

## The Trust Relationship and Environmental Stewardship

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In exchange for land and goods, the federal *trust responsibility* is born of the U.S. government's promises and position as trustee and "guardian" over Tribes (*see Cherokee v. Georgia, 30 U.S. 1, 1831*). The *trust relationship* operates, in part, by fulfilling this obligation in good faith and by ensuring "protection and enhancement" of resources, support of tribal self-government, and funding of economic self-determination efforts, education, and social programs. This obligation extends through all government agencies (Wilkins & Lomawaima, 2001, p. 69). The Tribal consultation process, codified in U.S. law, fulfills part of the *trust responsibility* of the U.S. to Tribes.

Some examples include:

[E.O. 13007 \(1996\) Sacred Sites](#) This Executive Order, signed by President Clinton, obligates the federal government to ensure that Sacred Sites are protected by 1) accommodating access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites.

[E.O. 13175 \(2000\) Consultation and Coordination with Indian Tribes](#) Also signed by Clinton, this order obligates the U.S. Government to consult with Tribes to consider any significant cultural or historical properties of importance to Tribes. The consultation process is not a one-off meeting; it is a process that involves extensive research and relationship building.

In 2021, Department of Interior Secretary Haaland and Department of Agriculture Secretary Vilsack signed the *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters 3403*. [This order directs](#) the implementation of Traditional Ecological Knowledge concepts in coordination with Tribal communities "with an interest in federal lands and waters." It includes integration of Indigenous environmental stewardship principles of public lands, conservation of wilderness, refuges, watersheds, and wildlife habitat.

Federal lands often are situated on the aboriginal and traditional territories once managed by Tribal Nations. In honor of the obligations inherent in the nation-to-nation relationship between the U.S. Government and Tribes – the *trust relationship* - these protections offer important ways for government agencies to coordinate with Tribal partners to [create co-management of Federal lands](#) and

waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of Tribes.

There are currently four parks in the national park system that have co-management authority with Tribes. The four parks are Canyon de Chelly National Monument, which is located within the boundaries of the Navajo Nation in Arizona; Glacier Bay National Park and Preserve in Southeast Alaska; Grand Portage National Monument, which is located within the boundaries of the Grand Portage Indian Reservation in northern Minnesota; and Big Cypress National Preserve in Florida. Acadia National Park has been involved in a multi-year project with the Wabanaki Nations of Maine for traditional gathering of sweetgrass within the park. The Nisqually Tribe is currently collaborating with Mount Rainier National Park to publish the report *Plants, Tribal Traditions, and the Mountain Practices and Effects of the Nisqually Tribal Plant Gathering at Mount Rainier National Park*.

### Delaware River National Park and Lenape Preserve

The Pennsylvania and New York Chapters of the Sierra Club are among a consortium of environmental organizations supporting an initiative to increase environmental protections, provide outdoor equity, and support Tribal stewardship of ancestral lands by redesignating the Delaware Water Gap National Recreation Area to the Delaware River National Park and Lenape Preserve. This area has nearly 500 documented Indigenous archeological sites, of which more than 100 are currently considered eligible for inclusion in the National Register of Historic Places. The National Park and Preserve sits in the heart of the Lenapehoking, the ancestral homeland of the Lenape/Delaware Peoples, who signed the first treaty with the U.S. Government in 1778. In cooperation and consultation with Lenape-descendent Tribal representatives, 12,000 years of continuous Indigenous presence will be honored as the Delaware River National Park and Lenape Preserve will provide a safe and protected space for Tribal communities to co-create and preserve Traditional Ecological Knowledge practiced for thousands of years within these lands and waters. A cultural center and community space for Indigenous knowledge, education, and experiences is being written into the legislative proposal in collaboration with Tribal partners.

This effort is being led by the [Alliance for the Delaware River National Park and Lenape Preserve](#), a volunteer-based community group of local citizens dedicated to

outdoor equity and environmental stewardship. Three federally recognized tribes are being consulted via remote meetings in the preliminary stages of this effort - the Delaware Nation and the Delaware Tribe of Indians of Oklahoma, and the Stockbridge Munsee Community in Wisconsin - all of whom were removed and relocated through the forces of colonization and assimilation.

These Nations have continued to be engaged with their Lenapehoking ancestral homelands through ceremonial and cultural practices despite being dispossessed of their territory hundreds of years ago. Conversations and in-person meetings have occurred and continue with New Jersey-based state-recognized tribes - the Ramapough Lenape Indian Nation and the Nanticoke Lenni-Lenape Tribe. Efforts to reach the Powhatan Renape Tribe are in process. The cultural group, Lenape Nation of Pennsylvania, is an unrecognized, self-identified Lenape community who has also been engaged through meetings.

As a model of sustainable management, the National Park and Preserve will be the keystone of 400,000 acres of contiguously protected lands, watersheds and wildlife corridors that preserve and connect essential habitat for the sustained health and adaptability of native plant and animal communities through NJ, PA, and NY.

The diverse floodplain which will be better protected by the National Park designation includes islands, woodlands, tributary crossings, grassland, and agricultural fields. The adjoining landscape includes steep hemlock and rhododendron-lined ravines and hardwood forests cut through by streams and waterfalls. Stewardship of this park and preserve will be greatly enhanced by the participation of Indigenous communities and will elevate the profile and visibility of Indigenous Peoples in Pennsylvania. This alone will begin steps to restore the integral Tribal histories and cultures removed from this region over 200 years ago.

#### Resource

Wilkins, D.E. & Lomawaima, K.T. (2001). *Uneven ground: American Indian sovereignty and federal law*. Norman OK: University of Oklahoma.

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