park, CA: Sonoma State University, pp. 43-44.