

Cultural Lands Case Studies: models of land back, co-stewardship, and cultural easements



Photo by Alan Crowe - Methow Valley Wildflowers

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Executive Summary

Problem Statement

“Land Back,” a movement surrounding returning ancestral land rights and ensuring that tribal sovereignty is honored, has gotten quite a bit of traction over the last few years. The practice shows up in a variety of ways: co-stewardship between tribal nations and the landowner or agency; cultural conservation easements to provide access to lands for traditional practices; or complete land transfers. There are examples of each of these and more throughout recent history. Given the increased interest in the movement, further illumination of examples with description of the models is needed. This will help enable those who are interested in allyship within the movement to make an informed decision on how their land can be used to promote tribal sovereignty. Ultimately, each example of giving land rights back to Native people deserves its own thorough explanation.

Description of Project

This project serves as an easy-to-follow heuristic for those interested in learning about the different forms of land-rights transfer. It contains descriptive maps, vivid photos, and extensive descriptions to contextualize the reader with each location that is investigated. In total, eight examples are given. Though some are similar, they each have a unique history with their own successes, challenges, and geographical context. To successfully categorize each method, an inventory of key criteria was created. This allows for a landowner interested in Indigenous land rights to find case studies that may be especially relevant to them. The report is designed so those without land would still benefit from reading it, as it is highly visual, uses accessible language, and includes a glossary. In presenting these eight case studies, both strengths and shortcomings are identified, but the importance of the Land Back movement shines through all.

Summary of Recommendations

Despite the Land Back movement having a long way to go in terms of reach and political success, there are blatant achievements in this report worth celebrating, especially because they show what is possible. Full transfers such as the Hummingbird property in Winthrop, Washington illustrate that conservationists are beginning to recognize the importance of supporting Indigenous sovereignty using emerging practices. Other examples illuminate how powerful a collaborative government-to-government relationship can be.

As the United Nations’ Declaration on Indigenous People’s Rights asserts, just returning land rights is not enough. It is crucial that tribes are provided with resources and support in tandem with any land given. Ensuring that Indigenous people have all the tools needed to

thrive is just another crucial aspect of allyship. Ultimately, solutions for land sovereignty must be created on a case-by-case basis, even if it shares similarities to other Land Back examples.

Introduction

“...I see a time of Seven Generations when all the colours of mankind will gather under the Sacred Tree of Life and the whole earth will become one circle again....

I salute the light within your eyes where the whole universe dwells. For when you are at that centre within you, and I am at that place within me, we shall be one.”

Chief Crazy Horse, Oglala Sioux, 1877

Crazy Horse, likely born around the early 1840s, was a member of the Oglala Lakota Tribe and a war chief pivotal in the protection of the Lakota people against U.S. imperialism. Most famously, he prevented potentially hundreds of casualties in the Battle of the Little Big Horn by putting a stop to General George Armstrong Custer’s army. Until his death in 1877, Crazy Horse fought for his people, attempting to negotiate with the American military despite their consistent false promises.

Examples of Indigenous resilience such as this are plentiful, both in past and current times. Wading through systemic oppression, Native communities continue to shape public policy decisions while passing down Traditional Knowledge and maintaining authentic spirituality.

As Indigenous and non-Indigenous allies attempt to restructure settler-colonial systems, land autonomy is one issue that often arises. One emerging example of Native resurgence through land rights is the Land Back, or LANDBACK, movement. As found by a member of the Blackfoot Confederacy, Land Back seeks to return decision-making powers over land to its original inhabitants and “get Indigenous Lands back into Indigenous hands,” as described on the LANDBACK website. For one, there is a long history of government-to-government treaties- such as the Fort Laramie Treaty, which was supposed to protect land that now contains Mount Rushmore National Monument- that are not being upheld. The Land Back movement calls for pre-established legal sovereignty to be realized.

However, land rights can reemerge and be maintained in various ways, as described in this report. There is an increasing awareness of what the movement is and why it is needed, but those who wish to get involved may benefit from more digestible, comprehensive information on where to start. With this emerging framework, each method of returning

ancestral land rights is worth further exploration. At its core, Land Back is sovereignty in action and a continued display of Indigenous liberation through Indigenous volition.

The United Nations Sustainable Development Goals are an excellent tool for determining the focus of sustainability-minded projects. In this case, Goal 10, “Reduced Inequalities,” and Goal 16, “Peace, Justice and Strong Institutions,” are particularly relevant. Addressing systemic inequalities is directly tied to ensuring just systems, as both require accountability, especially on behalf of the government. Integrated decision-making, another key aspect of these goals, is explored throughout this report. Providing land rights to Indigenous people is about ensuring equity and fairness within imbalanced systems.

Project Goals

The goal of this project is to create an accessible document introducing readers to multiple kinds of Indigenous-centered land stewardship models so that it can be used to fuel potential allyships and opportunities for returning Indigenous land rights. We wanted to provide a wide range of stories- some actualized, some a work in progress- illustrating the importance of the movement. We wish to serve a wide audience: those owning land; those involved in land management; tribal groups and Indigenous organizations seeking autonomy over ancestral lands; and anyone interested in engaging with Indigenous reparations.

As Indigenous oppression is systemic, it will take a continued anticolonial restructuring from the inside out. Removing land rights and access is a major form of oppression towards Indigenous people, so finding ways to decenter colonial frameworks of land ownership and ensuring access is crucial. Returning land rights is not the only necessity for Indigenous liberation, but it is still fundamental.

Background Research

In taking on this report, many resources outside of the eight case studies were consulted. However, few comprehensive documents that illustrate the various models of returning land sovereignty to tribes were found. A report by the environmental law firm Conservation Partners provides specific examples of land transfers and conservation easements. It extensively dissects the legalities of each land-transfer method in a way that is simple to understand.

Another vital piece of work comes from the Ecology & Society journal, taking a critical lens to the models of co-stewardship. There are cases of returning land that ends up being unsuccessful, as those that give the land do not provide additional support to the respective tribal nations. This study asserts the idea that just giving land rights back is not nearly enough; it is merely a beginning (Lake & Long, 2018).

Methodology

Detailed Inventory

We decided that the most effective way to quickly display and compare the data collected throughout the research process was through a simple chart. The purpose of this detailed inventory is to help us organize our report, ensure we highlight various land back methods, and compare each case study with each other. In deciding our method, we considered our project's goal: to determine the most effective method(s) of giving land back to Indigenous tribes, which could consist of anything from co-stewardship to cultural easements. These differing methods are dependent on contexts including partnerships, goals, and needs. All of which are specific to each case study.

Our aim is to provide a heuristic report that is accessible to a wide variety of people. Thus, an easy-to-follow methodology is crucial. With this inventory and benchmarking, readers can swiftly identify how each of the listed criteria fits their interest, context, or land's needs. However, if more information on a given case study is required, please visit the respective case study analysis within the report.

The data is organized into five columns within the chart. The first holds the name of the tribes involved with the particular land back movement. This is important to address due to their involvement within the entire process. Next, the government/non-profit agency is highlighted, since in some cases, they are working with the tribes. The region is labelled with the chart as well, as a reference, yet there is a map within each detailed analysis of each case study. To represent the scale of the case studies below, the acreage is included in the fourth column. Finally, the land back method is the final column, and it is important to distinguish. It will involve aspects such as co-management of the land, stewardship, an easement, or other styles that are found.

Results

We found that there are a few main ways that ensuring tribal use of cultural lands can be accomplished.

In the simplest way, land can be directly given back to a federally recognized tribe or to a land trust in the name of a tribe. This style is represented by our Confederated Tribes of the Colville Reservation case study on the Hummingbird property, where the land is signed over with no strings attached as a gift. This benefits the related tribe more than any other method as there are no limitations.

On the opposite side of the spectrum, a landowner can guarantee tribal access to land through a cultural access easement, where members of a tribe are ensured more limited use of a site. This is outlined in the Kashia Tribe example, where in this case members of the tribe are able to have a limited number of gatherings on the land per year and are able to partake in subsistence gathering a few times a month. This land back method has less of a benefit to the tribe than others, but it forms a meaningful partnership between the parties and carries an important symbolic meaning while still allowing the landowner to hold ownership.

It is also possible for a tribe to hold managerial rights alongside one or multiple parties. This is shown most clearly in the co-management example of the Kukutali Preserve, co-managed by the Swinomish Tribe and the Washington State Parks Department. Our Esselen case study describes a variation of this as well. This form of management can be advantageous to both or all parties, where land use decisions can be made together in the formed partnership.

A conservation easement can be a form of land back where nearly all usage rights are transferred to a tribe to grant stewardship, while the original landowner remains the official owner with minimal involvement. This is presented in the Rinihmu Pulte'irkne example, with the Confederated Villages of Lisjan becoming stewards of the land with little limitations while the City of Oakland remains in official ownership. This can be greatly beneficial to both parties for when it is necessary for the grantor to remain the official owner but is uninterested in management. This case study brings land trusts into the picture, organizations that are incredibly beneficial to non-federally recognized tribes – the land trust can hold lands in their represented tribe's name.

It's necessary to convey that not every case study fits strictly within these four categories. The example relating to the Blackfeet Nation describes a co-managed Cultural Heritage Area that brings in an additional citizen's advisory group alongside the co-managing Blackfeet Tribal Government and U.S Forest Service, and the scale of the Wabanaki case study naturally includes multiple types of land back for the large number of areas around Maine involving several tribes and many stakeholders included in the project as a regional model.

As you read, note the patterns you see across the case studies. What commonalities can be found regarding the aspirations of the indigenous communities in each case study for the use and management of the returned land? What characteristics can be found in each case study that could be applied to future land back developments, and what made those elements successful?

Swinomish – Kukutali Preserve – Co-Management

Swinomish Indian Reservation, Skagit County, Washington

The name of this area means, “Place of the cattail mat.” This refers to the cattail mat structures used during the summer months, when clams and fish were historically gathered at this site. The logo represents a cattail creaser, which was used to make these mats. The two heads show two entities coming together to manage this land, and it was created by Todd Mitchell, a Swinomish Tribal member and Environmental Director.



KUKUTALI PRESERVE



Map courtesy of Swinomish Indian Tribal Community



Landscape imagery and map of Kukutali Preserve

Land History:

The land above the ocean houses many species of birds and mammals. Within the sea, there are rich ecosystems containing seals, fish, and anemones. Before the settlers came, the land was used by the Tribe to beach seine for salmon as well as collecting shellfish.

Both Kiket and Flagstaff Islands were part of the land reserved by the Swinomish tribe due to the 1855 Treaty of Point Elliot. This plot of land was privately owned throughout the 1900's, and then was at risk of becoming a nuclear power plant site around the 1970's. The nuclear site was never implemented due to tribal and public opposition surrounding environmental concerns.

In 1982, the plot was sold to a developer and Tribal ownership and access to many beaches on Kiket Island were repeatedly denied, despite treaty rights saying otherwise.



Kukutali Preserve

Tribal History:

The Swinomish Reservation that exists now houses Tribal decedents from Coast Salish peoples, the Swinomish, Samish, Lower Skagit, and the Kikiallus, who previously resided throughout the Skagit and Samish River Valleys, and coastal areas surrounding the San Juan Islands.



Swinomish Indian Tribal Community Emblem

The Swinomish people have lived in large villages throughout this area since time immemorial. They would historically travel around the land in harmony with the seasons, following the resources the land provided.

Collaborations:

In 2010, the Swinomish Indian Tribal Community and the Washington State Parks and Recreation Commission came together to create the first co-managed Tribal State Park in the United States. Together, they manage 84 acres with many restorative goals in mind.

Together, they have several shared goals. Preserving and protecting the existing natural areas and cultural presence, and promoting healthier ecosystems were priorities for these collaborators. Additionally, respecting the cultural sites of the area, and encouraging others to do so has been a point of focus for the two groups. Scientific research and its facilitation have been an area of interest for conservation tactics and learning about the land in general.

In June 2016, the State Park was opened to the public.

Binding Agreements

Each entity holds three representatives, all appointed by their respective groups, on a management board, which leads to decisions being made about the land. It was decided that each party contributes an equal amount of funding for projects regarding the land.

It was decided that no livestock or pets would be allowed in certain areas of the land, due to conflicts surrounding conservation, as well as no overnight use of the Preserve. Day-use facilities would be built over time, as funds were made available, such as vault toilets, trails, one small parking lot, a rest area, and a non-motorized boat launch.

Insights

In having equal expectations for both Washington State Parks Department and the Swinomish Tribe, both the financial and social pressures between parties are eased. With both the Swinomish Tribe and the state needing to reach consensus to enact change, both sides can be heard and have the same amount of power over land valuable to both of them.

Kashia Band of Pomo Indians – Stewarts Point CA – Cultural Access Easement

On a piece of land bordering the Pacific Ocean purchased for the conservation of redwoods, the Kashia Band of Pomo Indians and the owner Save the Redwoods League have agreed upon a cultural access easement that allows for subsistence gathering and cultural events upon the site.



*Tribal Government Seal
Kashia Band of Pomo Indians Tribal Government*



*Map of Stewarts Point, California
Save the Redwoods League*

Land History

The Stewarts Point property has been lived on and used as a resource gathering site by the Kashia Band of Pomo Indians for thousands of years before the Tribe was forced onto the inland reservation of Stewarts Point Rancheria. Since then, the land has been used for commercial use, primarily timber harvesting, by the previous owner, timber baron Herbert

A. Richardson. In 2010 Save the Redwoods League purchased the land for the purpose of conservation.



*A rocky bluff along the coastline of the Stewarts Point property
Save the Redwoods League*

Tribal History

The full name of the Kashia Pomo Tribe is Kashia Band of Pomo Indians of the Stewarts Point Rancheria. They were the original residents of the area where Stewarts Point is located, as well as the surrounding lands of Western Sonoma County. Before colonists arrived the population of the group of villages was estimated to be around 1,500 seasonally migrating people who had a culture deeply connected with the coastal lands. Unfortunately, the Kashia people suffered through impacts of colonization such as introduced diseases and forced missionization, and in 1870 there were only three Kashia villages remaining. In 1915 the Tribe was federally recognized and forcibly relocated to a small reservation several miles away from the sea.

Today, the Tribe has a total population of around 860 members with around 80 of those being located on the reservation.

Collaborations

Save the Redwoods league is a nonprofit organization dedicated to preserving what's left of the redwood forests in our country. The organization purchased the land to a back in 2010 to protect it against development, but it wasn't until 2017 that the cultural access easement was given to the Kashia Tribe to grant them entry to a sacred site. In the same year, Save the

Redwoods League transferred both a conservation easement to Sonoma County Agricultural Preservation and Open Space District (a governmental conservation organization) for six million dollars and a trail easement to the County of Sonoma to extend the California Coastal Trail across the property.



Binding Agreements

Members of the Kashia tribe have limited access in perpetuity to the land conserved by Save the Redwoods League, with a main limitation being that the tribe may only access the land for a limited number of times per year. The Kashia Tribe can hold ceremonial events on the land and simultaneously close the California Coastal Trail up to four times a year (if a notice to the county is given over thirty days in advance). Events are limited to 50 attendees although one event may have up to 100. The Tribe is allowed to gather, organize public educational opportunities, and hold ceremonies during these days and may also request additional event days although they are not guaranteed.

The Tribe is also allowed to partake in non-commercial subsistence harvesting activities up to five times per month. This is limited as well, as only five tribal members maximum are allowed per harvesting day and at least a 72-hour advanced notice is required.

Insights

While this access easement does not give the Kashaya Pomo as much benefit as a conservation easement or straight land back would, it's important to include to show that there are ways to include native tribes in land use decisions without the landowner giving stewardship or ownership of the land. Land back is not always possible, and an access

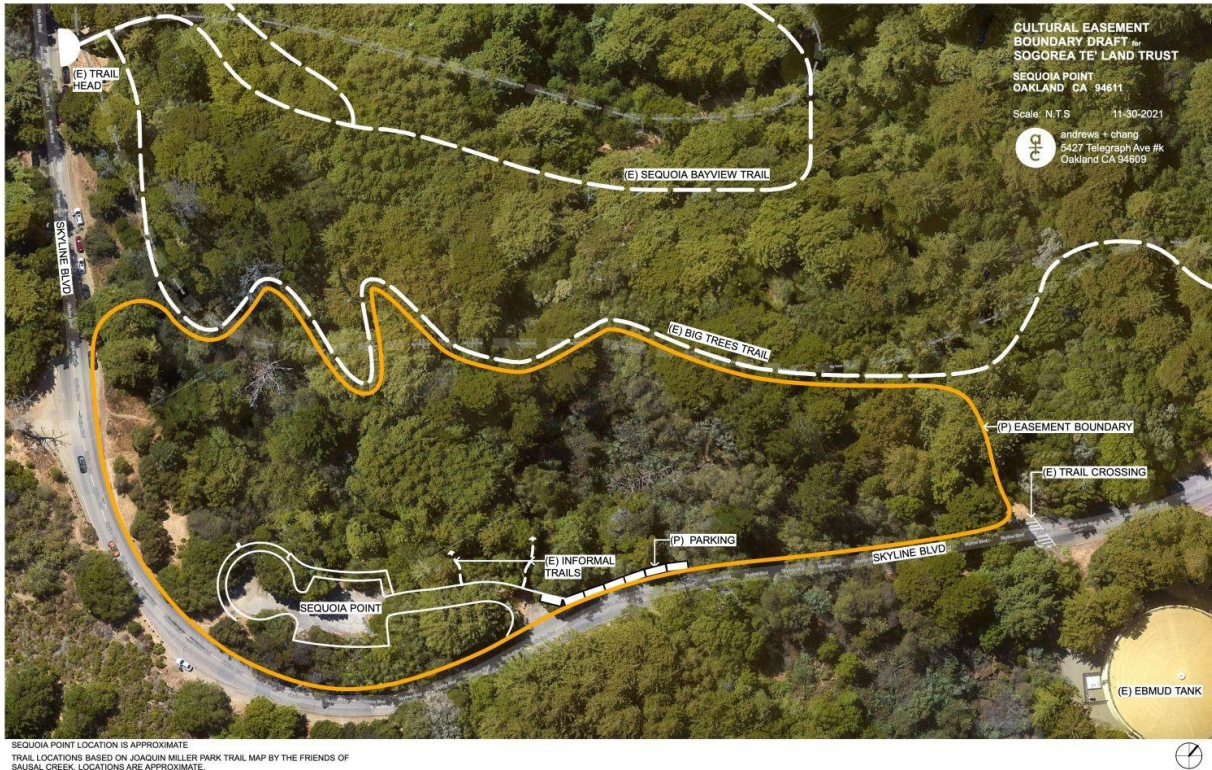
easement provides the ability for a tribe to maintain cultural practices, receive recognition, and gain access to traditional lands without a large cost to the landowner.

Confederated Villages of Lisjan – Rinihmu Pulte’irkne – Cultural Conservation Easement

Rinihmu Pulte’irkne (“above the red ochre”) is a small area of land returned to the Confederated Villages of Lisjan in the form of a cultural conservation easement. While the Confederated Villages of Lisjan are not federally recognized, they are able to hold the land in perpetuity through the Sogorea Te’ Land Trust.



*Tribal Logo
Confederated Villages of Lisjan*



*Map of Rinihmu Pulte'irkne (previously named Sequoia Point)
Oakland Voices*

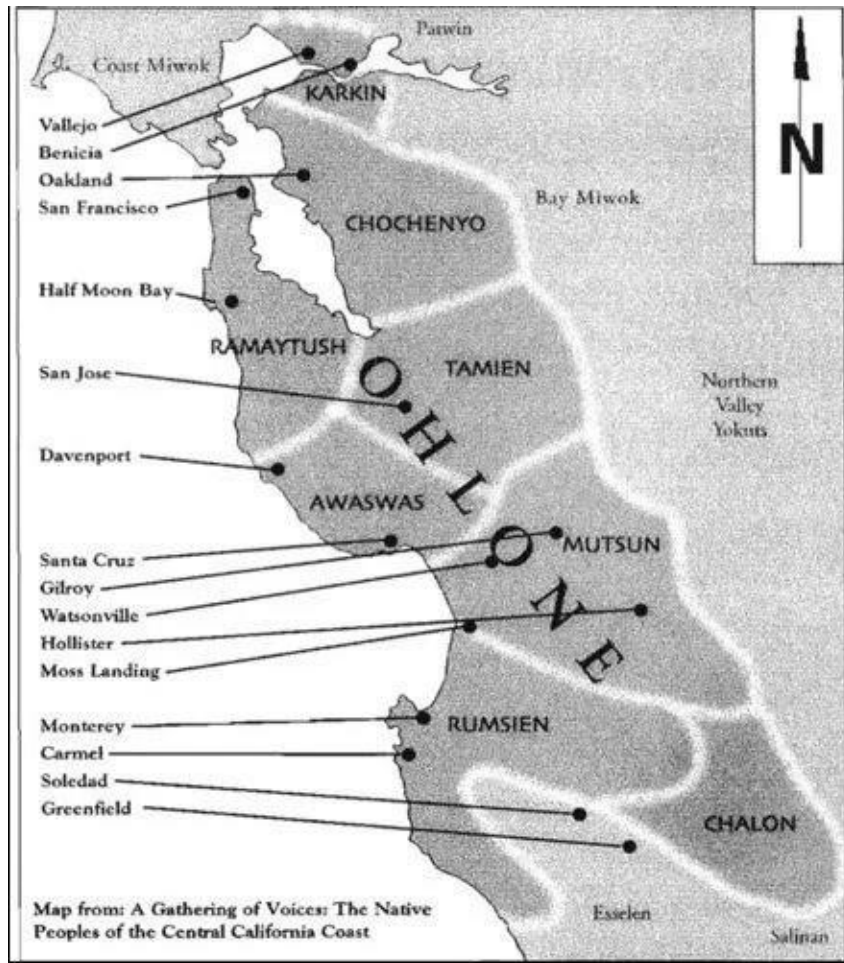
Land History

Rinihmu Pulte'irekne is a small five-acre site located above the city of Oakland, California within Joaquin Miller Park. Previously named Sequoia Point before the conservation easement, the heart of the land is filled with redwoods, oak trees, and other native plants while the edge of the property boasts a scenic overlook of the city below.

The land that Oakland lies on and the hills surrounding it are the ancestral lands of the Chochenyo speaking Ohlone people. The Ohlone people traditionally gathered red ochre (a reddish-brown pigment) from the hills near Oakland, which is what this plot of land was renamed after. Rinihmu Pulte'irekne means “above the red ochre” in the Chochenyo language.

The site will be used for education, cultural events, conservation, and more. The Sogorea Te' Land Trust plan on building a structure in the park in the shape of an upside-down

traditional Ohlone basket with the purpose of being a central gathering place for celebrations and ceremonies.



*Map of the Ohlone and neighboring tribes' historical extent
Evergreen Valley College Library*

Tribal History

The Confederated Villages of Lisjan comprise seven nations including both Chochenyo and Karkin Ohlone, both Bay and Plains Miwok, Delta Yokut, and Patwin that were subjected to slavery at Mission Dolores in San Francisco and Mission San Jose in Fremont. These tribes have lived in their lands surrounding the bay area since time immemorial, and have since withstood colonization and genocide through Spanish, Mexican, and American colonists. Despite enduring these atrocities, these tribes have demonstrated resilience in preserving their cultural heritage and connection to ancestral lands, making dedicated efforts to safeguard their languages, traditions, and identities. The tribal nations are not federally recognized by the United States despite many attempts.



*Proposed Ohlone-basket shaped cultural event gathering structure
Sogorea Te' Land Trust*

Collaborations

The City of Oakland partnered with The Sogorea Te' Land Trust to return the land on Sequoia Point. The Sogorea Te' Land Trust is a nonprofit conservation organization striving to acquire land in the East Bay created by activist co-founders Corrina Gould and Johnella LaRose. Before the Sogorea Te' organization, they had founded their first group Indian People Organizing for Change to raise awareness and fight for the protection of the traditional Ohlone burial sites called Shellmounds located in the bay area. One specific village and burial site, named Sogorea Te', was the location of a protest lasting over 100 days to oppose the development of the land into a parking lot. While the protest was ultimately unsuccessful, Gould and LaRose created a powerful documentary on the events of the uniting protest titled Beyond Recognition and were inspired to create the Sogorea Te' Land Trust. Libby Schaaf, the mayor of Oakland in 2017, watched the documentary and was deeply moved. She contacted the land trust and offered the organization a cultural conservation easement for a site in Joaquin Miller Park of their choice in perpetuity.



*Sogorea Te' Land Trust Logo
Berkeley Center for New Media*

Binding Agreements

All land management rights are transferred to The Sogorea Te' Land Trust, while the City of Oakland holds official ownership. The cultural conservation easement is officially a reserved interest easement, meaning the city holds restricted rights such as allowing the public to visit outside of tribal events, requiring environmental review and rezoning for any new structures, and access in emergencies. Permits are not necessary for events on Rinihmu Pulte'irekne, as the conservation easement acts as a permit.

Insights

The Confederated Villages of Lisjan are not a federally recognized tribe. In order for an unrecognized tribe to hold land, they must be holding it through a legal body like a nonprofit or a land trust.

When a conservation easement is written for cultural preservation, the only approval needed is from the city council as Joaquin Miller Park is owned by the City of Oakland. This is an example that is meant to be easily followed by other cities to return land to federally unrecognized tribes.

Confederated Tribes of the Colville Reservation – Hummingbird – Full Transfer

In north-central Washington along the eastern portion of the Chewuch River lies the land $\check{x}^w \text{ nám } \check{x}^w \text{ nám}$, or Hummingbird in Salish. The land is five miles north of Methow Valley’s recreative town of Winthrop. At 328 acres, the property is just a small portion of the land the Methow people have occupied for time immemorial.



The entrance to the Hummingbird property

Methow Conservancy

Land History

The Chewuch River once boasted a variety of aquatic life such as salmon runs, but industrial activities have hindered this abundance. Since this land has very active spawning areas and excellent habitat, projects have spawned from local government and conservation organizations including ongoing collaborations with local tribes.

In June 2021, the property- then named Wagner Ranch- was put on the market by the Western Rivers Conservancy for \$3.6 million. In about three months, the Methow Conservancy raised the money, and in May of 2022, the ownership of the land was formally transferred to the Confederated Tribes of the Colville Reservation, who had expressed interest in the property many years prior.

Tribal History

The Confederated Tribes of the Colville Reservation is one legal entity but consists of 12 separate Indigenous tribes, each with its distinct culture. Albeit, with their similarities, the tribes are identified as a Plateau Culture Area.

Prior to colonialism, the *s'páλmuləx^wəx^w* (Methow) tribe traveled voluntarily throughout the seasons to hunt, gather, and seek protection from the elements.

In 1879, the Moses-Columbia Reservation was established, delineating a portion of the lands long inhabited to various tribes like the Methow. The Columbia Treaty dissolved this measure in 1883 and many of the Methow were subsequently removed to the Colville Reservation. Over the years, the government removed parts of the Colville Reservation for agriculture and settlement purposes; today it is now half the size of its original acreage established in 1872.

A Methow elder whose family has been able to maintain title to their allotment has shared that they have noticed a shift in the last 20 years of non-Indigenous residents being more welcoming

Collaborations

Potential collaboration projects continue to reveal themselves as community members step up to the plate. Chinook Salmon is at the forefront of the Colville Tribes' planned projects, and the Methow Conservancy has made it clear that they plan to support the tribe.

In June of 2023, the Methow People's Board was awarded a grant to aid in their projects. The group consists of the last 13 families of original Methow decent, as well as allies eager to help the cause. As the Colville Confederacy is a large entity, this board ensures that the Methow are at the forefront of decision making when organizing use of the land.

Binding Agreements

The unique nature of the trade-off does not impose any rules, restrictions, or conditions on the Confederated Tribes of the Colville Reservation. On its website, Methow Conservancy claims that most steps toward land conservation put the land first and the people second. As such, they seek to display their trust in the original stewards of the land, letting them decide what the best course of action is.

Insights

A full land transfer agreement such as this would work for any portion of land that is deemed valuable by its original tribal inhabitants.



*The meandering Chewuch River
Methow Conservancy*

Wabanaki Confederacy – Maine – Co-Management

Mi'kmaq Nation, Houlton Band of Maliseet Indians, Penobscot, Passamaquoddy, Abenaki

The Wabanaki People's Land Back movement is a united effort amongst four different tribes to reclaim their ancestral land. The tribes, the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Penobscot, Abenaki, and the Passamaquoddy, have all undertaken different but connected approaches to decolonizing what we know today as Maine.



Houlton Band of Maliseet



Abenaki



Mi'kmaq Nation



*Passamaquoddy
Penobscott*



Wabanaki Lands in Maine 2021

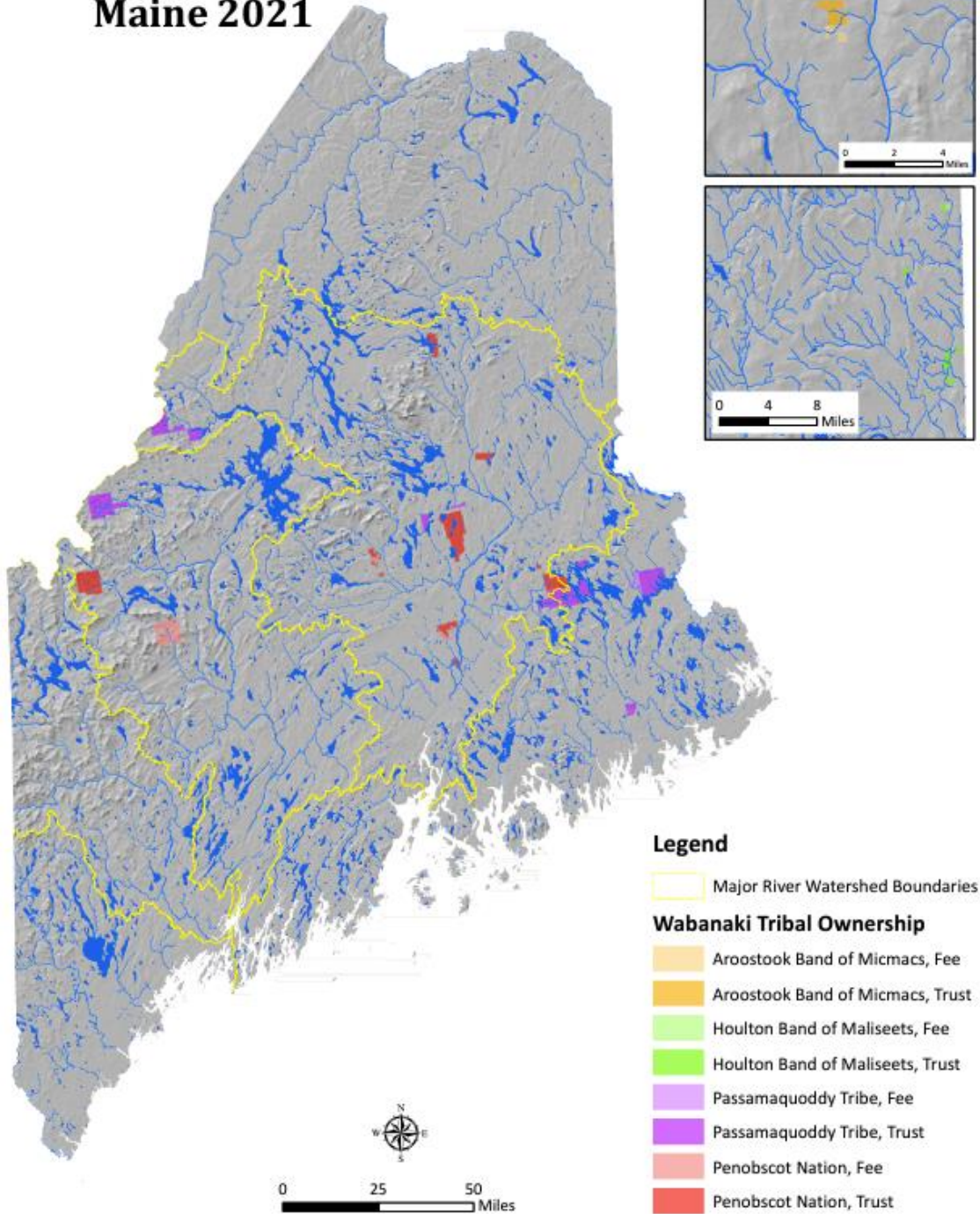


Image source: 2022 Report, [Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine](#)



Image source: 2019 Map of Conserved Lands by Dan Coker and Nicole LaBarge for TNC Maine.

Land History:

The land currently known as Maine has a rich history spanning millennia. Originally inhabited by the Passamaquoddy, Maliseet, Penobscot, Androscoggin, and Kennebec, distinct cultures were developed. Some adopted semi-nomadic coastal lifestyles and others formed the Wabanaki Confederacy. European contact began around 1200, including interactions with Norse explorers and later French settlements like Saint Croix Island in 1604. The English established the Popham Colony in 1607, while conflicts between European powers and indigenous tribes led to changing allegiances and territorial disputes. The area witnessed the establishment of missions, forts, and trading posts by both French and English forces. The Abenaki and other native tribes experienced displacement due to warfare and eventually sought refuge in Canada. The land saw the ebb and flow of colonial control until Maine became part of the United States, forming a complex tapestry of cultural interactions, conflicts, and settlements that continue to shape its identity today.

Tribal History:

The Wabanaki Confederacy's tribal history is one of Algonquian-speaking peoples, including Passamaquoddy, Maliseet, Penobscot, Abenaki, and Mi'kmaq tribes, coming together in the northeastern region of North America, sharing linguistic and cultural ties while adapting to the challenges of European colonial powers. As intermediaries between European settlers and other indigenous groups, they navigated sometimes contradicting alliances, participating in conflicts like King Philip's War and the French and Indian War. Despite displacement and disruptions caused by European contact, the Confederacy displayed resilience, and while its political structure shifted over time, the enduring cultural heritage and traditions of its member tribes contribute significantly to the mosaic of North American indigenous history.

Collaboration(s):

With so many different tribes being involved in the movement, there have been numerous agencies and organizations involved in the Wabanaki peoples' Landback efforts. Despite this, the most common form of land restitution comes in the form of co-management. As seen in the maps on the previous pages, conservancies that have partnered with the tribes will purchase a significant amount of land, and then give it back to its respective indigenous group. While this system has been a step in the right direction, members of the Wabanaki Confederacy have taken issue with the land still being technically privately owned.

Binding Agreements:

With there being several different tribes involved in the Wabanaki Confederacy, the agreements and acts that have affected them individually are varied. Despite this, the Maine Indian Claims Settlement Act of 1980 was a relatively recent agreement that specifically effected the Passamaquoddy and Penobscot but had rippling effects fo all tribes in Maine. This act settled a long-standing land claim dispute between the state of Maine and the Passamaquoddy and Penobscot tribes, leading to monetary compensation and the establishment of limited tribal sovereignty.

Insights:

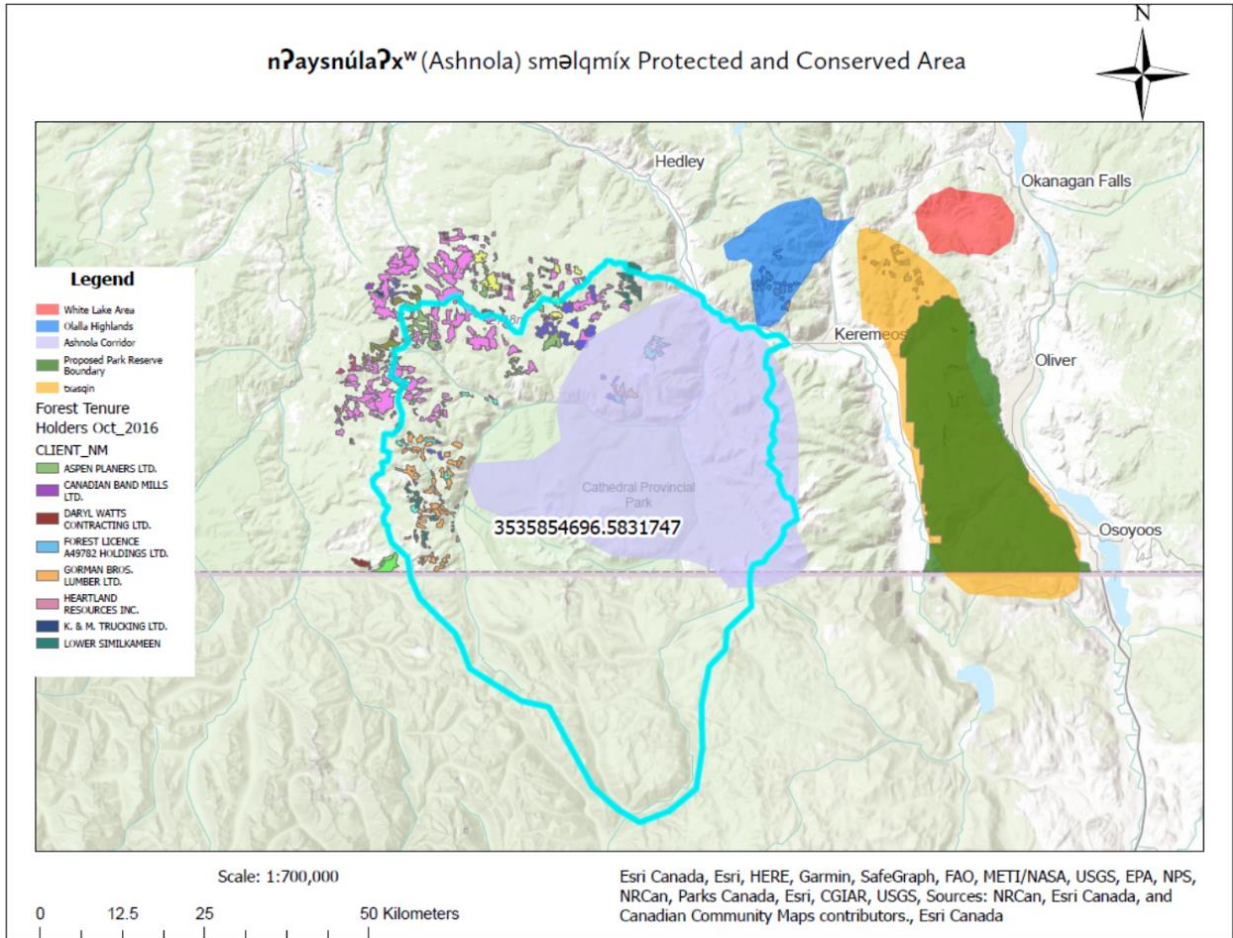
Like the binding agreements, the various approaches that the participating tribes utilize are place-based and dependent on their respective circumstances. Keeping this in mind, the majority of land back successes within the confederacy are based on co-management. The confederacy's practices are centered around community consensus, with decisions made collectively to ensure the well-being of both the human and non-human inhabitants of the land. This approach underscores the interconnectedness of all life forms and the responsibility to protect and preserve the environment for future generations. Embracing a long-term perspective, the Wabanaki Confederacy teaches us the importance of adopting sustainable land management practices that prioritize collaboration, respect for nature, and intergenerational considerations, which are crucial in addressing the complex environmental challenges of our time.

Sməlqmíx – Ashnola Watershed – Tribal Land Management
Authority
Ashnola Watershed, Keremeos, BC

The Ashnola Watershed was declared an Indigenous Protected and Conserved Area (IPCA) by the sməlqmíx people of the Similkameen Valley. This declaration is meant to protect this land for all future generations to come.



Lower Similkameen Indian Band Emblem



Map of Ashnola Watershed courtesy of West Coast Environmental Law. The blue line highlights the area involved.

Land History

The Ashnola Watershed is filled with many resources utilized by the sməlqmix people. It has a pristine water source and housed hundreds of tribal members. The land holds a great cultural significance and history for the people that have lived there since time immemorial.

Tribal History

The Similkameen people were a historically nomadic group, travelling with their food sources, mostly residing in Washington and into British Columbia. They build lodgings with many different resources such as wood, hemp, reed, and animal skins.

Before contact with colonizers, there was an encampment in the Keremeos area that held between 800 – 1,000 people. This area was plentiful in resources and was beneficial to the Similkameen people in many ways. Different groups would gather to trade goods, play competitive games, and connect with each other.



People of the Similkameen Valley, courtesy of the Lower Similkameen Indian Band.

Collaborations

On April 28, 2022, the Ashnola Watershed was declared an Indigenous Protected and Conserved Area (IPCA) by the sovereign people of the Similkameen Valley. They work by themselves to uphold their own values on the land, and to increase their cultural connections to it.

“We uphold our sovereign responsibilities to all of our waters and lands from the nxaʔcinitk^w (headwaters) and yaʔt ats ntuʔtuʔpitk^w (all that flows) throughout nməlqitk^w (Similkameen watershed).” (sməlqmíx, 2022)

Binding Agreements

Indigenous Protected and Conserved Areas are spaces where Tribal entities are primary stakeholders in conserving and preserving the land and waters through their own experiences and government.

The chief of the Lower Similkameen people, Keith Crow, said, “We welcome all governments, organizations and individuals who wish to learn more and to work with us, to take advantage of this historic opportunity to align their efforts with our inherent title, laws and management plans.” However, the management and oversight of the land completely falls to the sovereign sməlqmíx people. There are several key components of the watershed:

- Water, ancestral, and climate protection
- Cultural reconnection through education and management
- Increasing connections to the Earth itself
- Economic considerations helpful to the Tribe

“We expect all who interact within nʔaysnúlaʔx^w and all sməlqmíx territory will take the necessary steps to bring themselves into good standing with the siwłk^w (water), təmxwúlaʔx^w (land), słəx^włəx^wncút (air), and tmix^w (the life force within all four sacred ecosystems) in accordance with sməlqmíx / syilx law. We will work with our neighbours and visitors to the territory to inform and guide them. In doing so, we honour the ancestral agreements for healing, protection, and restoration among the tmix^w.” (sməlqmíx, 2022)

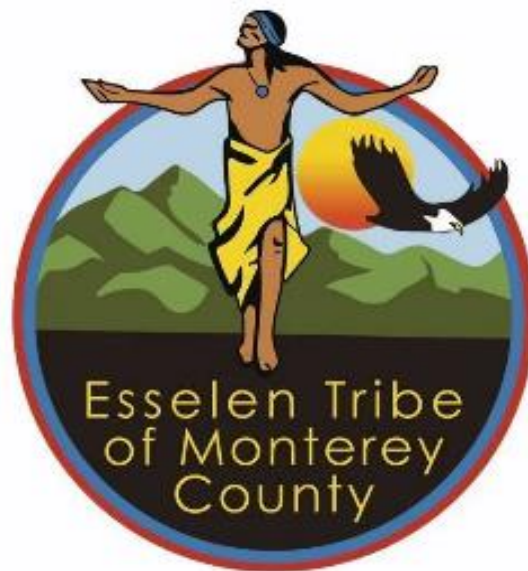
Insights

The Ashnola Watershed being completely managed by the sməlqmíx people is a wonderful way for others to reach out to learn about their culture, relationship to the land, and their preferred land management practices. With this declaration, the people of the Similkameen Valley can assert their own laws in areas that were once claimed by governments outside of the Tribe.

However, this does take more initiative from those not immediately involved or connected to the Ashnola Watershed. Advertising collaborations need to be done to spread awareness.

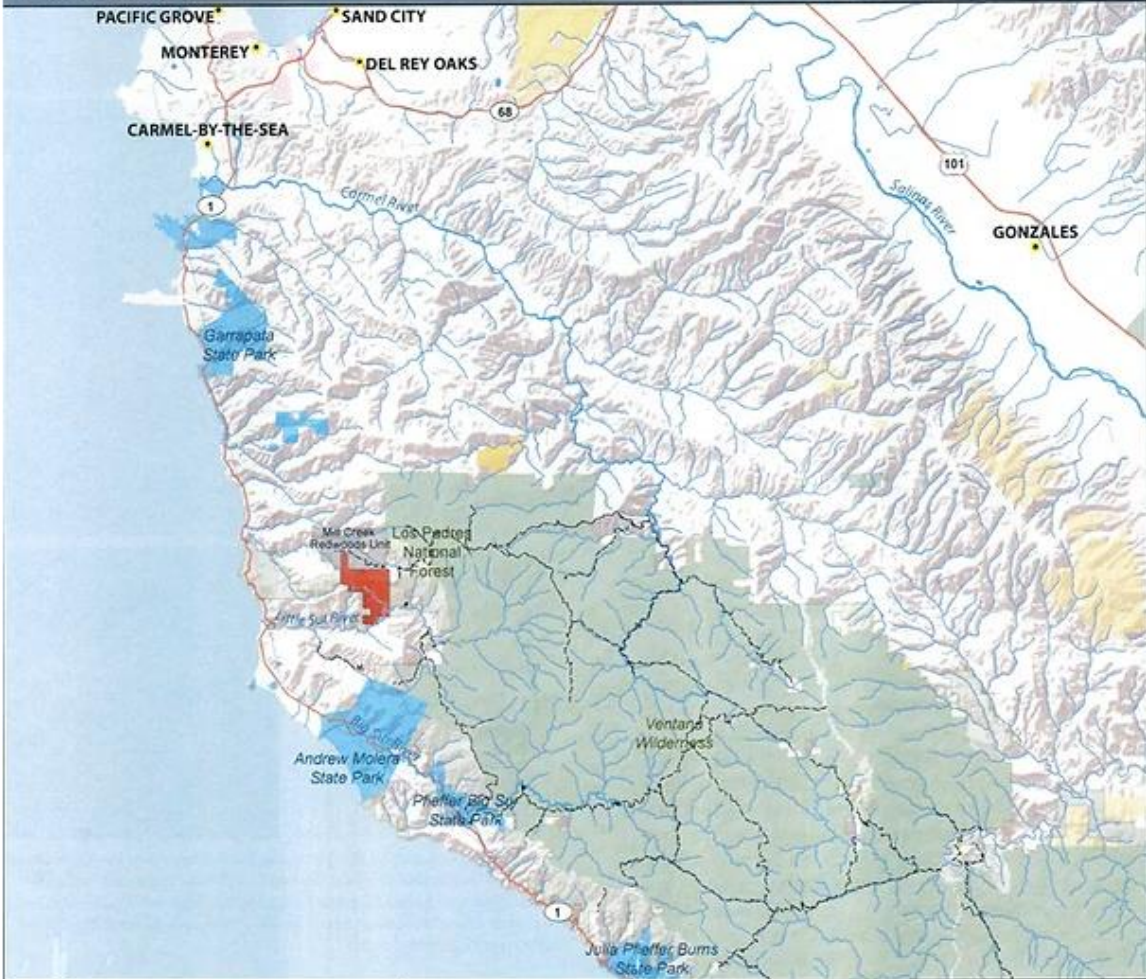
Esselen Tribe – Rancho Aguila – Co-Management

The Esselen Tribe of Monterey County in California has recently made headlines with their successful land back movement. This movement represents a significant step towards rectifying the historical injustices faced by Indigenous communities in the United States. Over 250 years after their ancestral lands were taken from them, the Esselen Tribe has reclaimed a portion of their homeland.



Esselen Tribe of Monterey County Seal

Little Sur River
 Esselen Tribe of Monterey County
 Adler Ranch
 Monterey County, CA



Project Area Inset

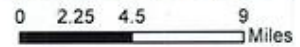


Conservation Lands

■ Adler property (1,199 acres)

Federal and State Lands

- US Forest Service
- US Forest Service Wilderness Areas
- Bureau of Land Management
- State Lands
- US Department of Fish and Wildlife
- Monterey Peninsula Regional Park District
- Highways
- Local Roads
- - - Trails



Land History:

The land that the Esselen Tribe has now regained was originally settled by Indigenous people over 8,000 years ago. Known as Sargenta-Ruc, a Rumsen word for the district, this area held great significance for the tribe. However, the arrival of Western settlers in the 19th century led to the systematic destruction of Indigenous communities, including the Esselen people. Spanish missionaries played a significant role in this devastation, and by the time the Europeans began constructing infrastructure in present day Big Sur, Indigenous communities were on the brink of extinction.

Tribal History:

The Esselen Tribe, one of the five tribes of central California, has a long history of resilience and survival. Despite the attempts to erase their culture and strip them of their land, the Esselen people have persisted. By the early 1800s, the tribe had lost approximately 90% of its members due to disease and other causes. However, their spirit and connection to their ancestral homeland never wavered.

Collaboration(s):

The Western Rivers Conservancy, an Oregon-based environmental group, took an interest in preserving the land along the Little Sur River. Recognizing the importance of protecting this area, the conservancy initially negotiated to purchase the land known as Rancho Aguila and transfer it to the U.S. Forest Service. However, residents raised concerns about the potential impact of increased public use of the land.

During the negotiations between the Western Rivers Conservancy and the U.S. Forest Service, Tom Little Bear Nason, chairman of the Esselen Tribe, got involved in the conversation. Nason had a personal connection to the land, having grown up in the nearby Tassajara region. He had heard about Adler's intention to give the land to the tribe but recognized that there was no organized entity prepared to receive it at the time.

After the Western Rivers Conservancy terminated their contract with the U.S. Forest Service, Nason and the Esselen Tribe saw an opportunity to secure ownership of the land. In 2018, California voters approved Prop. 68, a \$4.1 billion bond for parks, environment, and water projects. A portion of the funding, \$30 million, was earmarked for Native American groups. With the support of the Western Rivers Conservancy and the grant from the California Natural Resources Agency, the Esselen Tribe was able to acquire Rancho Aguila for \$4.3 million. The purchase was finalized in July 2020, marking a historic moment for the tribe.

Insights:

The Esselen Tribe's journey to reclaim their ancestral homeland is a testament to their resilience and determination. Through collaboration with organizations like the Western Rivers Conservancy and the support of government funding, the tribe has been able to secure ownership of a significant portion of their stolen land. This achievement is an important step towards reconciliation and a reminder of the enduring connection between Indigenous communities and their ancestral territories.

Binding Agreements:

Since the Esselen own the land in full, there are no caveats or historic treaties that might restrict their usage of the land. By owning Rancho Aguila, they have enabled other tribes, such as the Ohlone, Amah Mutsen, and Rumsen to access and assist the Esselen in their stewardship of the land.

Blackfeet Nation – Northwest Montana – Cultural Heritage Site

The Badger-Two Medicine site, near Montana's Glacier National Park, sits at about 130,000 acres, adorned with rivers, endangered species, and extensive Indigenous history. It's adjacent to the Blackfeet Reservation which boasts over a million acres.



Flowers along Badger-Two Medicine's grassy plain
Tony Bynum

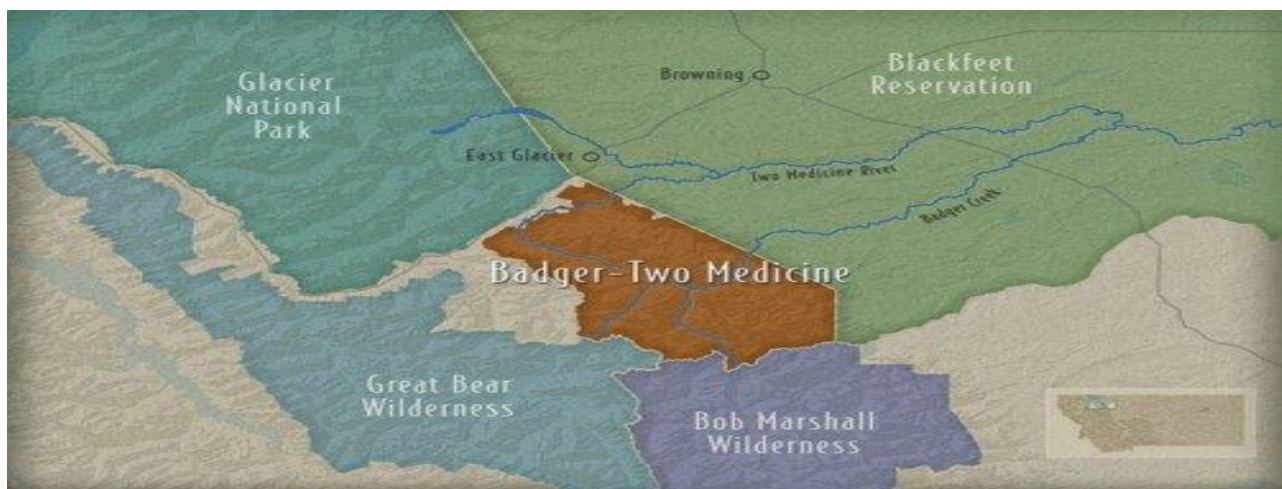
Land History:

The land of the Blackfeet has a long history of resilience despite exploitation. The 1851 Indian Appropriation Act began this process, condensing the Blackfeet people onto reservations. Through the 19th century, hundreds of thousands of acres were lost, and much of it now makes up the adjacent national park. The piece of land known as Badger-Two Medicine makes up Lewis and Clark National Forest.

Oil and gas are at the forefront of the site's misuse. Starting in the 1980s, leases were issued giving the federal government permission to establish rigs on the land. In a tumultuous tug-of-war over the years, Indigenous people, environmentalists, oil/gas stakeholders, and politicians have fought various legal battles over the land's development. In 1993, the Badger-Two Medicine Protection Act was proposed, but never developed.

In 2017, the last of the leases were canceled, but it has since been reinstated and the battle for drilling rights still continues today.

In accordance with the National Historic Preservation Act, the area is considered a Traditional Cultural District, but this merely requires extensive consideration before development. Senator In 2020 Jon Tester proposed another version of the Badger-Two Medicine Act, which would denote the site as a Cultural Heritage Area. This would prohibit new development, road construction, motorized vehicles, and timber harvest unrelated to forest management.



*A map of Badger-Two Medicine's location in relation to other culturally significant boundaries
Wild Montana*

Tribal History

Land is directly tied to the Blackfeet's spirituality; they are called upon by their Creator to protect the vast mountains. The isolation the area provides is crucial to the Blackfeet's religious practices.

The Blackfoot Confederacy consists of four bands, with only one (the Ampskapi Pikuni band-known as the Blackfeet) occupying the United States.

The Blackfeet Nation's reservation is located in northern Montana, directly adjacent to Glacier National Park and Canada. They hold one of the largest tribal populations in the nation. A powerhouse, they have a long history of withstanding imperialist attempts to acquire their land, though their territory did once extend to Missouri.

Collaborations

A Cultural Heritage Area designation would still allow the public to access the land. It would establish something resembling a government-to-government relationship between the tribe and the U.S. Forest Service. The proposal also includes an advisory group consisting of citizens of both tribal and non-tribal affiliations.

Binding Agreements

In accordance with the Treaty of 1896, the Blackfeet are free to hunt, fish, and cut down trees within state parameters.

If the site were to be deemed a Cultural Heritage Area, it would guarantee the agreements made in all treaties between the Blackfeet and the government, as many have not been adhered to.



*The Two-Medicine River, which meanders through the Badger-Two Medicine's site
Tony Bynum*

Insights

The verbatim concept of a “Cultural Heritage Area” is unique, but the idea of establishing a land-specific approach to tribal and government relationships is not. Land with a large amount of cultural significance to its original inhabitants would benefit from this approach. Laws protecting land often neglect the Indigenous people and instead put the land first, but a Cultural Heritage Area allows for co-stewardship while maintaining tribal integrity.

Conclusion / Recommendations:

Given the fact that each tribe is facing different obstacles and utilizing different methods of land back, success will look different depending on each tribe's specific circumstances. To try and apply a broader, more holistic idea of success to every case study, we settled on four different criteria that must be met to deem a case study a success. In our analysis of each case study, the themes of accessibility, equity, longevity, and economic support were universally shared. Going forward with future Landback projects, these themes must be considered in order to achieve a successful Landback initiative.

Accessibility

If indigenous peoples cannot access the land they were given back, the act may as well have been nothing more than a performative gesture. Prior to engaging in the final steps of the land restitution process, the current owner must make sure that there will be no unforeseen circumstances that would negatively affect its "new" owners, and if they do not have the power to handle the situation themselves, this must be made known and a plan to address the issue without burdening the tribe(s) must be put in place. Historically, environmental hazards such as pollution and reckless land management have desecrated indigenous lands and significantly reduced the accessibility. Keeping this history in mind, all efforts to reduce this must be made.

Equity

Perhaps one of the largest pillars of the Landback movement, equity is paramount to the long-term success of any land back project. While returning land to indigenous communities is a crucial step, it is not enough on its own. Long-term sustainability and success require financial support to maintain and improve the land, particularly in terms of restoration and accessibility. By providing ongoing assistance, we can ensure that these projects have the necessary resources to thrive and continue making a positive impact. It is our responsibility to recognize and address the historic injustices that have led to the need for Landback initiatives and to work towards a more equitable future for all. Additionally, indigenous groups need to be the first and final voice when it comes to outside entities proposing different initiatives that would alter the land. Land ownership is the first step, while land sovereignty is the end goal.

Longevity

A key factor of the Landback movement is that the tribe will manage the land in perpetuity. To prevent land from being reacquired by either private or government entities that would

seek to restrict indigenous access, measures must be put in place that give indefinite land management rights to its respective tribe. In our case studies, all the examples include some form of contractual obligation which delegates land stewardship fully to the tribes. This no-strings-attached form of land back is not only the best for the land itself, but also for the tribes that managed it pre-colonization.

Economic Support

For any of these projects to be successful, financial support is paramount. In the case studies that we chose, funding sources include federal grants, conservancies, and local governments.

Summary Chart

Tribe(s) Involved	Government / Non-Profit Agency	Region	Acreage Given Back or Accessed	LandBack Method
Swinomish	Washington State Parks and Recreation Commission	La Conner, WA; Swinomish Reservation	84	Co-Management
Kashia Band of Pomo Indians	Save the Redwoods League	Stewarts Point, CA	870	Access Easement
Confederated Villages of Lisjan	City of Oakland	Oakland, CA	5	Cultural Conservation Easement
Confederated Tribes of the Colville Reservation	Methow Conservancy	5 mi north of Winthrop, WA	328	Full Transfer/Gift
Wabanaki Tribes	State of Maine, Wabanaki Land Conservancy	Maine / New England	N/A	Co-Management
sməłqmix	N/A	British Columbia / Northern Washington	N/A	Tribal Land Management Authority
Esselen	Western Rivers Conservancy	Northern California, Bay Area	1,199	Co-Management
Blackfeet Nation	State Government	Montana	127,447	Cultural Heritage Site

Acknowledgements

The Methow Valley has been a wonderful and accepting community for the four of us and the rest of our classmates. The surrounding people, land, wildlife, and waters this valley provides inspired us to work on this report; we feel so grateful for the opportunity to have immersed ourselves here for the past eleven weeks.

Our team has an intense appreciation for Joshua Porter, for being with us throughout this project in its entirety. He has been a guiding light not only in getting this report off the ground, but also keeping us on a steady path until we reached the finish line. In addition to all the work he does outside of our program, he took the time to show us his home and to introduce us to community members throughout the valley.

Thank you to Mark Miller, Crystal Miller, and their families for including us in a spiritual easement within our first week here in the valley. We were beautifully introduced to the cultural relationship between the people living in the valley and their ties to the land.

The four of us will hold our experiences from the Methow in our hearts for many years to come. We hope this report will be used to create positive change not only soon, but for many years to come.



*Our class in Pateros, WA after participating in a cultural easement with Mark and Crystal Miller.
Thank you to Joshua for taking this photo*

Glossary

Access Easement: Legally ensuring members of a specified tribe access to a piece of property. Definition of access is defined in legal documents, can be access for events, subsistence gathering, etc.

Conservation: Engaging in sustainable use of landscape and likely its natural resources

Conservation Easement: Legally ensuring Indigenous management and use to a piece of land without a full ownership transfer

Land back: A social and political movement advocating for Indigenous sovereignty and the return of land ownership to tribes that previously belonged to it

Perpetuity: Endless or indefinitely long duration or existence; eternity.

Preservation: Retaining land in its current state – no implication of change

Sovereignty: An entity that can govern itself

Stewardship: Management of land or a resource with an intent of preservation or conservation

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