

## Department of the Interior Departmental Manual

---

**Effective Date:** 11/30/2022

**Series 28:** Multi-Program Management

**Part 502:** Collaborative and Cooperative Stewardship with Tribes and the Native Hawaiian Community

**Chapter 1:** Policy and Responsibilities

**Originating Office:** Office of Policy Analysis

---

### 502 DM 1

1.1 **Purpose.** This chapter sets forth the Department of the Interior's (Department) policy and responsibilities for collaborative and cooperative stewardship of Federal lands and waters with Tribes and the Native Hawaiian Community. The program requirements are provided in chapter 2 of Part 502 of the Departmental Manual.

1.2 **Scope.** The policy in this chapter applies to Bureaus and Offices with responsibilities for managing Federal lands and waters, including wildlife and its habitat, that contain cultural and natural resources of significance and value to Tribes and the Native Hawaiian Community, such as sacred religious sites, burial sites, wildlife, and sources of indigenous foods and medicines, that may be subject to treaty, reserved, or other applicable rights. Such responsibilities may include permitting authorized development activities; managing vegetation, fish, wildlife, and other resources; protecting cultural resources; and providing recreational and educational opportunities on Federal lands and waters. This chapter does not replace existing authorities or regulations.

#### 1.3 **Authorities.**

- A. 25 U.S.C. §§ 2, 9; 43 U.S.C. § 1457.
- B. Reorganization Plan No. 3 of 1950, Section 2, 64 Stat. 1262.
- C. 5 U.S.C. § 301.
- D. 43 U.S.C. § 1457b.
- E. 54 U.S.C. § 101702(d).
- F. 43 U.S.C. § 1737.
- G. Fish and Wildlife Coordination Act, 16 U.S.C. § 661.
- H. Partners for Fish and Wildlife, 16 U.S.C. § 3771.

- I. 43 U.S.C. § 373d.
- J. National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* ()
- K. National Historic Preservation Act, 54 U.S.C. §§ 300101 *et seq.*
- L. Archaeological Resources Protection Act, 16 U.S.C §§ 470 *et seq.*
- M. Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3001 *et seq.*
- N. American Indian Religious Freedom Act, 42 U.S.C. § 1996.
- O. Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5301 *et seq.*
- P. Tribal Self-Governance Act of 1994, 25 U.S.C. §§ 5361 *et seq.*
- Q. State of Hawai‘i Admission Act, Pub. L. No. 86-3, 73 Stat. 4().
- R. Hawaiian Homes Commission Act, Pub. L. No. 67-43, 42 Stat. 108, *as amended.*
- S. Hawaiian Home Lands Recovery Act, Pub. L. No. 104-42, tit. II, 109 Stat. 357.
- T. Expanding Hawai‘i National Park, Pub. L. No. 75-680, ch. 530, 52 Stat. 784.
- U. Executive Order 13007, *Indian Sacred Sites*, issued May 24, 1996.
- V. Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, issued November 6, 2000.

#### 1.4 **Related Policy and Guidance.**

- A. Secretary’s Order 3342, *Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources*, October 21, 2016.
- B. Secretary’s Order 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, November 15, 2021.
- C. Office of the Solicitor, *Partnership Legal Primer*, First Edition, September 2004.
- D. Office of the Solicitor, *Final Review of Responsibilities and Authorities Supporting Implementation of Joint Secretarial Order No. 3403*, November 2022.
- E. 301 DM 5, Partnership Policy.

- F. 512 DM 1, Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Decision Making.
- G. 512 DM 2, Departmental Responsibilities for Indian Trust Resources.
- H. 512 DM 3, Departmental Responsibilities for Protecting/Accommodating Access to Indian Sacred Sites.
- I. 512 DM 4, Departmental Policy on Consultation with Indian Tribes and Alaska Native Corporations.
- J. 514 DM 1, Hawaiian Homes Commission Act.

### 1.5 **Definitions.**

A. Stewardship. Stewardship refers to the Departmental activities relating to management, conservation, and preservation of Federal lands and waters, including wildlife and its habitat. These include authorized development activities and the maintenance of existing infrastructure required to meet mission objectives; management of vegetation, fish, wildlife, and other resources; protection of cultural resources; and the provision of recreational and educational opportunities on Federal lands and waters.

B. Co-Stewardship. Co-stewardship broadly refers to collaborative or cooperative arrangements between Department Bureaus and Offices and Tribes and Native Hawaiian Organizations related to shared interests in managing, conserving, and preserving Federal lands and waters. Collaborative and cooperative arrangements can take a wide variety of forms. These may include, for example, sharing technical expertise; combining the capabilities of Bureaus and Offices and Tribes and Native Hawaiian Organizations to improve resource management and advance the responsibilities and interests of each; making Tribal knowledge, experience, and perspectives integral to the public's experience of Federal lands; cooperative agreements; and annual funding agreements under the Tribal Self-Governance Act (25 U.S.C. §§ 5361 *et seq.*), where applicable.

C. Co-Management. Co-management narrowly refers to collaborative or cooperative stewardship arrangements undertaken pursuant to Federal authority requiring the delegation of some aspect of Federal decision-making or making co-management otherwise legally necessary, such as management of the salmon harvest in the Pacific Northwest, where co-management has been established by law.

D. Indigenous Knowledge. Indigenous Knowledge refers to a body of observations, oral and written knowledge, practices, and beliefs that promote environmental sustainability and the responsible stewardship of natural resources through relationships between humans and environmental systems that is applied to phenomena across biological, physical, cultural, and spiritual systems. Like scientific knowledge, Indigenous Knowledge is an evolving body of evidence-based knowledge with insights acquired through direct and long-term experiences with the environment, as well as through extensive observations, lessons, and skills passed from

generation to generation. Where appropriate, Indigenous Knowledge can and should inform Department decision-making along with scientific inquiry.

E. Tribe or Tribes. Tribe or Tribes refer to any American Indian or Alaska Native tribe, band, nation, pueblo, rancheria, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. §§ 5130, 5131).

F. Native Hawaiian Community. Native Hawaiian Community refers to the distinct Native Hawaiian indigenous political community that Congress, exercising its plenary power over Native American affairs, has recognized and with which Congress has implemented a special political and trust relationship (43 C.F.R. § 50.4).

G. Native Hawaiian Organization. Native Hawaiian Organization refers to the informal representatives of the Native Hawaiian Community that can engage the Department and address matters of mutual interest with respect to the management of Federal lands and waters. The Office of Native Hawaiian Relations maintains a non-exhaustive list of Native Hawaiian Organizations ([www.doi.gov/hawaiian/NHOL](http://www.doi.gov/hawaiian/NHOL)).

1.6 **Policy**. The Department, through its Bureaus and Offices, will seek to use collaborative and cooperative stewardship arrangements with Tribes and Native Hawaiian Organizations, consistent with applicable law, whenever the fulfillment of its management and mission responsibilities could affect Federal lands and waters, including wildlife and its habitat, that are subject to treaty, reserved, or other applicable rights of Tribes and the Native Hawaiian Community.

#### 1.7 **Objectives**.

A. Work directly with Tribes and Native Hawaiian Organizations to address matters of mutual interest in the management of Federal lands and waters, including through use of collaborative and cooperative stewardship arrangements.

B. Give due consideration to the proposals, recommendations, and Indigenous Knowledge of Tribes and the Native Hawaiian Community, including when the Department cannot enter a proposed co-stewardship arrangement consistent with applicable authorities.

C. Enter into, and conduct, every collaborative and cooperative stewardship arrangement in full compliance with applicable laws and authorities, including ethics statutes and regulations.

D. Ensure that all Bureau and Office decisions relating to the stewardship of Federal lands and waters, including wildlife and its habitat, consider ways to safeguard the interests of Tribes and the Native Hawaiian Community such decisions may affect.

#### 1.8 **Responsibilities**.

A. Assistant Secretary - Policy, Management and Budget.

- (1) Ensure Departmental compliance with this policy.
- (2) Oversee Departmental recognition of successful co-stewardship arrangements through appropriate awards.

B. Assistant Secretaries.

- (1) Ensure Bureaus and Offices comply with this policy.
- (2) Oversee coordination among assigned Bureaus and Offices on the implementation of co-stewardship arrangements.
- (3) Participate in recognition of exemplary co-stewardship arrangements.

C. Heads of Bureaus and Offices.

- (1) Ensure compliance with this policy.
- (2) Identify opportunities for co-stewardship arrangements and ensure that co-stewardship arrangements comply with applicable authorities.
- (3) Develop policies and guidelines, as needed, to implement this chapter consistent with specific missions and applicable authorities, including evaluating and updating existing Bureau and Office manuals, handbooks, or other guidance documents for consistency with this chapter.
- (4) Outline specific steps to be undertaken to implement the policy of this chapter, such as instructions to field staff, identification of key personnel, and consultation with Tribes and the Native Hawaiian Community.
- (5) Establish institutional structures for developing and implementing co-stewardship arrangements and ensure that employees are appropriately trained to develop and maintain effective co-stewardship arrangements.
- (6) Implement employee performance review standards that evaluate progress toward meeting the objectives and goals of this chapter, including success toward developing new collaborative stewardship agreements and enhancing existing ones.
- (7) Educate affected communities on the role Tribes and Native Hawaiian Organizations may play in the stewardship of Federal lands and waters.

D. Tribal Liaison Officers.

- (1) Serve as their Bureau or Office principal point of contact for consultations (512 DM 4) with Tribes and the Native Hawaiian Community on matters arising under this chapter.

(2) Promote and facilitate consultation and collaboration between their Bureaus and Offices, and Tribes and the Native Hawaiian Community on matters arising under this chapter.

## 1.9 Requirements and Procedures.

### A. Federal Stewardship.

(1) In making management decisions relating to Federal lands and waters or to wildlife and its habitat that impacts Tribes or the Native Hawaiian Community treaty, reserved, religious, subsistence, cultural, or other rights or interests, each Bureau and Office will, from the earliest phases of its planning and decision-making:

(a) Ensure that Tribes and Native Hawaiian Organizations (as appropriate) have an opportunity to play an integral role in the decision-making, through consultation, capacity-building, and other means consistent with applicable authority.

(b) Engage affected Tribes and Native Hawaiian Organizations in meaningful consultation, giving due consideration to their recommendations in all final decisions.

(c) Incorporate forest-, agriculture-, and range-land management plans or practices of Tribes and Native Hawaiian Organizations (as appropriate) into Federal land management planning efforts to the maximum extent practicable in landscape- or watershed-scale restoration and conservation planning.

(d) Incorporate consideration of the expertise and Indigenous Knowledge of Tribes and the Native Hawaiian Community in each Bureau/Office's decision-making related to Federal lands and waters, including wildlife and its habitat, particularly where such resources are subject to a Tribe's treaty or reserved rights, or the religious, subsistence, cultural, or other rights of Tribes and the Native Hawaiian Community..

(2) For purposes of paragraph A (1) of this section, Bureaus and Offices should start with the following resources to identify affected Tribes and interested Native Hawaiian Organizations:

(a) Tribal Treaty Database (<https://treaties.okstate.edu/>).

(b) Bureau of Indian Affairs (BIA) Tribal Land Locator Tool (<https://biamaps.doi.gov/indianlands/>).

(c) U.S. Department of Agriculture Forest Service, Tribal Connections Map Viewer (<https://www.arcgis.com/apps/webappviewer/index.html?id=fe311f69cb1d43558227d73bc34f3a32>).

(d) Office of Native Hawaiian Relations, Native Hawaiian Organization List (<https://www.doi.gov/hawaiian/NHOL>).

(e) Office of Native Hawaiian Relations, Homestead and Beneficiary Associations List (<https://www.doi.gov/hawaiian/homestead-beneficiary-associations-list>).

B. Co-Stewardship.

(1) Bureaus and Offices will, consistent with applicable authorities, seek to make use of collaborative or cooperative arrangements with Tribes and Native Hawaiian Organizations with respect to Federal lands and waters, including wildlife and its habitat, in which Tribes or the Native Hawaiian Community have treaty, reserved, religious, subsistence, cultural, or other rights or interests under Federal law.

(2) Bureaus and Offices will, consistent with applicable authorities, seek to make use of collaborative or cooperative arrangements with Tribes whenever Federal lands and waters, including wildlife and its habitat, are within or contiguous to a Tribe's reservation or whenever requested to do so by a Tribe.

(3) Subject to applicable law, Bureaus and Offices will in good faith consider a collaborative or cooperative stewardship arrangement proposed by a Tribe or Native Hawaiian Organization.

(4) Bureaus and Offices will:

(a) Promote the use of collaborative or cooperative arrangements and/or provisions in land-management plans consistent with their duties under existing law.

(b) Use collaborative and cooperative stewardship arrangements as tools to foster cooperation on protection of treaty and reserved rights and of religious, subsistence, cultural, or other rights of Tribes and the Native Hawaiian Community consistent with consensual policymaking referenced in Executive Order 13175.

(c) Incorporate dispute resolution procedures appropriate to the subject of any collaborative or cooperative stewardship arrangement with a Tribe or Native Hawaiian Organization to the extent permissible under applicable law.