



# Tribal Co-Stewardship and Co-Management of U.S. Ocean and Marine Waters

*White Paper for the Biodiversity Funders Group - Marine Conservation Program*

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# Introduction from Biodiversity Funders Group

Since 1987, Biodiversity Funders Group (BFG) has convened environmental, conservation, and climate and energy grantmakers committed to advancing a just, healthy, and sustainable future for all life on Earth. Central to this mission is the cultivation of a strong and effective philanthropic community that pursues complementary, collaborative strategies to maximize impact. Our partnership with Native Americans in Philanthropy (NAP), initiated in 2021, aims to bolster support for Tribal-led conservation and environmental priorities across Indian Country. Together we recognize that Indigenous stewardship has the potential to establish enduring mechanisms for biodiversity protection of ocean waters. This aligns with the goals of ocean funders and strengthens the capacity of Tribes to serve as long-term ocean managers.

This white paper emerges from growing interest among Biodiversity Funders Group members to engage more deeply with these issues. Funders are eager for opportunities to leverage federal and private funding to support durable, long-term solutions. The paper underscores the importance of building meaningful relationships with Tribal Nations as a foundational step toward effective investment in Indigenous-led stewardship, that not only protects ecosystems but also sustains Indigenous governance, knowledge systems, and lifeways. As conversations evolved among NAP and BFG members and staff, it became clear that funders would benefit from greater insight into both the significance of Indigenous ocean management and the range of available pathways for supporting it.

Accordingly, this research offers recommendations and examples to help address gaps in philanthropic engagement with Tribal- and Indigenous-led conservation. It includes resources for funders, Tribal leaders, and public sector partners to build stronger collaboration and develop long-term, trust-based partnerships. We hope this white paper serves as a practical guide to what is possible when philanthropy works in partnership with Tribal leadership alongside state and federal governments. Ultimately, we envision more informed and connected donors who are better equipped to engage with Tribal and policy leaders, and are positioned to direct resources toward the range of priorities identified by Indigenous communities. We welcome continued dialogue and engagement with this research and our organizations.

Thanks to our partnership with Native Americans in Philanthropy, we have produced a resource that we hope will be valuable not only to funders, but also to Tribal communities. We thank the authors Raychelle Daniel, Marilyn Heiman, and Monte Mills, as well as those who reviewed and contributed to the paper- Lauren Divine, Natalie Landreth, Mike Levine, Violet Sage Walker, Aulani Wilhem, and Erin Dougherty Lynch. Much gratitude is also owed to Heather Ludemann and the David & Lucile Packard Foundation. Without their vision and support, we would not have been inspired to embark on this project.

# Preface from Native Americans in Philanthropy

Nation-to-Nation relationships and public-private partnerships that center Indigenous knowledges and traditional ecological practices are critical to preserving and protecting our lands, waters, and cultural resources. We have already seen the power of what is possible through co-stewardship and co-management agreements between Tribal Nations and the Native Hawaiian Community and the federal government. Most importantly, Joint Secretarial Order 3403, *Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* (Nov. 2022) mandates meaningful consultation “to protect the treaty, religious subsistence, and cultural interests of federally recognized tribes including the Native Hawaiian Community.” This policy requires federal agencies incorporate Indigenous knowledge in management practices, acknowledging “those lands and waters contain cultural and natural resources of significance and value to Indian Tribes and their citizens, including sacred religious sites, burial sites, wildlife, and sources of indigenous foods and medicines.” In fulfilling these mandates, the Departments of Interior, Agriculture, and Commerce, through the National Oceanic and Atmospheric Agency, worked with Tribal Nations and the Native Hawaiian Community to advance co-stewardship and co-management in federal implementation of land management across the United States.

Although priorities and focuses may shift, the relationship Native peoples have to lands and waters has not wavered. It is a relationship that predates the United States, and one that is rooted in Tribal inherent sovereignty and cultural responsibilities to protect ecosystems. Tribal and Native Hawaiian communities have made significant advancements in co-management and co-stewardship of federal lands, now is the time to support similar advancements in marine management. Partnerships between government, non-profit, Tribal, and philanthropic sectors are critical to realize the framework outlined in this white paper. As Tribal Nations adapt their strategies to remain a central voice in the management of land and waters, they are tapping into long-horizon visions and working with state and local entities to achieve conservation goals, pursuing self-governance with their own sovereign funds, and setting legal precedent for treaty and reserved rights—and, if necessary, asserting these rights all the way to the United States Supreme Court and in international forums.

We recognize there is still much work to be done to advance Native-led conservation, co-stewardship, and co-management. This white paper serves as an important review of what is possible when federal leadership works in partnership with Tribal and Native Hawaiian communities in ways that honors Tribal sovereignty and the government-to-government relationship and strengthens the overall health of ecosystems, lands and waters across the United States.

# Executive Summary

There is a strong case for Indigenous Peoples to play a prominent role in the management of traditional lands and waters, including marine areas and waters. Indigenous Peoples have interconnected and holistic views of the ocean. Indigenous Peoples have developed deep knowledge and an understanding about the environment within which they live that has sustained livelihoods for thousands of years. For millennia, ocean health was maintained. That system has broken down as western management structures displaced Indigenous Peoples and systems. In many cases Indigenous Peoples have been removed from their traditional lands and waters—whether physically or culturally through laws and policies of the United States.

First and foremost, the practice and process of co-stewardship is rooted in, and relies upon, inherent Tribal sovereign authority and the centuries-old commitment on the part of the United States to recognize that authority and serve as its protector. Moving toward Indigenous management of marine waters is incremental and can ebb and flow depending on the people in positions of authority. Even with the most recent change in the federal administration, there are reasons for optimism. Over the last decade there has been substantial advancements toward co-management of public lands. The laws that have allowed advancement of co-stewardship on lands apply in marine areas. While progress in the ocean has been much slower due to disparate management authorities and policies, among other reasons, there have been advancements like the creation of the Chumash Heritage Marine Sanctuary.

The U.S. has long recognized its unique legal relationship with Indian Tribes. The U.S. recognizes Tribes as sovereigns, while also making clear that the U.S. owes a duty of protection to Tribal nations. As a result, Tribes exercise sovereign authority over their members and territories. Tribes have a government-to-government relationship with the U.S. federal government that is often referred to as a trust relationship. This relationship helps ensure that federal actions, whether legislative or executive, aim to support and fulfill the protection of Tribal sovereignty and self-determination, and supportive of Tribal rights and interests. This long-standing relationship supports the federal government's duty to consult on a government-to-government basis with Tribal nations regarding actions that may affect Tribes or their interests.

Indigenous Peoples need to have a prominent role in the management of traditional lands and waters and marine areas and waters. Historically, despite Tribes' connections to lands and waters spanning millennia, the physical and legal removal of Tribes from specific areas resulted in their exclusion from management decisions regarding those lands and waters. In most places, there has been little, if any, input by Tribes and Indigenous Peoples on Federal and State decision-making and management in marine waters. That is beginning to change as the concepts of co-stewardship and co-management are increasingly recognized by federal and state agencies. In recent years the federal and state governments have begun to expand its recognition of the need to share in the management of traditional lands and waters and protect Tribal self-determination. Recent Presidential Administrations have issued Executive Orders and Presidential Memoranda calling for improvements in, and expansion of, the federal government's commitment to meaningful Tribal consultation and co-management. Most recently, federal agencies have acknowledged the value and import of Indigenous Knowledge and sought to embrace Tribal co-management of federal public lands and waters as a policy

priority. As a result, federal land management agencies have entered into hundreds of agreements with Tribal nations regarding shared co-stewardship of public lands and resources, but much more needs to be accomplished to change existing biases and institutional barriers to implement these policies and approaches. This is particularly evident when it comes to marine waters, where, unlike for public lands, far less has been accomplished in advancing Tribal self-governance in the ocean.

Globally, the equivalent of Tribal self-governance in the ocean has been referred to as Indigenous Ocean Governance. Current approaches to ocean management by federal agencies in the U.S. have not caught up with Indigenous Ocean Governance approaches. At the same time, there is a strong case being made for the need for co-stewardship in the marine environment and increasing interest in Indigenous Ocean Governance by other countries, funders, Tribes, Indigenous organizations, universities, and conservation groups.

This distinction is in part because, at the federal level in the U.S., lands and oceans are managed by different agencies – lands by the Department of the Interior and marine by the Department of Commerce and Homeland Security where the U.S. Coast Guard is housed. Like the nation's public lands, there are many divergent interests, authorities, and goals for managing ocean resources, i.e., marine transportation, fisheries management, wildlife management, resource extraction, recreation, tourism, subsistence and traditional uses as well as national defense, but there are far fewer tools for marine protection than there are for lands. Thus, the ocean is managed for many different uses by different agencies but not with a holistic vision or goal, or even priorities for these uses. This siloed and disbursed management framework poses challenges for implementing Tribal co-management in ocean spaces, as does management strategies that focus on single species, a lack of federal funding, and a general lack of awareness of, or knowledge about, tribal rights and self-determination. Although the challenges, as well as the laws governing lands and marine waters may be very different, the federal government's trust duties and government-to-government relationship with Tribal nations applies equally to all federal agencies, regardless of their terrestrial or marine responsibilities.

There are a number of diverse existing federal and state laws, regulations and authorities that make co-stewardship in the ocean possible today. While these authorities are important as vehicles for co-stewardship to happen, it is important to think about co-stewardship as an ongoing and long-term relationship between two sovereigns carrying out their mutual responsibilities in the management that comes from their respective authorities. It is also important to recognize the underlying principles that are critical to foster those relationships and ensure that shared management is successful. There are four underlying legal tenets that support and must be recognized to enable meaningful and true co-stewardship to occur in U.S. waters. They include (1) recognizing Tribal sovereignty and specifically recognizing Tribes as governments, (2) the corresponding duty to consult Tribes, (3) the recognition of aboriginal fishing and hunting rights, and (4) the importance of Indigenous Knowledge in supporting sound management strategies.

This paper attempts to provide background for funders about the importance of, and options for, investing in Indigenous management of ocean waters. It will help inform the Biodiversity Funders Group and others about the importance of these efforts for the short and long term. It describes the relationships between Indigenous Peoples and the federal government and a

series of mechanisms—both those that have been used and potential new tools—to advance Indigenous management of ocean waters. The paper also recognizes that, to advance those tools, partners need support for: legal and scientific understanding; advocacy and partnership with federal and state agencies; outreach to their communities and other networks of support; and basic capacity. It concludes with some recommendations for funders.

# I. Background

Tribal management of marine and ocean resources is the ambition for many Indigenous Peoples in ocean governance. While the practice of self-determination for decision making in the ocean is a goal for many Tribes, co-stewardship is an important step moving towards that goal. In this section we make the case for the increased role of Indigenous Peoples on ocean-based decision making.

## Recognizing Indigenous Peoples and valuing Indigenous Knowledge - in U.S. marine and ocean waters

Indigenous Peoples have been living in relationship with lands and waters since time immemorial and have interconnected and holistic views of the ocean. They are the first peoples to have lived in relationship with the lands and waters in what is currently known as the United States. In many cases these first peoples have been removed from their traditional lands and waters—whether physically or culturally through laws and policies of the U.S.

We use both the terms “Indigenous Peoples” and “Tribe” in this paper. The federal government recognizes Indigenous Peoples in the U.S. as referring to “people of Native American, Alaska Native, Native Hawaiian, Pacific Islander (e.g., American Samoans, Chamorros and Carolinians of Guam and the Northern Mariana Islands, and others), and Caribbean Islander (e.g., Taíno and others) descent, and others whose ancestors have occupied what is now known as the United States and its territories since time immemorial, including members of Tribal Nations” (EOP 2022b). Tribal Nation or Tribes reference American Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges as a Federally recognized Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 5130. When the Department of the Interior (DOI) uses the terms Indian and Tribe as used in the context of the U.S. Constitution and the plenary authority of Congress over Indian affairs are inclusive of Native Hawaiians and the Native Hawaiian Community. For this paper the term “Tribe” also includes the Native Hawaiian Community. It should be noted that while the DOI may recognize the Native Hawaiian Community as a Tribe in their actions, not all agencies take this approach to recognition.

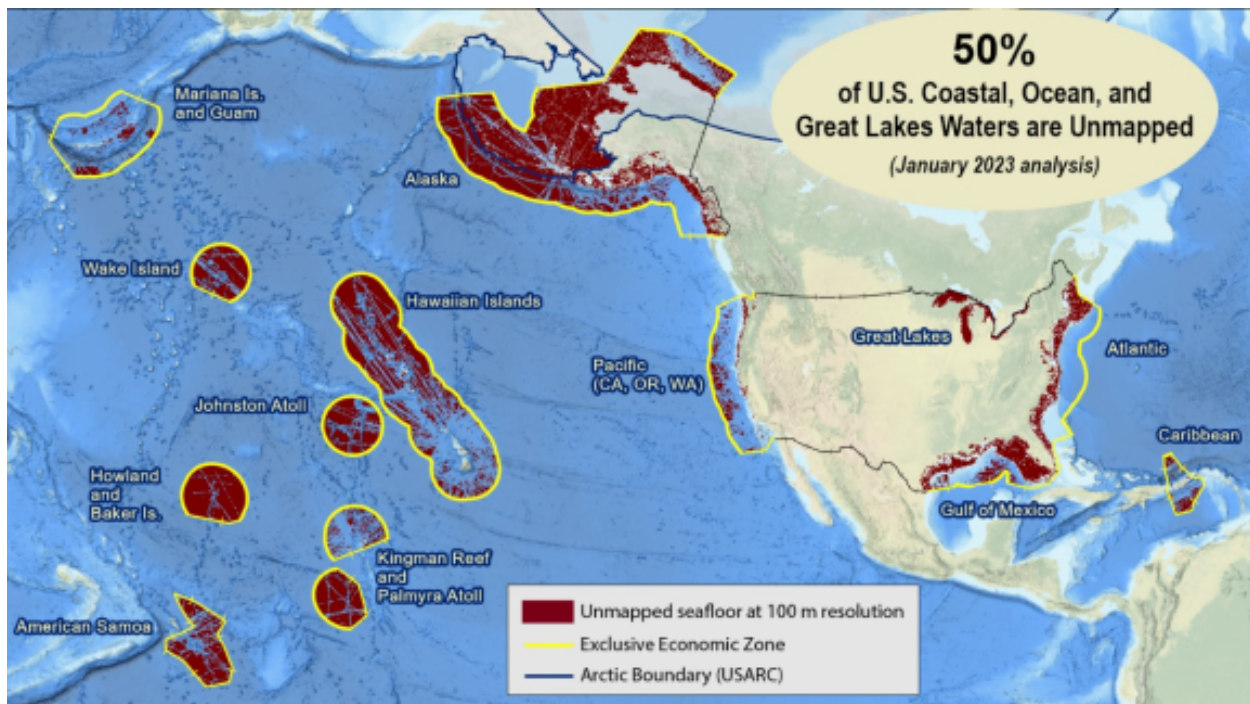
We would like to note that the federal government and states, due to their differing authorities have various political relationships with Indigenous Peoples. Some Tribes may be federally recognized, some Tribes may be recognized by the state within which they reside, and some Tribes are not recognized by the state or federal governments. Indigenous Peoples are sovereigns and due to the multiple layers of imposed bureaucracies it is also important to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) recognized by many countries under the United Nations (U.N. Office of the High Commissioner for Human Rights 2007).<sup>1</sup> The recognition of underlying inherent sovereignty of Indigenous Peoples is

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<sup>1</sup> The recognition of Tribes as sovereigns is also recognized in UNDRIP. Article three states Indigenous Peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development. The incorporation of the federal trust responsibility is also recognized by Article 151. Indigenous Peoples have the right to the dignity and

important to recognize. Indigenous Peoples may have different relationships with different levels of government. It is difficult to broad brush Indigenous Peoples or Tribes. We want to recognize the diversity and ensure we do not exclude people.

Figure 1 shows marine waters in the United States Economic Exclusive Zone. The scope of this paper covers those waters off the United States. There is a need to explore waters outside state waters in the United States EEZ for how the United States works with Indigenous Peoples in Territories and Affiliated Islands.



**Figure 1.** Map of States and Territories of the United States (CRS 2023b). The scope of this white paper covers U.S. and Affiliated Islands and Territories. Note that this paper could not share examples from all states and territories. There is a further need for a more exhaustive examination of opportunities.

Over time, Indigenous Peoples have developed knowledge and an understanding about the environment within which they live that have enabled livelihoods to be sustained for thousands of years. Today, Indigenous Peoples continue to hold Indigenous Knowledge inclusive of ocean and marine systems. Indigenous Knowledge is an important pathway for inclusion of Tribes and Indigenous Peoples in the equitable management of ocean environments. There are different definitions and terms describing the term “Indigenous Knowledge” used by Tribes, Indigenous organizations, and different academic communities. For this paper we choose to use the term

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diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

Governments that operate on Indigenous territories shall take effective measures, in consultation and cooperation with the Indigenous Peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous Peoples and all other segments of society.

“Indigenous Knowledge” which is defined by the Inuit Circumpolar Council of Alaska (ICC Alaska) as,

*“a systematic way of thinking applied to phenomena across biological, physical, cultural and spiritual systems. It includes insights based on evidence acquired through direct and long-term experiences and extensive and multigenerational observations, lessons and skills. It has developed over millennia and is still developing in a living process, including knowledge acquired today and in the future, and it is passed on from generation to generation”* (ICC Alaska 2015).

Inherent in the meaning of Indigenous Knowledge, and reflected within this definition, is the interconnectedness and relationality across the system and the nature of those connections. We choose to use this definition in part because it comes from a consensus-based process to define food security from an Inuit perspective and uses language that people themselves shared. This definition also speaks to the importance of inclusion of the people who foster the connections. We recommend that funders use terms that Tribes prefer, as funders who develop relationships with Tribes will learn Tribal preferences. We use the term Indigenous Knowledge to be consistent.

## **Tribes’ relationships with the U.S. federal government**

The U.S. has long recognized its unique legal relationship with Indian Tribes, which was established in early decisions of the United States Supreme Court. The U.S. recognizes Tribes as sovereigns, what the Supreme Court referred to as “distinct, independent political communities” (Worcester v Georgia 1832), while also making clear that the U.S. owes a duty of protection to Tribal nations. As a result, Tribes’ exercise sovereign authority over their members and territories, although more recent decisions of the Supreme Court have complicated the reach of those powers. Congress exercises broad authority over Indian affairs, but, due to the foundational Supreme Court precedents described above, state authority is generally limited over Tribes and within their territories. As a result, Tribes have a government-to-government relationship with the U.S. federal government that is often referred to as a trust relationship. This relationship helps ensure that federal actions, whether legislative or executive, aim to support and fulfill the protection of Tribal sovereignty and self-determination, while being supportive of Tribal rights and interests. As interpreted by the U.S. Department of the Interior, for example, “the trust responsibility consists of the highest moral obligations that the United States must meet to ensure the protection of Tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights.” Secretarial Order No. 3335 (2014). This long-standing relationship supports the federal government’s duty to consult on a government-to-government basis with Tribal nations regarding actions that may affect Tribes or their interests.

The U.S. federal government has a unique legal and political relationship with Tribal governments that was established through, and confirmed by, the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. The Supreme Court has described this duty as one in which the U.S. “has charged itself with moral obligations of the highest responsibility and trust” toward Tribes (Seminole Nation v. United States 1942). Based on this relationship, the U.S. is further responsible for protecting treaty-reserved rights as well as Tribal sovereignty, especially where such sovereignty is essential for protecting Tribal

resources such as natural resources, economic well-being, and the provision of services to Tribal members (Bureau of Indian Affairs 2017).

In recognition of that special relationship, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with Tribal officials in the development of federal policies that have Tribal implications and are responsible for strengthening the government-to-government relationship between the U.S. and Indian Tribes. Consultation provides an opportunity for Tribal leaders to discuss federal agency actions with federal decision-makers and for those decision-makers to incorporate Tribal input into final federal decisions. Consultation is a recognition of the Nation-to-Nation relationship between federally recognized Tribes and the federal government and, when done meaningfully, should result in better federal decisions and policies that appropriately incorporate Tribal interests, priorities, and knowledge. Consultation itself does not constitute co-stewardship. In fact, Consultation is often used as an open-ended forum for Tribes to provide their perspectives on specific regulatory actions and policies—with information flowing in one direction—from the Tribe(s) to the federal government in response to an already developed federal action or proposal. This “after the fact” structure implemented by the federal government for Tribal Consultation makes it incredibly difficult, if not impossible, for Tribes to comment, give advice, or provide knowledge and information on specific federal policies and proposals, nor on broader policy goals before decisions are already made. There are many examples where agencies make decisions without, or, ignoring, Tribal input. For example, the North Pacific Fishery Management Council regularly makes decisions without meaningful inclusion of subsistence well-being in favor of amendments to the Magnuson Stevens Fishery Act (MSA) that benefit trawling and results in limiting subsistence fishing (e.g., see Carothers et al. 2021 for documented impacts to subsistence activities). Public testimony supporting subsistence practices has been on record since 1995 (NPFMC n.d.). There are too many letters and testimony to cite, but a representative letter from the Yukon Kuskokwim Delta Subsistence Regional Advisory Council (YKDSRAC 2021) submitted multiple letters in 2020 and 2021 requesting action on bycatch. The CEO of the Association of Village Council Presidents said about an unfolding court ruling that upheld an outdated scientific assessment used for establishing limits on trawl quotas:

*“As our environment changes, catastrophic impacts are occurring in our waters. Tribes and communities throughout Western Alaska have been deeply harmed by severe and sustained restrictions to subsistence salmon fishing, while the pollock trawl fishery continues to fish uninterrupted even though it continues to catch thousands of salmon as bycatch while our salmon populations are at historically low levels. Our people are suffering without salmon as the agencies responsible for protecting our natural resources have stood back and watched the devastation unfold. The lack of salmon in our region has become a humanitarian crisis, the likes of which we have never before experienced. Despite this setback, we will continue to fight with all available tools and use all avenues to end the salmon crisis.”* (Earth Justice 2025)

In a more beneficial example, the Bureau of Ocean and Energy Management worked with Tribes and other Indigenous communities in California to shape the offshore wind policy under the Biden administration (Chair, NCTC, pers comm).

Furthermore, there is not an enforceable, legal responsibility for the agency to do what the Tribe advises. And, in many cases, while the onus is on Tribes to request consultation, rather than the federal agencies actively pursuing Tribal input, there are legal precedents that penalize federal agencies that do not take a meaningful effort to gather Tribal input. The current process continues to keep Tribes at arm's length, forcing Tribes to often take a defensive, reactive mode during Consultations. Through the adoption of new policies and further federal directives (see Appendix B), Consultation continues to evolve and will hopefully continue to improve. Co-stewardship agreements or arrangements can arise out of meaningful Tribal Consultation in the future.

## **Context for Tribal authority and the need for co-stewardship in the U.S. ocean and marine waters**

There is a strong case for Indigenous Peoples not only having a say in the management of traditional lands and waters, but also having a prominent role in managing marine areas and waters. Historically, despite Tribes' connections to lands and waters spanning millennia, the physical and legal removal of Tribes from specific areas resulted in their exclusion from management decisions regarding those lands and waters. In most places, there has been little, if any, input by Tribes and Indigenous Peoples on federal and state decision making on land and water management. That is beginning to change as the concepts of co-stewardship and co-management are increasingly recognized by Federal agencies (see Appendix B).

More recently, the federal government has begun to share in the management of traditional lands and waters and protect Tribal self-determination (see Appendix B, executive and agency actions and reports). Presidential Administrations have issued Executive Orders and Presidential Memoranda calling for improvements in, and expansion of, the federal government's commitment to meaningful Tribal Consultation. During the Biden Administration, federal agencies acknowledged the value and importance of Indigenous Knowledge and sought to embrace Tribal co-management of federal public lands and waters as a policy priority. As a result, federal land management agencies have entered into hundreds of agreements with Tribal nations regarding shared co-stewardship of public lands and resources, but much more needs to be accomplished to change existing biases and institutional barriers to implement these policies and approaches. This is particularly evident when it comes to marine waters, where, unlike for public lands, far less has been accomplished in advancing Tribal self-governance in the ocean.

At the federal level, the ocean is managed for many different uses by different agencies and not with a holistic vision or goal, or even priorities for the uses. There are many divergent interests, authorities, and goals for managing ocean resources, i.e., marine transportation, fisheries management, wildlife management, resource extraction, recreation, tourism, subsistence and traditional uses as well as national defense, but there is no unifying ocean law or single agency (akin to the Bureau of Land Management (BLM), National Park Service (NPS) or US Fish and Wildlife Service's (FWS) lands) to guide management of marine waters. And there are far fewer legal tools and less clear ownership/opportunity for shared governance in the ocean. This siloed and disbursed management framework poses challenges for implementing Tribal co-management in ocean spaces, as does management strategies that focus on single species, a lack of federal funding, and a general lack of awareness of, or knowledge about, Tribal rights

and self-determination. Although the challenges, as well as the laws governing lands and marine waters may be very different, the federal government's trust duties and government-to-government relationship with Tribal nations applies equally to all federal agencies, regardless of their terrestrial or marine responsibilities. These are not challenges new to the ocean policy community. The White House Ocean Policy Committee was codified by the National Defense Authorization Act FY 2021 to coordinate federal actions on ocean-related issues. Membership includes at least 25 members from agencies and governmental offices such as DOI, NOAA, DOC, USCG, EPA, DHS, Energy, Defense, Agriculture as well as White House offices and other presidential advisory committees. When we discuss ocean-based agencies, we could be talking about any number of these agencies, departments or offices.

There are existing federal laws, regulations and authorities that make co-stewardship in the ocean possible today (see Appendix B). While these authorities are important as vehicles for co-stewardship to happen, it is important to think about co-stewardship as an on-going and long-term relationship between two sovereigns, carrying out their mutual responsibilities in the management that comes from their respective authorities. It is also important to recognize the underlying principles that are critical to foster those relationships and ensure that shared management is successful. There are four underlying legal tenets that support and must be recognized to enable meaningful and true co-stewardship to occur in U.S. waters. They include 1) recognizing Tribal sovereignty and specifically recognizing Tribes as governments, 2) the corresponding duty to consult Tribes, 3) the recognition of aboriginal fishing and hunting rights, and 4) the importance of Indigenous Knowledge in supporting sound management strategies. We discuss these further in section V.

Federal guidance issued by the White House Council on Environmental Quality (CEQ) and the Office of Science and Technology Policy (OSTP) in the Biden Administration recognizes the value of Indigenous Knowledge as a valid source of knowledge that should inform decision making (Executive Office of the President 2022-a, 2022-b). DOI further developed agency guidance for the inclusion of Indigenous Knowledge that highlighted the importance of co-stewardship in its application (DOI Office of Policy Analysis 2023; DOI 2025). Furthermore, the best methods for considering and including Indigenous Knowledge in decision-making processes require that knowledge holders be active in those processes.

The understanding about the nature and importance of this knowledge is becoming more accepted for land systems, but less so for the ocean and marine environments, in part as evidenced by the number of co-stewardship agreements signed by DOI alone in 2022, 2023 and 2024 (see DOI 2022b, 2023, 2024). The agreements identified as marine, ocean or nearshore are listed by year in Appendix D. We did not include all land agreements as that would at least double the length of this report. There was one marine agreement identified in 2022. In 2023, DOI agencies signed three agreements with Tribes that were marine or nearshore in nature. And in 2024, DOI agencies signed 8 agreements with Tribes that were considered marine or nearshore in nature. These are out of 400 agreements that DOI signed under the Biden administration.

NOAA completed its report on implementing the Joint Secretarial Order 3403 that they signed onto in 2022 (NOAA 2025). They listed 5 signed agreements from 2023 and 2 signed agreements from 2024 (note that one of these agreements included DOI but did not make the DOI report due to confidentiality requests by Tribes and timeliness of the release of the DOI

report). They further listed 7 examples of projects funded by the initiative supporting Tribal and Native Hawaiian Homelands and 13 examples of projects funded by the Tribal Priority Fish Passage Projects. Note the latter two were examples of projects funded under Request For Proposals rather than signed co-stewardship agreements.

## Spectrum of possible Tribal roles in the management of ocean and marine environments

The Congressional Research Services (CRS 2023) described a spectrum of Tribal co-management, from no input to long-term partnership. For the purposes of this paper, we extended this spectrum to the relationship between the federal government and Tribes on natural resource management in the ocean (Figure 2). The figure starts with management actions and policy decisions being made with no Tribal input and scales across different definable states from Tribal Co-Management to Tribal Ocean Governance, where Tribes have full autonomy over all actions and decisions.

We describe this spectrum and share some examples in Table 1. Note that Figure 2 is like the CRS model that is representative of different real-life examples. While statutes may make co-stewardship possible, none of the terms are defined in statutes. We discuss the underlying principles that provide the sovereign authority to Tribes in section V and share some of the federal authorities that could be used to enable co-stewardship in section VI. All these principles and authorities are also identified in Appendix B.

It is important to note that engagement of Tribes exist on a spectrum, and any engagement in ocean management may exist anywhere on this spectrum. When it comes to actual decision-making regarding management of the oceans, in most places it would be generous to say that there is engagement in a dialog, let alone meaningful Consultation by the federal government with Tribes.



**Figure 2.** Spectrum of possible Tribal role in ocean and marine management. Created by the authors adapted from CRS (2023).

**Table 1.** Description of possible Tribal roles in ocean and marine management

ROLE OF TRIBE	DESCRIPTION
No Tribal input	Historically no Tribal input, used as the baseline to compare various types of agreements (collaborative, co-stewardship, etc.)
Engaging passively	The federal government passively taking information from Tribes without Tribes' knowledge
Engaging in a dialogue	Starting a conversation; beginning to understand each other's perspectives; listening and learning
Meaningful Consultation	Tribal Consultation that is collaborative, meaningful, accountable, early, regular, two-Way, addresses Tribal desires, accepting of Tribal input, and includes Indigenous Knowledge. Tribal Consultation is "a formal, two-way, government-to-government dialogue between official representatives of Tribes and Federal agencies" about specific federal policies and actions that may affect the interest of federally recognized Tribes preferably before decisions are made.
Contracting to provide specific functions	Entering into formal agreements (cooperative, MOA, MOU) to provide specific functions in partnership. The Indian Self-Determination and Education Assistance Act also permits agencies to delegate some authorities to Tribes so Tribes can manage certain agency programs utilizing federal funds.
Co-production of Knowledge in policies and plans	A process that brings together two different knowledge systems in true partnership and equity, to enhance, learn and create new understandings and policies.
Co-managing ocean resources	Co-management frameworks can be set out in statute, executive orders, agency programs and/or memorandums of agreement. This requires honoring existing co-management authorities; equitable co-development of plans, projects, and research; and formal agreements and processes for decision making. Key elements of true co-management are the same as those described above in co-production efforts.
Tribal ocean self-governance	Referred to also as Tribal ocean governance or Indigenous ocean governance, autonomy for any management falls under the sole authority of a Tribe (or Tribes) and fulfills the vision Tribes have for Indigenous Ocean Governance.

## Tribal ocean self-governance

Tribal or Indigenous ocean governance references the broader ways that Indigenous Peoples govern themselves in relation to the ocean, that can occur even within a colonized context. It also includes autonomy over decisions made about the ocean and marine resources. Globally, the equivalent of Tribal self-governance in the ocean has been referred to as Indigenous ocean governance. There has been a growing interest in this topic, largely due to the dual benefits generated by Indigenous ocean governance in both promoting self-determination and creating conservation gains (Sejati et al. 2004). Current approaches to ocean management by federal agencies in the U.S. have not caught up with Indigenous ocean governance approaches taken internationally.

There has been a broader recognition, in the sphere of ocean governance, for the need to equitably consider social-ecological systems in ocean management. More specifically, the need to equitably carry out legal and policy directives that sustainably manage the different uses of the ocean according to international goals with the consideration of the communities who depend on the ocean for well-being (Haas et al. 2021; Lombard et al. 2023). There have been scholarly articles written on and describing Indigenous ocean governance (e.g., Ban et al. 2019; Paul 2019; Vierros et al. 2020, to name a few). In one example, the Kitasoo/Xai'xais people hold knowledge (held in place names, protocols, lessons, etc.) that has been extended to inform modern Tribal bodies and elder committees that provide the guidance for governing their waters (Ban et al. 2019). These examples emphasize to us that co-stewardship efforts can incorporate lessons learned from Indigenous ocean governance efforts. For example, modern governing bodies can recommend and/or adopt guidance for activities (timing, place, type) that are based in Indigenous Knowledge as well as cultural practices in addition to meeting federal statutes and agency mandates.

The conservation community has recognized an Indigenous ocean governance approach as valuable when it results in marine protected areas and meets conservation goals (Sejati et al.). While marine protected areas and conservation goals can be important in maintaining ecosystem health, they can come attached with baggage, at least for some ocean regions in the U.S. such as Alaska and the Southeastern United States. Conservation can be a concrete beneficial outcome of co-stewardship, and often leads to more positive conservation outcomes, that is not always the case. In the context of this paper, it is the process of co-production and co-stewardship that is the primary and most relevant focus.

As mentioned earlier, a holistic world view is embedded in Indigenous Knowledge and co-stewardship. Elements of the marine ecosystem (including people) are interconnected not just physically, but socially, and culturally, through time, across different biological species, and over oceanographic and atmospheric processes. The holistic view can be related to an ecosystems-based approach (EBM); however, it encompasses more than just ecosystem components coming from academic science. One of the components of a holistic view often overlooked in an EBM approach is the meaningful inclusion of values. Values themselves need not be pinned only into the “cultural values box,” but applied across all aspects of ocean management or planning (e.g., Raymond-Yakoubian and Daniel 2018). Taking such an approach may create a more equitable space that allows for multiple approaches in how one thinks about concepts. For example, ‘responsibility’ can be defined by legal or regulatory requirements. But for Indigenous Peoples connected to the ocean, there is also a duty or responsibility to look after

the species in the environment and think about future generations. And there is a duty for carrying on stewardship practices using practices from past generations (i.e., ancestors). As marine organisms and elements are often seen by Indigenous communities as ancestors themselves, this sense of duty extends to nature as kin. It may also reflect how one views or values the relationship to the ocean—taking a values approach versus ownership or having dominion over nature (e.g., Winter et al. 2023). The same can be said for taking different approaches to identifying policies (e.g., policies based in Indigenous laws or “unwritten” laws) or making decisions (e.g., practicing consensus - what does that look like, how much time is needed, etc.).

Tribes want the authority to make decisions affecting their livelihoods—including those in the ocean. The equitable inclusion of Tribes in decision making can provide Tribes the opportunity to protect areas important for subsistence, ensure ecosystem-based management approaches, and use Indigenous Knowledge as well as western science to ensure oceans are protected for future generations. Shared management through co-stewardship is a step on the path to making that vision a reality.

## II. What is co-stewardship?

Co-management, in general, refers to the sharing of power and responsibility through a formal agreement (CRS 2023) and allows for the inclusion of Indigenous Knowledge and practices alongside federal or state practices (i.e., authorities). There is not a single legal/statutory definition, and agencies have their own definitions and guidance. Additionally, there are a number of various terms contained within the overarching concept: co-stewardship, co-management, collaborative management, cooperative management, shared management, and Tribally-led stewardship, to name a few. We have compiled definitions for some of these terms in a summary in Appendix A, highlighting definitions developed by agencies within the Department of the Interior (DOI), because of the strong trust responsibility as well as the National Oceanic and Atmospheric Administration (NOAA) which is an agency within the Department of Commerce and responsible for ocean science and management.

In-general, co-stewardship can be implemented through cooperative agreements, memoranda of understanding, self-governance agreements (including annual funding agreements), and other mechanisms. The authorities applied to co-stewardship in the ocean may come with existing guidance that may not reflect a common understanding on how co-stewardship should be carried out. Agencies and Tribes may define these terms differently, understand them differently, and may apply them differently. For example, co-management was not defined by the Marine Mammal Protection Act (MMPA). When the MMPA was reauthorized in 1994 it added language to require co-management. But there is still an on-going debate about exactly what co-management means. The way it is being carried out now is not satisfactory for the Tribes.

The western systems of laws and management have served to exclude Indigenous People and their historical governance structures. Congress has empowered federal agencies to make management decisions and charged them with specific tasks, goals, and objectives. For example, the National Marine Fisheries Services (NMFS) is charged with making decisions about commercial fisheries management; and NMFS and DOI manage marine mammals under the MMPA. Ultimately, the creation of new tools or laws or some other fundamental change to this system could allow for true Tribal or Indigenous ocean governance. Short of that, incorporating Indigenous perspectives requires agencies to reconsider how best to implement these directives. Co-management and co-stewardship are mechanisms through which to achieve that goal.

Because there is not a single statutory definition on land or in the ocean, it is crucial to begin with the Tribal or Indigenous interest in, or relationship to, the area, species, or region, and then identify the source of the principles and legal authorities that provide the basis for the co-stewardship action or arrangement. While we often think of management of large waterscapes or commercially harvested species in the marine environment, we need to take a more inclusive and holistic look at how Tribes might see what is meant by Tribally-led stewardship. Tribally-led stewardship can include actions and needs identified by the Tribe as being important in looking after or caring for lands and waters from the Tribes' perspective.

The Department of the Interior (DOI) has moved in this direction. It has used "co-stewardship" as a broad, inclusive term that can encompass co-management, collaborative and cooperative

management, and other government-to-government management frameworks. For DOI, co-stewardship is a conceptually consistent approach to restoring and enhancing Indigenous stewardship of federal public lands and waters.

Actions that DOI has acknowledged that can be considered co-stewardship include bilingual signage, facilities management, harvest agreements, population dynamics/management of species, inclusion of Indigenous Knowledge and inclusion of youth. The BLM Permanent Instruction Memorandum (PIM) 2022-011 further provides guidance that can be implemented through cooperative agreements, memoranda of understanding, self-governance agreements. NOAA, on the other hand, very narrowly defines co-management. Appendix A lists the definitions agencies have for various terms used in co-stewardship. NOAA's use of the term references specific treaty fishing requirements. While many Tribes appreciate the work DOI has done in advancing co-stewardship, a common perception held by some Tribes is that co-stewardship doesn't offer the full sharing of authority and responsibility that is implicit within co-management.

We use both terms (co-management and co-stewardship) interchangeably in this white paper. We recognize that agencies use and have defined these words differently, but Tribes and Indigenous Peoples have come to recognize them and may use them together. Most important is to see the tool of co-management and co-stewardship as an on-going process.

## **Co-stewardship and co-management are processes**

Co-stewardship is a process that brings together multiple world views, values and experiences. As described above, though definitions are important and can clarify concepts like co-stewardship, they often do not provide much useful guidance for carrying out processes. Definitions themselves do not encapsulate all the elements needed for successful co-stewardship.

The United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP) is an important framework vital for recognizing and safeguarding the rights of Indigenous Peoples in the context of conservation and resource management and ensuring that their voices and perspectives are respected and integrated into these important initiatives (U.N. Office of the High Commissioner for Human Rights 2007). UNDRIP can be seen as the overarching framework to ensure the rights of Indigenous Peoples are equitably accounted for in any process.

Indigenous Peoples have actively pushed for equitable inclusion of both their perspectives and Indigenous Knowledge in the federal and state decision-making processes that directly impact them in the ocean and marine environments. Article 18 in UNDRIP ensures that Indigenous Peoples have the right to participate in decision making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions. Co-stewardship can offer a process for Indigenous communities to be able to participate in decision-making processes in a meaningful way.

There are models that could be applied to the practices and processes of co-stewardship. To learn from and apply existing models, it is not sufficient to only understand definitions and legal

underpinnings. Where appropriate, references for principles in UNDRIP will be highlighted in these models.

## **Principles of practice in the co-stewardship process**

Because co-stewardship is a process, there is not a simple checklist in existence to follow. It is practical to look at models with underlying principles that can be applied across a wider range of contexts. The practice of co-stewardship is dependent on legal authorities and holistic-based relationships (i.e., encompassing physical, mental, emotional, social, and spiritual well-being). Models could be applied across different issues and in different places while recognizing that each location or issue has its own unique history and circumstances. Ensuring all these elements are accounted for will help create equitable space for sharing the power/authority needed for co-stewardship to happen. The first model applies principles within an existing strong legal and policy framework, and the second model seeks to create a successful framework using co-production approaches.

The first model identifies the principles of co-management thought about from an authorities-based perspective developed by Goodman (2000) and refined with examples by Mills and Nie (2021) created to ensure a strong governing space from which to start (Table 3) and has been applied in land-based examples of co-stewardship.

In this model, the practice of co-stewardship recognizes the federal trust and treaty obligations to Tribes.

Mills and Nie talk about the need to “bridge” federal Indian law and federal public lands law. These principles recognize this connection and create a space to share in the responsibilities of carrying out that authority. This “bridging” has rarely happened equitably in ocean and marine spaces. This is discussed in the challenges and opportunities section of this report.

**Table 2.** Principles of Tribal Co-management, adapted from Mills and Nie 2022

<p>Tribal co-management covers a variety of approaches in which Indian Tribes and federal public land agencies exercise their authorities and expertise in a coordinated and systemic manner to conserve and manage federal public lands and resources. Rather than a prohibited or improper delegation or abdication of federal authorities or responsibilities, the sharing of authority and responsibility is the defining feature of Tribal co-management.</p> <p>This mutual and participatory framework is best conceived as consisting of fundamental principles including:</p>
<p>1. The recognition of Indian Tribes as sovereign governments.</p>
<p>2. The incorporation of the federal government’s trust responsibility as both a substantive and procedural obligation, including the integration of Indian Tribes at the earliest phases of federal public lands planning and decision making in order to shape the direction and desired conditions of management rather than only being asked to comment on projects and decisions already developed by federal public land agencies.</p>
<p>3. The recognition and incorporation of Tribal expertise and/or traditional knowledge into federal decision making, including a significant degree of federal agency deference to Indian Tribes in matters concerning management of Tribal reserved treaty rights.</p>
<p>4. The creation and use of equitable, agreed-upon, and clearly established institutional arrangements and dispute resolution mechanisms for resolving potential conflicts among competing interests, values, or priorities—and between co-managers themselves—to facilitate the sharing of authority and responsibility.</p>

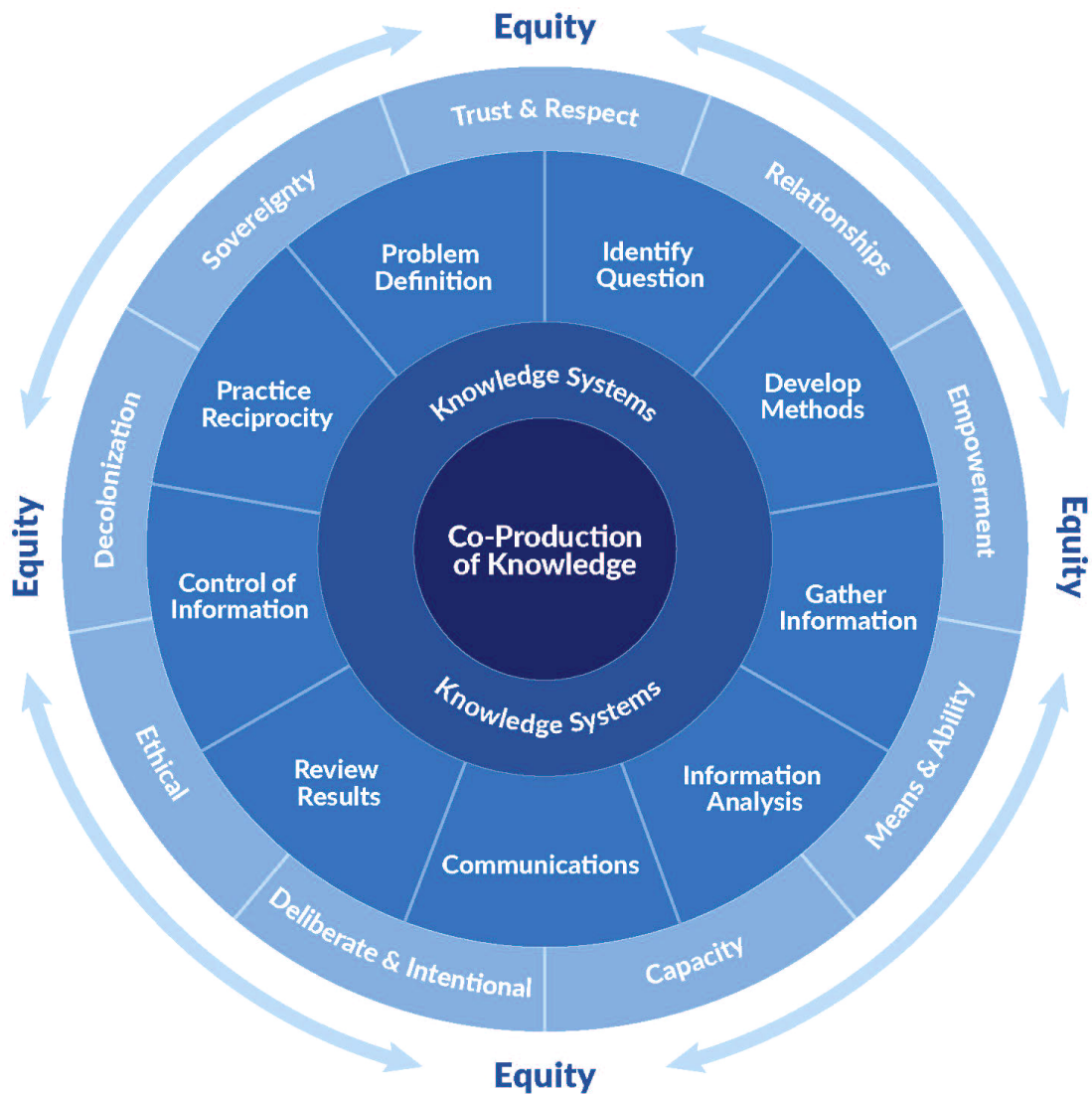
The second model to understand the principles of building equity and ensuring that Indigenous Peoples can engage as co-stewards in sharing of both responsibility and authority (as mentioned in the principles from Table 2) is the Co-production of Knowledge approach (CPK). This approach was developed initially with research in mind, but applies to a co-production of policies, plans and regulations (Figure 3). Co-production of Knowledge is a process that brings together two different knowledge systems in true partnership and equity, to enhance, learn and create new understandings (Ellam Yua et al., 2022). The concepts in the framework set a way for inclusion of Indigenous Peoples and Indigenous Knowledge in the development of policies, regulations, and plans. CPK emphasizes the importance of attaining equity in relationships that is needed when sharing decision-making power. Equity refers to ensuring that space is fairly provided for all knowledge systems and knowledge holders involved in an agreed upon process. This is guided by a suite of concepts that build equity – 1) deliberate and intentional decision making, 2) fostering trust and respect, 3) cultivating of strong relationships, 4) building capacity—including having appropriate training regarding Indigenous rights, cosmologies, histories, values, methodologies and concerns, 5) ensuring Tribes have the means and ability to participate, 6) ensuring ethical practices, 7) supporting decolonization, 8) promoting sovereignty or self-determination, and 9) empowering Tribes. Practicing all the concepts in a co-stewardship relationship are key to an equitable approach to co-producing knowledge. The center of this model is in bringing equity and creating space for Indigenous Peoples to be able to participate

as equals with federal or state managers. It presents an ideal to work towards, while the reality is that with the current level of support and funding from the federal government, Tribes are unable to participate as true co-managers, if they had the opportunity to do so. Some of these challenges and solutions are discussed later.

In applying the principles or concepts of CPK, it is important to remember that co-stewardship is a process that is meant to bring multiple parties to the table to share in responsibility and share in power and decision making. There are tools and concepts that apply to both the Tribal and federal/state partners. Both may be missing key knowledge to effectively engage in these processes. For example, federal agencies may not have the cultural awareness and knowledge that they can gain through training to better understand that holistic view. Conversely, Tribes may not have training and access needed to be true co-decision-makers, especially to better understand federal responsibilities and requirements.

Another approach that weaves together science and Indigenous Knowledge is called “two-eyed seeing” described in Bartlett et al. (2012) by Mi’kmaw elder Albert Marshall. Two-eyed seeing is:

*“to see from one eye with the strengths of Indigenous Knowledge and ways of knowing and from the other eye with the strengths of western knowledge and ways of knowing and to using both these eyes together, for the benefit of all.”*



**Figure 3.** The co-production of knowledge approach meant to bring different knowledge systems together in an equitable framework, that can be applied to the process of co-management (Ellam Yua et al. 2022).

### III. Tribal co-stewardship on federal public lands

The federal government's implementation of co-stewardship and co-management on public lands offers helpful lessons for considering how similar processes could expand in marine environments. The underlying legal authorities for managing oceans and lands relating to Tribes may be the same, but each agency has different organic statutes. The principles that have supported, guided, and enhanced Tribal co-stewardship on public lands also support that work offshore.

Joint Secretarial Order 3403, issued by Secretaries Haaland (Interior) and Vilsack (Agriculture) on November 15, 2021, directed the bureaus and agencies within each of their departments to "[m]ake agreements with Indian Tribes to collaborate in the co-stewardship of federal lands and waters under the Departments' jurisdiction, including for wildlife and its habitat." The Order provides a strong and broad statement of policy and includes four other directives: 1) ensure that decisions "safeguard the interests" of Indian Tribes; 2) identify opportunities to consolidate Tribal homelands and "empower Tribal stewardship" of these resources; 3) complete a legal review (completed); and 4) report on our progress each year. The Secretary of Commerce signed onto this Order in 2022.

The Order itself did not create any new law (nor could it) and, instead, rooted this policy guidance in the broad-based authority for recognizing Tribal sovereignty and more effective federal-Tribal relations rooted in the longstanding federal trust responsibility, the government-to-government relationship, and Supreme Court precedent supporting these doctrines, all of which apply across the entire federal government. The title of the Order (Joint Secretarial Order on Fulfilling the Federal Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters) makes clear that the Secretaries intend for this work to build upon well-established legal doctrines. That approach is supported by legal authorities applicable to specific public land management agencies that authorize those agencies to enter into cooperative agreements or collaboratively carry out their management mandates or other legal anchor points enabling similar approaches (such as the Indian Self-Determination and Educational Assistance Act or ISDEAA). It combines to support what the Solicitors of the Department of the Interior have described as a "significant latitude" for these agencies to engage in Tribal co-stewardship.

Though significant, that latitude is not unlimited. Each public land agency is bound by its Congressional mandate to carry out the duties assigned by federal law regarding public lands. Consistent with those mandates, agencies may not delegate certain of those duties to third parties. This concept, known as the non-delegation doctrine, generally means the government cannot delegate any "inherently federal function" or cede decision-making authority that might enable a non-federal actor to exercise powers reserved to the United States. For example, an agency may not authorize a non-federal actor to dispose of federal property or obligate the United States to pay money. Similarly, only federal agencies may generally take actions that affect the rights of third parties, such as issuing permits or performing law enforcement duties. Those parameters enable a wide range of cooperative activities within the bounds of the non-

delegation doctrine and, across public lands, many federal agencies regularly cooperate with state and local governments and private parties to fulfill their management mandates.

Unlike those parties, the United States has a unique trust relationship with Tribes that, as a sovereign-to-sovereign interaction, likely enables broader and stronger cooperative approaches that empower Tribal governments and do not run afoul of the non-delegation doctrine. Still, however, when it comes to Tribal co-stewardship, the non-delegation doctrine has been used by some as a basis for not entering or approving Tribal co-stewardship agreements on federal lands and waters.

The shift in approach marked by Secretarial Order 3403 has resulted in significant progress toward greater Tribal co-stewardship across public lands. Federal agencies across the federal government have now entered into over 400 co-stewardship agreements authorizing a range of activities and collaborative stewardship on a variety of public lands and waters (DOI 2024). These agreements are created under the auspices of various legal authorities applicable to each agency or its public lands or resources, but, generally rely on the broad principles inherent in the federal trust duty, Tribal sovereignty, and the intimate Indigenous relationship with and knowledge of those areas.

Given the scope of these arrangements, it is impossible to describe each one in detail nor would the specifics of a particular agreement be relevant to other agencies, locations, Tribes, or interests in co-stewardship. Nonetheless, there are some basic lessons from these agreements and this progress that may help promote similar expansion of Tribal co-stewardship elsewhere. First and foremost, as described above, the practice and process of co-stewardship is not bound by, nor does it depend on, specific political or policy directives. Instead, the approach is rooted in, and relies upon, inherent Tribal sovereign authority and the now centuries-old commitment on the part of the United States to recognize that authority and serve as its protector. Tribal co-stewardship is thus not a product of Secretarial Order 3403 nor is it the accomplishment of a specific Presidential administration. Instead, it is simply an iteration of the federal-Tribal trust relationship as it might apply to particular actions of the United States, namely its management of public lands and waters or, for purposes of this paper, the marine environment.

Second, though Congress can and has authorized Tribal co-management in specific contexts, such as the Marine Mammal Protection Act (MMPA), a wide range of statutory authorities support cooperative, collaborative, or otherwise shared approaches to stewardship that can be used to empower Tribal co-stewardship. These authorities can be thought of as “anchor points” on which to base an approach to a co-stewardship agreement or relationship and can include specific treaty language reserving rights to a Tribe or Tribes, Presidential proclamations establishing a National Monument and mandating or suggesting a management role for Tribes in its management, specific Congressional acts like the MMPA, or more general authorities like Section 307(a) of the Federal Land Policy and Management Act (FLPMA), empowers the federal Bureau of Land Management to “enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.” Beyond those authorities authorizing collaborative approaches, other, more general agency responsibilities, like the development of land management plans, offer further opportunities for cooperation and engagement between federal and Tribal partners. Each management agency has its own planning mandate and approaches planning according to its own rules and standards but,

through collaborative planning with Tribes, can ensure that its plans reflect the principles of Tribal co-stewardship. Thus, though the specific “anchor point” may vary, the variety of these authorities that may be available to a federal agency enable a range of opportunities for Tribal co-stewardship, all of which are consistent with—if not empowered by—existing federal law.

Third, as noted above, the approach to Tribal co-stewardship as a process instead of a result has enabled federal agencies and Tribes to negotiate and develop agreements and arrangements appropriate to their specific contexts. In addition, these processes can result in agreements or less formal relationships that will continue to support ongoing coordination, consultation, and dialogue. Therefore, Tribal co-stewardship can provide a starting point for a process that results in continuing engagement and empowerment. Important to the success of these continuing relationships is a firm, but flexible, foundation on which they can be sustained. In many instances, collaborative agreements such as Memorandum of Understandings (MOUs), Memorandum of Agreements (MOAs), or more formal structures, provide such a foundation and include guidelines for continued engagement. In addition, many of these agreements can enable a process and include standards for ensuring mutual accountability between federal and Tribal parties. For example, where a Tribal government may be agreeing to carry out certain stewardship responsibilities, an agreement can include the ways in which that work will proceed and how the parties might regularly review or communicate to inform one and other about such progress. Similarly, an agreement to engage in continued collaboration can include dispute resolution procedures to ensure that both sides can resolve disagreements over their respective commitments and obligations. Such agreements can also set forth and make clear the Tribal interests and priorities for the relationship while spelling out the legal authorities on which the co-stewardship arrangement rests. Through negotiation of these agreements then, federal and Tribal partners in co-stewardship can provide a strong basis for continued evolution of their shared interests and work.

## IV. Key principles underlying the authority for Tribal marine co-stewardship

This section covers the key principles and concepts that enable co-stewardship in U.S. and Affiliated Islands and Territories' marine waters. These apply to both the federal and state systems. The existing co-stewardship efforts in ocean and marine waters share some underlying key authorities that enabled co-stewardship to be initiated. These underlying authorities are recognized by the federal government and permit further action using other federal and state mechanisms to implement co-stewardship and will be covered in following sections.

It is not a single principle on its own that creates the space for co-stewardship to happen, but the U.S. federal government's recognition of the importance of each of these that provides the authority that enables co-stewardship. It is the sum of these authorities and the federal government honoring its past commitments to the First Peoples of the U.S. DOI has taken decisive action implementing co-stewardship because of its recognition of their responsibility to Tribes and the authority that Tribes hold. Leadership needs to be invested and understand the basic authorities that can enable co-stewardship to take place. Those key authorities include recognizing: aboriginal hunting and fishing rights, Tribal sovereignty, the duty to consult Tribes, and the value of Indigenous Knowledge. A description of these key authorities follows and the policies that underlie these authorities are included in the beginning of Appendix B. Together these authorities are the bedrock for co-stewardship to take place. The implementing mechanism may be different for different Tribes, but the underlying tenets provide legal viability for co-management to occur in U.S. waters.

**Recognizing Aboriginal hunting and fishing rights:** "Aboriginal title" or Aboriginal hunting and fishing rights are the rights held by American Indian and Alaska Native peoples to use and occupy the lands and waters that they have possessed from time immemorial. It is among the cornerstones of federal Indian law based on longstanding use and occupancy. It is also independent of any state law. It is meant to preserve hunting and fishing rights and to preserve culture connected to those practices. Some of the citations and case law are shared in Appendix B.

**Recognizing Tribal sovereignty:** The United States has a unique legal and political relationship with Tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. The U.S. government's federal trust responsibility to Tribes is a legal obligation "with moral obligations of the highest responsibility and trust" toward Tribes (*Seminole Nation v. United States*, 316 U.S. at 297 1942). The U.S. has a legally enforceable fiduciary obligation to protect Tribal treaty rights, lands, assets, and resources, a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native Tribes and villages and to recognize and respect Tribal sovereignty.

**Recognizing the duty to consult:** In recognition of the special relationship between Tribes and the federal government, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with Tribal officials in the development

of federal policies that have Tribal implications and are responsible for strengthening the government-to-government relationship between the United States and Indian Tribes.

Tribal Consultation is “a formal, two-way, government-to-government dialogue between official representatives of Tribes and federal agencies” about federal policies and actions that may affect the interest of federally recognized Tribes. Tribal Consultation should be collaborative, meaningful, accountable, early, regular, two-way, accepting of Tribal Input, and equitably include Indigenous/Traditional Knowledge.

Consultation provides an opportunity for Tribal leadership to directly engage federal decision-makers and to incorporate Tribal input into federal decisions, actions, policies, etc. Consultation is a recognition of the Nation-to-Nation relationship between Tribes and the federal government and, when done meaningfully, should result in better federal decisions and policies that appropriately incorporate Tribal knowledge, input, and desires.

**Recognizing Indigenous Knowledge:** Indigenous Knowledge is a valid form of information, and like science, it can be applied to decision making. Often, Indigenous Peoples knowledge is marginalized, seen as anecdotal and not seen as valid as science. This is especially the case in ocean environments. The White House directly responded to Tribes by recognizing that Indigenous Knowledge was valuable and should be considered in agency decision making. The CEQ and OSTP guidance for agencies on the inclusion of Indigenous Knowledge in decision making recommends that in rulemaking Indigenous Knowledge can be included in agency decision making as evidence that is upheld by the best available science standard. This is expanded for Congress by the CRS (2024). This provides the rationale to use existing mechanisms to enter into co-stewardship agreements and arrangements.

In sum, co-stewardship is one tool that can be applied to achieve the nation’s treaty and trust obligations to Tribes, safeguard Tribal interests, and to integrate these responsibilities with the laws governing our oceans and marine waters. It creates a platform to build more meaningful relationships and models of shared decision making amongst Tribes and federal ocean/marine agencies that come to the table with responsibilities to different authorities. And co-stewardship can be applied across a broad spectrum of decisions and management actions, from higher-level land planning to lower-level projects and management actions, which are addressed in the next section.

## V. Federal authorities that could serve as a vehicle for marine co-stewardship

A survey of federal authorities that fall under the jurisdiction of agencies is a good first step. DOI, in their first year towards the fulfillment of Joint Secretarial Order 3403 conducted a survey of authorities applicable to the line offices in DOI (DOI 2022a and DOI 2022b). A thorough assessment would be helpful for the ocean as ocean authorities that could apply to co-stewardship are varied and spread across different agencies. This report attempts a general review. Appendix B includes detailed lists of federal laws, agency policy and executive actions and policies that provide for co-stewardship to occur in marine waters. We have included some executive action from the Biden Administration that may have been revoked in 2024. These actions remain in the Appendix because they show how this topic can be framed. Here we focus on laws that could enable ocean co-stewardship to happen and how they could be applied.

**Indian Self-Determination Education and Assistance Act (ISDEAA) Agreements:** ISDEAA recognized the obligation of the United States to respond to Tribal self-determination, under a government-to-government relationship, in education and other federal services to Indian communities. Under Title IV, Tribal Self-Governance, of the ISDEAA, any non-Bureau of Indian Affairs (BIA) program, service, function, or activity that is administered by the Department of the Interior that is “otherwise available to Indian Tribes or Indians,” can be administered by a Tribe through a self-governance funding agreement. In addition, the law authorizes those agencies within Interior responsible for programs, services, functions, and activities (PSFAs) or portions thereof that are of “special geographic, historical or cultural significance” to a Tribe to enter into agreements with the Tribe to carry out those PSFAs, provided the Tribe meets the law’s eligibility criteria. The National Park Service has utilized this mechanism to enter into annual funding agreements for planning documents, research and background on natural resource management, outreach, road repair, etc. (DOI Office of Congressional and Legislative Affairs 2022). In 2024, the United States Fish and Wildlife Service (USFWS) and Jamestown S’Klallam Tribe also relied on this authority to enter into an agreement for the Tribe to manage the Dungeness National Wildlife Refuge in Washington State. For Jamestown S’Klallam Chairman and CEO Ron Allen, the agreement marked the culmination of many efforts on the part of the Tribe, including two years of negotiations with USFWS, to protect and manage an area that, in Chairman Allen’s words, “has been integral to our community for generations because it’s where our original village sites are located” (Allen 2024). Shortly after entering the agreement, which authorizes the Tribe to carry out the management activities across the both the Dungeness Bay and Protection Island units within the Refuge, the Tribe hired additional employees to help expand management work.

**Marine Mammal Protection Act:** The MMPA allows the Secretaries of the Interior and Commerce or their agents to “enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives.” There are a series of agreements entered under this provision for particular species (Northern fur seals, for example). Generally, the agreements are limited by the federal agencies’ limited interpretations of the law as overly focused on subsistence harvest. This interpretation likely could be expanded, and these provisions are potentially a promising tool for co-stewardship of marine habitats and spaces occupied by marine mammals. The limitations of

this tool are the willingness of the agencies (DOI and NOAA). In addition, for depleted species, the MMPA requires a conservation plan, which can be a vehicle for collaboration and lead to co-management approaches. The responsibility for individual species is divided between DOI and NOAA. For species under DOI purview (walrus, polar bears and sea otters), the agency could advance the use of this tool as a co-stewardship vehicle.

**Migratory Bird Treaty Act of 1918:** The Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712) implements four international conservation treaties that the U.S. entered into an agreement with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The Council for the Conservation of Migratory Birds (Council) was established in 2009 by the Secretary of the Interior to oversee the implementation of the Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds. The Council has developed partnerships with NOAA for seabird conservation. There are some agreements developed in Alaska that enable co-stewardship. The amended treaty with Canada called for creation of management bodies to ensure an effective and meaningful role for indigenous Peoples in Alaska in the conservation of migratory birds. This led to the creation of the Alaska Migratory Bird Co-Management Council. The U.S. Fish & Wildlife Service, Alaska Department of Fish & Game, and Alaska Native representatives from the subsistence regions in Alaska have worked collaboratively since 2000 to co-manage the spring and summer migratory bird subsistence harvest season. The primary purpose of the AMBCC is to conserve migratory birds and respect the relationship we all share with them through development of annual harvest regulations, assessment and reporting of subsistence harvest, and statewide outreach. AMBCC is designed for direct involvement by Alaska Native peoples and other qualified individuals living and subsisting in many remote communities within Alaska.

**Outer Continental Shelf Lands Act (OCSLA) 43 U.S.C. § 1346:** Bureau of Ocean Energy Management (BOEM) & Bureau of Safety Environmental Enforcement (BSEE) manage the mineral development of submerged lands lying seaward of state coastal waters 3 miles offshore. BOEM can “enter into agreements to carry out environmental studies on the impacts of OCS development and to obtain information for such studies from any person.” This can include agreements with Tribes. Due to budget constraints some offices set policies on decision making surrounding the geographic scope of studies to include those areas only of interest for energy development. A case can be made for areas to be protected from certain types of energy production but should be made in advance of the scheduled and long public process for the studies planning process. Furthermore, the potential for the environmental studies to undertake a co-production of knowledge approach could include observation programs that provide capacity to Tribes and communities and lay the groundwork for co-management efforts.

**Antiquities Act of 1906:** This law gives the president of the United States the authority to, by presidential proclamation, create national monuments from federal lands and waters to protect significant natural, historic, or scientific features. This Act has been used to establish a monument with shared management authority with Tribes (Bears Ears National Monument). It has also enabled co-management inclusive of the Office of Hawaiian Affairs as the representative of the Native Hawaiian Community (Papahānaumokuākea Marine National Monument). Monument establishment takes time, requires significant political capital and broad support, so it is an imperfect tool for achieving co-management or applying co-

stewardship broadly. It is also limited by the scope of the Act in how areas are characterized (historic significance, scientific interest, smallest area compatible with the proper care and management, etc.). Overall, however, the potential scope of agreements using this tool can be significant

**Marine Protection, Research and Sanctuaries Act:** In 1977, the U.S. Congress passed the Marine Protection, Research and Sanctuaries Act which established the National Marine Sanctuary Program. The Sanctuary Program is authorized to designate areas of the marine environment as national marine sanctuaries to promote comprehensive management of their special conservation, recreational, ecological, historical, research, educational or aesthetic resources. The law includes a specific provision allowing for agreements with other managing agencies. That provision can be applied to provide the needed legal mechanism for co-management with Tribal governments. In addition, the law allows Tribes or Indigenous entities to propose designations and work with the federal government through a scoping and designation process. Most recently, the Chumash Heritage National Marine Sanctuary was designated as a co-managed marine area among government agencies. However, in the final designation this co-management agreement did not extend to Tribes. Instead, due to principles consistent with the non-delegation doctrine (described above) the Sanctuary extends “Indigenous collaborative co-stewardship” through collaborative or cooperative arrangements “between NOAA and Tribes related to shared interests in the sanctuary.” (NOAA 2024). Sanctuary designation processes take years, requiring political capital and broad support to achieve so it is a difficult tool for applying co-stewardship broadly.

**The Coastal Zone Management Act of 1972:** This act was established as a United States National policy to preserve, protect, develop, and where possible, restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations. Since the coordination aspect between state and federal actions is a critical part of this program, it is possible to explore how this can better include Tribes, presenting an opportunity for co-stewardship.

**Alaska National Interest Lands Conservation Act:** The Alaska National Interest Lands Conservation Act (ANILCA) authorizes the Secretary to develop cooperative agreements with other federal agencies, the State, Alaska Native Corporations, or Tribes through Title VIII of ANILCA. Title VIII of ANILCA, in turn, addresses the management of subsistence use of federal lands in Alaska by rural residents. DOI recognizes that ANILCA applies to the marine environment. A challenge is that ANILCA and the State of Alaska define subsistence priorities differently and NOAA doesn't recognize a subsistence priority in the marine environment under ANILCA.

**Indian Reorganization Act:** The Indian Reorganization Act (IRA) was created to end assimilation carried out through allotments and to empower Tribes to have authority over lands. While this act does not have explicit marine mentions, it does include provisions like Land into Trust and land exchanges for spaces that Tribes might not presently have jurisdiction over but are a part of their ancestral Tribal homelands before the existence of the United States. It is worth exploring how and if these provisions could be applied in a marine context (i.e., precedent) —as Tribes currently consider waters as Tribal and have their own authorities in how they govern them on a local scale (takes, timing of access, etc.).

**The National Environmental Policy Act (NEPA):** NEPA requires federal agencies to evaluate the potential effects of major federal actions and possible alternatives to those actions. For actions deemed to have a significant impact on the environment, agencies prepare an Environmental Impact Statement (EIS). The law allows for Tribes or other entities to be “cooperating agencies” in the development of an EIS. For example, the Kuskokwim River Inter-Tribal Fish Commission (KRITFC) and Tanana Chiefs Conference (TCC) are cooperating agencies alongside NMFS in preparing the EIS evaluating options to reduce chum salmon bycatch in the North Pacific groundfish fisheries. Being a cooperating agency is very time and labor intensive, and there is no guarantee that any particular outcome will be achieved, but it can be a way to work toward inclusion of Indigenous Knowledge and perspectives.

**The Magnuson-Stevens Fishery Management and Conservation Act (MSA):** The MSA is the statute through which NMFS manages commercial fisheries in federal waters. Management is largely led by regional councils made up of federal and state agency personnel and representatives from the fishing industry. The Pacific Fisheries Management Council has a seat designated for a Tribal representative. Contrasting with the NPFMC the PFMC, currently, is the only Council with a member representing a conservation organization. There are efforts to amend the law to require Tribal representation on the North Pacific Fisheries Management Council (which covers Alaska) and work in that Council to create pathways for inclusion of Indigenous Knowledge. There have been several legislative efforts over the last decade to require Tribal representation to the NPFMC. HR 4690 by Representative Jared Huffman in 2021 and HR 4722 in 2014. There have been numerous Tribes and groups testified before the council to advocate for more and better consultation, the inclusion of Indigenous Knowledge and that decisions should consider subsistence priorities. Without better representation on the councils, we are less likely to get these policies. The fishery management councils are in a position to oppose them, provided their current membership if it does not include Tribal representation. There is a long way to go in this work, but the law itself would allow for creative thinking that could include co-management approaches themselves.

**The Endangered Species Act (ESA):** The ESA is the backstop environmental statute seeking to prevent extinction of species. It has processes for listing species at risk of extinction, designating their critical habitat, and creating recovery plans to rebuild stocks. Though it would take some work and creative thinking, there are likely pathways to including Indigenous entities in these processes.

## VI. Federal ocean-based examples of co-stewardship

Despite the successes experienced on public lands, however, activity regarding co-stewardship in marine areas has been far more limited. There are a few examples that follow.

### NOAA's report on Joint Secretarial Order 3403

In 2025, NOAA released its required (under the Biden Administration) reports and update on Joint Secretarial Order 3403 (NOAA 2025, 2024). Interestingly, NOAA provided the context for the assertions that: we've laid out in draft versions of this paper and speakers shared at the 2024 Biodiversity Funders Group Annual Marine Conservation Meeting in Seattle. NOAA does not see itself as a federal manager that can collaborate with Tribes in the implementation of its missions, from NOAA (2024):

*"NOAA is not a federal land manager. NOAA's mission is focused on science, service, and stewardship to better understand and predict changes in climate, weather, oceans and coasts, to share that knowledge and information with others, and to conserve and manage coastal and marine ecosystems and resources (<https://www.noaa.gov/our-mission-values-and-vision>). NOAA derives its authorities from the laws created by Congress that give NOAA specific directives or authority, such as the Magnuson-Stevens Fishery Conservation and Management Act (MSA) or National Marine Sanctuaries Act (NMSA). This approach differs from agencies that operate under an "Organic Act." As a result, a significant product initiated by JSO 3403 was NOAA's thorough review of the statutes and authorities that could support co-stewardship within NOAA's broad mission....Many of the land-related priorities in JSO 3403 are not directly applicable to NOAA because NOAA is not a federal land manager and NOAA's land, water and wildlife resource management authorities generally do not extend to the terrestrial portions of Indian Country or Native Hawaiian Lands. NOAA's mission and focus on the ocean, atmosphere, and climate generally involves areas that encompass overlapping jurisdictions between federal, state, Tribal, or international governments. Due to this complex overlap, NOAA exercises its authorities and fulfills its trust responsibilities in close coordination with other relevant managers of these shared-use areas."*

Yet stewardship is a core foundation of how NOAA addresses its third core mission: "To conserve and manage coastal and marine ecosystems and resources", they state:

*"Stewardship is NOAA's direct use of its knowledge to protect people and the environment, as the agency exercises its direct authority to regulate and sustain marine fisheries and their ecosystems, protect endangered marine and anadromous species, protect and restore habitats and ecosystems, conserve marine sanctuaries and other protected places, respond to environmental emergencies and aid in disaster recovery."*

Within this context exists the opportunity to undertake co-stewardship in the ways that DOI has undertaken it on public lands, regardless of the presence/absence of an organic act. NOAA sees itself as the sole ocean-based decision maker. And NOAA views Tribes, like the general public, as providing input which NOAA then processes as NOAA defines/views/sees stewardship. Furthermore, NOAA sees Indigenous Knowledge as a tool for NOAA to decide what/when/where information is acceptable to be included in NOAA's processes.

*"NOAA interprets co-stewardship as a more expansive concept to improve stewardship of significant resources and environments with Tribes and Native Hawaiian Community to support trust responsibility. It is one pathway for the inclusion of Indigenous Knowledge into NOAA decision-making."*

Appendix E describes the agreements NOAA funded that align with NOAA's vision of co-stewardship. NOAA has 5 signed agreements from 2023 and 2 signed agreements from 2024 (note that one of these agreements included DOI but did not make the DOI report due to confidentiality requests by Tribes and timeliness of the release of the DOI report). They further listed 7 examples of projects funded by the initiative supporting Tribal and Native Hawaiian Homelands and 13 examples of projects funded by the Tribal Priority Fish Passage Projects. Note the latter two were examples of projects funded under Request For Proposals rather than signed co-stewardship agreements. It is important to note that some funded projects from 2024 and onward are being clawed back or not funded, per information shared by Tribes and Tribal organizations.

## **Papahānaumokuākea Marine National Monument and National Marine Sanctuary**

In the far-flung islands of Hawai'i, the Papahānaumokuākea Marine National Monument and National Marine Sanctuary encompasses an oceanic area three and a half times the size of California. According to the predominate origin story of Kanaka 'Ōiwi (Native Hawaiians) this ocean realm is the source of life and where life returns. It is also the site of the evolving story of co-stewardship. Federal protections began with a designation of the Hawaiian Islands Bird Reservation in 1909 by President Roosevelt to protect the wildlife of this area. But for nearly 100 years, Native Hawaiians were not included in the history, management, or care of this expanse.

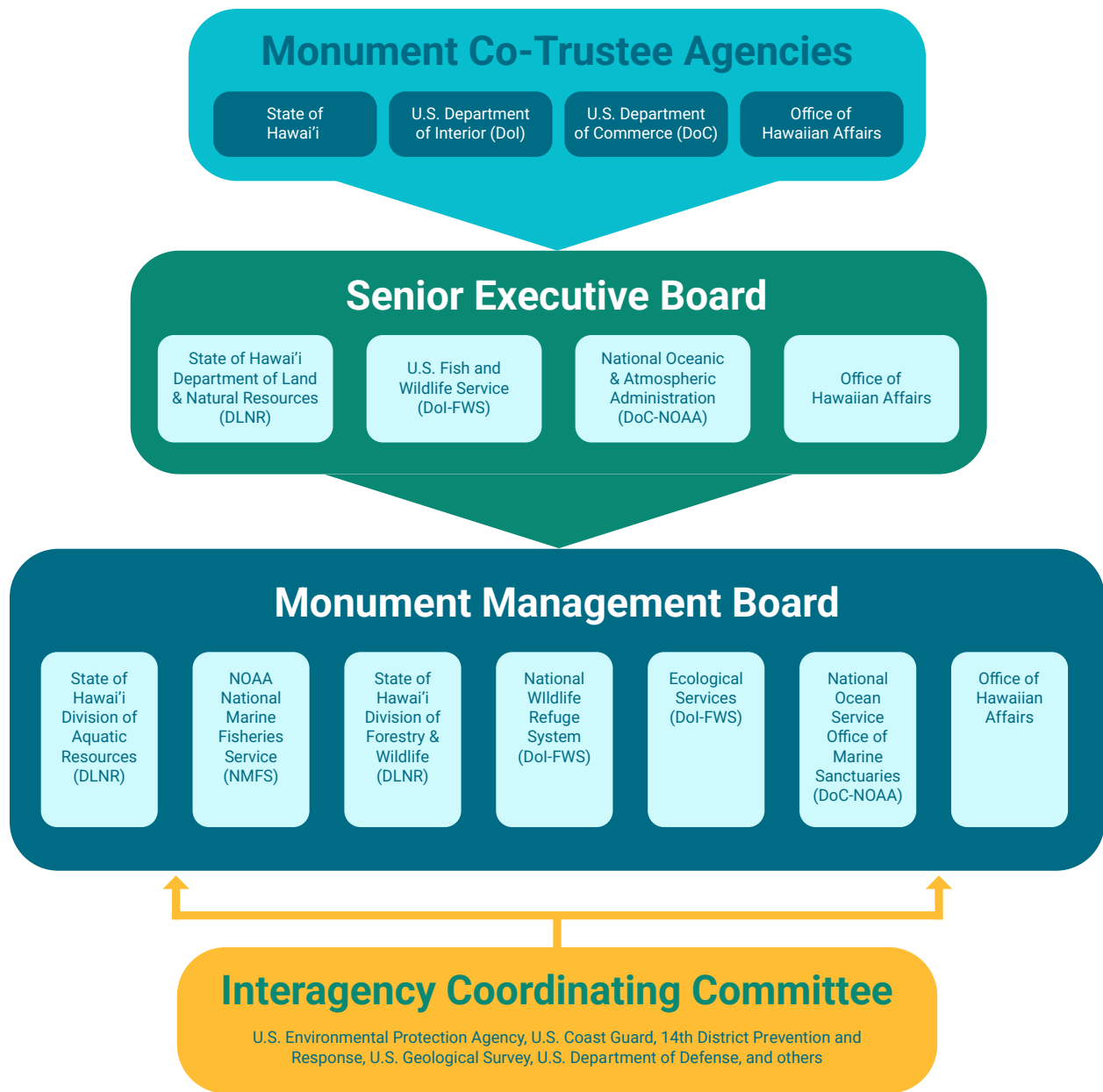
This changed in December 2000 when President Bill Clinton via Executive Order protected the federal marine waters of the region at the urging of a small coalition of Native Hawaiians and wildlife advocates under a unique designation as a federal Coral Reef Reserve and simultaneously initiated the process to consider designation of the area as a National Marine Sanctuary. After a substantial five-year community engagement process the area was instead designated in the 11th hour as a Marine National Monument by President George W. Bush in 2006. This process led to an agreement by the federal and state agencies to create a three-agency co-trustee governance structure including the federal departments of Commerce and Interior and the State of Hawai'i, and a formal four agency co-management agreement inclusive of the Office of Hawaiian Affairs (OHA) (see Section VII on page 39). The inclusion of OHA was a first of a kind agreement that enabled Native Hawaiians representation at a co-management table for marine waters.

The success of Native Hawaiian engagement in all areas of ocean management led to both an expansion in the size of the protected area, and a push for more formal recognition of Native Hawaiians in governance of the Reserve/Monument. As part of a substantial expansion (out to 200 miles) of the area in 2016 by President Barack Obama, OHA was formally granted co-trusteeship status. Figure 4 shows the management structure for the Marine National Monument.

The Marine National Monument was established under the Antiquities Act and had limited protections and durability. To provide the benefits and protections afforded under the National Marine Sanctuaries Act (as amended), NOAA decided to reignite the process to consider establishment of the area as a National Marine Sanctuary in 2022. Formal designation of the Papahānaumokuākea National Marine Sanctuary (in the state and federal waters only, no land areas which are included in the Monument) occurred on January 16, 2025, with publication of the final rule.

The Sanctuary is co-managed by NOAA and the State of Hawai'i "in partnership with the Office of Hawaiian Affairs and the U.S. Fish and Wildlife Service." This is different from the co-management of the Papahānaumokuākea Marine National Monument in which all 4 agencies have co-management. While it can be argued that Sanctuary designation offers no additional co-management benefits to Native Hawaiians, Native Hawaiian co-management will formally continue to occur through the Monument, and that the day-to-day management of the Sanctuary will follow the current Monument management structure and process (as stated in Figure 4 above).

The influence and de-facto engagement of Native Hawaiians in the management of Papahānaumokuākea is evident. It has an active Cultural Working Group, several cultural subcommittees which are advancing naming and other cultural practices, engagement by Native Hawaiian scholars, and regular engagement in the review and issuance of permits. The engagement of Native Hawaiians has also resulted in the publication of *Mai Ka Pō Mai*, a collaborative management framework for incorporating Native Hawaiian culture into the stewardship of Papahānaumokuākea to guide the four monument Co-Trustees.



**Figure 4.** Papahānaumokuākea Marine National management structure (adapted from PMNM Management Plan 2008).

### Chumash Heritage National Marine Sanctuary

Another recent development is the National Marine Sanctuary Program in the Department of Commerce an Indigenous collaborative co-stewardship framework with the creation of the Chumash Heritage National Marine Sanctuary.

On October 11, 2024, the Chumash Heritage National Marine Sanctuary was formally designated. It covers 4,543 square miles of central California’s coastal and ocean waters along

116 miles of the Coast between San Luis Obispo and Santa Barbara. For millennia, the Chumash and Salinan people have been stewards of, and deeply connected to, this marine area.

A stated priority for the sanctuary is to provide meaningful opportunities for interested Tribes and Indigenous community members, including individuals with knowledge of Indigenous culture, history, and environment, to participate in collaborative co-stewardship of this special place. It is also NOAA's intent for the sanctuary to highlight and honor the Indigenous cultural heritage of the first stewards of these lands and waters (NOAA Office of Marine Sanctuaries n.d.-a).

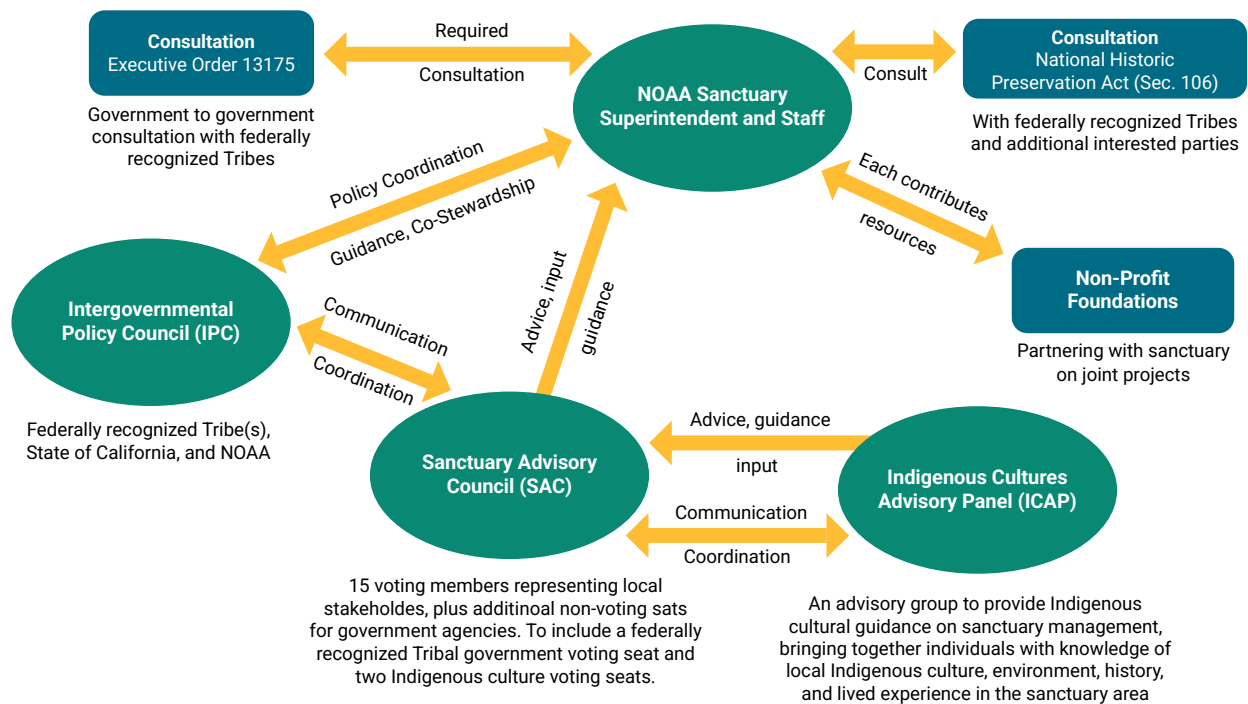
Co-stewardship in this case refers to collaborative or cooperative arrangements between NOAA and Tribes related to shared interests in the sanctuary. Collaborative and cooperative arrangements, in this case, can take a wide variety of forms, including but not limited to sharing technical expertise; sharing resources and capabilities of NOAA and Tribes through cooperative arrangements or other means to improve resource management and advance shared responsibilities and interests; and including Indigenous Knowledge, experience, and perspectives into sanctuary management.

In carrying out the management of this sanctuary, NOAA, through partnership and coordination with interested Tribes and Indigenous communities, intends to respect and honor the intent of the sanctuary nomination regarding Indigenous community involvement. NOAA plans to adapt and improve collaboration over time through substantive, ongoing involvement. Furthermore, they plan to build on Indigenous Knowledge to help achieve shared marine conservation goals. NOAA will provide for appropriate, substantive involvement of all interested local Indigenous community groups (federally and non-federally recognized local Tribes and Indigenous groups) in the ongoing stewardship of the sanctuary. NOAA hopes that the management of the sanctuary will serve as an example of effective Tribal and Indigenous community collaboration, consultation, and engagement in a national marine sanctuary.

NOAA intends to establish and implement a collaborative co-stewardship structure (see Figure 5) which was informed by many meetings and conversations with local Tribes and Indigenous groups during the sanctuary designation process. This structure proposes several bodies to create opportunities to apply co-stewardship. They may include an Intergovernmental Policy Council convening federally recognized Tribes, the state of California, and NOAA; a Sanctuary Advisory Council to include Indigenous Knowledge and Tribal government representation (NOAA Office of Marine Sanctuaries n.d.-b); an Indigenous Cultures Advisory Panel; and joint project partnership opportunities with culturally serving nonprofit foundations. NOAA also will honor required government-to-government Tribal Consultation processes, when needed, with the federally recognized Santa Ynez Band of Chumash Indians as well as engagements with other Indigenous groups under Section 106 of the National Historic Preservation Act.

Various sanctuary management activities will be handled by NOAA as part of its federal agency responsibilities and authorities under the National Marine Sanctuaries Act.

For more information about the purpose and intent of these co-stewardship elements, see the Final Management Plan (NOAA Office of Marine Sanctuaries 2021), particularly the Indigenous collaborative co-stewardship section within the introduction, as well as the Indigenous Cultural Heritage Action Plan.



**Figure 5.** Indigenous Collaborative Co-Stewardship Framework. (Adapted from NOAA Office of Marine Sanctuaries 2021).

In addition to CHNMS, there are other efforts, agreements and designations that exist in marine waters. Appendix C attempts to compile them and share examples that include the authority and the jurisdiction (state, federal or Tribal). This inventory could be expanded and available to share with the community of practitioners and funders for networking or sharing lessons learned as there are multiple pathways towards working towards co-stewardship in the ocean.

As these Appendices demonstrate, there are a range of mechanisms under which co-stewardship may be initiated. But all these examples point back to the importance of the tenets shared in Section IV that provide the underlying authority/basis for engaging and implementing a regulatory or legal mechanism. While some agencies perceive barriers to co-stewardship, others are more motivated to create space for the practice, especially when considered in light of their other cooperative or collaborative practices. The Department of the Interior has 3 ocean-based agreements in 2023 and 8 in 2024. NOAA has agreed/committed to three management frameworks under the Marine Sanctuaries Act (Hawai'i, Chumash and Olympic Peninsula) and signed two other agreements (Winnemem and Aleut Community of St. Paul. Oftentimes, the difference in the ability to create co-stewardship opportunities in the ocean results not from legal barriers but, at least in part from different cultures within different agencies. There is a need for these positive examples of co-stewardship in the ocean to be highlighted and become better known. An effective communications strategy could aid in shifting the culture at those agencies reluctant to share in the process of co-stewardship of ocean environments.

## VII. State approaches for implementing co-stewardship and co-management in the ocean/marine waters

Indigenous Peoples have stewarded and held relationships to the marine and ocean environments for time immemorial. They have never ceded any aspect of the relationality Indigenous Peoples have with the ocean.

In addition, the context and history of dispossession are important to recognize no matter the jurisdiction. Nation states, in general, as well as individual states within the United States, do not generally recognize the rights of Indigenous Peoples to their traditional marine and ocean environments (absent being forced to do so by court order). Nations and states likewise often refuse to acknowledge Indigenous Peoples' knowledge about marine spaces. Within the United States, only a handful of coastal states have, in recent years, recognized or created mechanisms for Indigenous Peoples to have an active role in ocean governance.

Indigenous Peoples experiences with state governments vary greatly. The reasons for these differences vary and are beyond the scope of this paper. We do not include the history of colonization for each state described below, but that will be critically important as a funder to learn about different Indigenous Peoples history in different parts of the United States. The variation depends on a few factors including whether Indigenous Peoples are recognized by the United States or recognized only by the state, leadership at the Governor's office, composition of the state's legislature, the historical and modern relationships of the state with Indigenous Peoples, and, the state's laws and policies. Generally, states may be situated at a scale to better work with Tribes. Some states may also better understand the relationality Indigenous Peoples have with the ocean, and how values are an important part of that relationship (e.g., Phillip et al. 2023, CDFW 2022). And some states may recognize the rights of Indigenous Peoples so that they have broader inclusion than the federal government (e.g., California). Having this understanding could allow for the inclusion of Indigenous Peoples in decision making about ocean issues that include legal mechanisms for recognition and inclusion and the continued fostering of relationships between the state and Indigenous Peoples.

We begin by describing how the federal government and state governments recognize the Indigenous Peoples in each state. Next, we discuss examples specific to both state and federal waters. Under federal law, states have jurisdiction of coastal waters three nautical miles from the low water mark of the state's coastline (except for Texas, Puerto Rico and Florida's Gulf coast 9 miles). If Indigenous Peoples are interested in co-management in these waters, the state will need to be involved. Federal law, as well as international law and custom, establish that the waters from three to 200 miles offshore are the United States' national waters. While the federal government plays a large role in co-management agreements related to federal waters, for obvious reasons, states could likewise be important in the future for creating mechanisms and supporting Indigenous participation in federal waters beyond the state's influence. Two basic but important steps in pursuing co-stewardship are the recognition of the role of Tribes in the management of traditional lands and waters as well as the importance of those lands and waters to the Indigenous Peoples who have stewarded them since time

immemorial. The states of California, Oregon, and Hawaii, for example, have made progress in entering co-stewardship agreements or recognizing Tribal Self-designations.

Figure 1 shows the scope of the territories and states. We are not providing the history for every state but have selected a few examples to show the diversity in implementing co-stewardship across states. Finally, we highlight several state examples in Appendix C. The appendix shares examples that include the authority and the jurisdiction (state, federal, or Tribal).

## **The State of Washington**

Washington State has 29 federally recognized tribal governments – 21 treaty Tribes and 8 executive order Tribes (or recognized by Act of Congress). Three treaty tribes located outside of Washington have off-reservation treaty rights in the Columbia River and/or Blue Mountains region. The state of Washington also legally recognizes Tribes (RCW 43.376.010).

Washington State cooperatively manages salmon, steelhead and other fisheries on a government-to-government basis with Tribes. The basis for this shared management stems from reserved treaty rights Tribes signed with the federal government in the 1850s. Those rights were re-affirmed in 1974 by the Boldt Decision (U.S. v. Washington 1974) that established Tribes as co-managers. Then, in 1989 Governor Booth Gardner signed the Centennial Accord (RCW 43.376.010) that led to the creation of a Salmon Recovery Plan (Belmaker 2025). In December 2024, Gov. Jay Inslee signed a broad and far-reaching Executive Order 24-06 (2024) that prioritizes the health of rivers and the future of salmon. Together, these measures provide the requirement for co-management. Washington State Tribes participate as co-managers in two processes: the Pacific Fishery Management Council (federal under the MSA) and the North of Falcon (state). The Northwest Indian Fisheries Commission (NWIFC) was created to service 20 treaty Tribes following the Boldt Decision in these fisheries management fora. Member Tribes include: Lummi, Nooksack, Swinomish, Upper Skagit, Sauk-Suiattle, Stillaguamish, Tulalip, Muckleshoot, Puyallup, Nisqually, Squaxin Island, Skokomish, Suquamish, Port Gamble S'Klallam, Jamestown S'Klallam, Lower Elwha Klallam, Makah, Quileute, Quinault, and Hoh.

Tribes in Washington have been active co-managers alongside state and federal agencies. They have some infrastructure and capacity which is needed to be able to be managers alongside other governmental agencies. The state and federal agencies have supported the infrastructure. As a result, Tribes in Washington have been critical to conservation and management of salmon and nearshore environments (Belmaker 2025).

## **The State of California**

There are 110 federally recognized Tribes and 62 non-federally recognized Tribes in California maintained by the California Native American Heritage Commission (NAHC). State laws apply to all California residents outside of Indian Country (see Figure 6). California has the second (to Alaska) largest number of Tribes, but a small area of land covered designated as Indian Country. As a result, most of the laws that apply to all residents also apply to Tribes. Some of the key laws that Tribes have utilized towards co-stewardship efforts are described below.



**Figure 6.** Map of federally recognized Tribes in California showing a large number of Tribes, but limited land areas considered to be Indian Country (EPA 2025).

The Marine Life Protection Act (MLPA) of 1999 offered a path under state law (Marine Life Protection Act §2850-2863) for the creation of marine protected areas but failed to explicitly include Indigenous Peoples and Tribes. The MLPA has had little to no input by Tribes in the southern portion of the state, although it was “regionally based” and “stakeholder driven” with greater Tribal participation in the Northern regional group due to Tribal leadership and advocacy. This exclusion of Tribes has since been acknowledged by MLPA leadership (CDFW 2022) and in the broader recognition of sovereignty (Berkey et al. 2023). The state does have broader societal recognition for the need to support cultural ties to the ocean and Tribes have been operationalizing different mechanisms for co-stewardship although many challenges remain.

In 2011 the California Fish and Game Commission recognized the importance of ancestral take and Tribal gathering practices and allowed for Tribes to harvest in MPAs established under MLPA. It allowed for subsistence practices outside of Tribal boundaries but also limited it to federally recognized Tribal members with state laws applicable—often creating confusion. It was a learning point that Tribes needed to be engaged early in the policy process (CDFW 2022).

Executive Order B-10-11 was signed September 19, 2011, that committed the state to strengthen government-to-government relationships, thereby recognizing the sovereignty held by all Tribes in the state (California Executive Order B-10-11 2011). Every state agency then was required to develop consultation policies. CDFW adopted their policy on October 2, 2014.

On September 25, 2020, the Governor issued a Statement of Administration Policy on Native American Ancestral lands (Newsom 2020). It affirmed an executive order N-15-19 from 2019 that apologizes on behalf of the state to Native Americans in California for violence and dispossession and affirms the 2011 Executive Order on consultation. It ordered agencies, departments, boards and commissions to “seek opportunities to support California Tribes’ co-management of and access to natural lands...” A purpose of the policy was to “Partner with California Tribes on land management and stewardship utilizing Traditional Ecological Knowledges.” It also includes examples for agencies. However, it does not require agencies to do so. Tribes and Tribal allies have been working to bring this requirement into law.

The California Fish and Game Commission has adopted a vision statement and a definition for co-management. And the California Coastal Conservancy has adopted Justice, Equity, Diversity and Inclusion (JEDI) guidelines for working across all residents and specifically includes a set of guidance for working with California Tribes, among them: “Work with Tribes to enable traditional stewardship and cultural practices on ancestral land and co-management of their ancestral lands and natural resources” (California State Coastal Conservancy 2020). The FGC is working on developing pathways for Tribes to enter into individual agreements (CDFW 2022).

There is one example from the lands experience to draw from. The Tolowa Dee-ni’ Nation and the Department of Fish and Wildlife have an MOU for the management of elk (see Berkey et al. 2023). These actions have created a space for co-stewardship opportunities in California.

The Tribal Marine Stewards Network was established in 2020 and 2022 and includes Tolowa Dee-ni’ Nation, Resighini Rancheria, Kashia Band of Pomo Indians, and the Amah Mutsun Tribal Band and is supported by two non-governmental organizations. They are funded by the Ocean Protection Council, which is a leadership body created under MLPA. Tribal co-management is a goal of the network. To get there, they are focusing on the following tasks that they have prioritized: MPA monitoring, gathering Indigenous Traditional Knowledge, Tribal community engagement, and advancing conversations with the state on enhancing Indigenous-driven marine stewardship.

In summary, the State of California presents on a smaller scale some of the commitments made by the U.S. federal government to Tribes. The regulatory landscape is similar in that it does not have a single mechanism that permits or authorizes co-management, but the state policy supports agencies that want to enter into agreements. Like the federal system, it offers a flexible system with multiple entry points. And importantly, listening to the needs of Tribes and supporting where they need support is critical.

## **The State of Hawai`i**

The federal government has a special political and trust relationship with the Native Hawaiian Community that exists even without a formal government-to-government relationship (43 CFR 50). The federal government maintains its special political and trust relationship with the Native

Hawaiian Community by interacting through Native Hawaiian organizations, which serve as informal representatives of the Native Hawaiian Community with the federal government. Native Hawaiian Community means 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 CFR 50.4). The Office of Hawaiian Affairs is a semi-autonomous state agency providing for the well-being of all Native Hawaiians (regardless of blood quantum) through advocacy, research, community engagement, land management and the funding of community programs.

The State of Hawai'i has launched an initiative to establish a framework under which co-stewardship can occur. The Holomua Marine Initiative is a program in the Division of Aquatic Resources (DAR) that first came about in an announcement and commitment at the 2016 IUCN World Congress by Governor David Ige. The initiative said that communities, in partnership with DAR, will develop management frameworks that place an emphasis on community participation, cultural relevance, and improving processes and outcomes at all stages of management.

“The aim is to implement a place-based, community-led process for developing a comprehensive island-wide strategy to effectively manage nearshore marine resources around each main Hawaiian island. Through this process, communities, in partnership with DAR, will develop management frameworks that place an emphasis on community participation, cultural relevance, and improving processes and outcomes at all stages of management.”

It is a place-based, community-led process for developing a comprehensive island-wide strategy to effectively manage nearshore marine resources around each main Hawaiian island. The Holomua project developed socio-cultural principles and is developing a list of indicators used to measure these principles (e.g., the ‘values’) (Division of Aquatic Resources 2024).

There are two types of marine managed areas that fall under the Holomua Project in the nearshore area of the main Hawaiian Islands, and they include Marine Life Conservation Districts (MLCD) and Fisheries Management Areas (FMA). MLCDs limit extractive uses and FMAs manage uses.

One tool under the FMA is the Community-based Subsistence Fishing Area Designation created through legislation under Hawai'i Revised Statutes §188-22.6. CBSFAs are co-managed marine areas between the Division of Aquatic Resources and the local community. CBSFAs are designed specifically to protect Native Hawaiian culture, religion, and traditional and customary practices (Hawaii Revised Statutes §188-22.6). Three exist in the state, under state law: Kīpahulu on Maui, Miloli'i on Hawai'i Island and Hā'ena on Kaua'i.

These examples may indicate that having political will from the state may create an easy path towards successful implementation of co-stewardship. However, Winter et al. 2023, which was authored by multi-generational Kanaka 'Ōiwi knowledge holders who lived through the process, provides first-hand accounts of how difficult the process has been, including experiences and lessons learned grounded in shared Native Hawaiian values. While many lessons and challenges are like others included elsewhere in this report, it is important to take a deeper dive in place-based examples like these that share deeper context and history of Indigenous governance and colonization.

Prior to the establishment of the Holomua Initiative, the state of Hawai'i had long been engaged in the co-management of what is now known as the Papahānaumokuākea Marine National Monument (see section VII page 30). What began as a three-agency co-trustee relationship in 2006 among only state and federal agencies shifted to include the Office of Hawaiian Affairs, representing Native Hawaiians, as part of an agreement to significantly expand the size of the Monument in 2016. This was the result of a fifteen-year effort to build understanding and confidence among federal agencies about the necessity and demonstrated value of elevating Native Hawaiians as formal co-trustees of a co-managed marine area inclusive of both state and federal marine waters. The influence of Kanaka 'Ōiwi (Native Hawaiians) in co-management of Papahānaumokuākea has resulted in enduring, cumulative protection of the area since December 2000 with its first marine protection designation as the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve.

## The State of Oregon

There are nine federally recognized Tribes in Oregon. In May 1996, the Governor signed Executive Order 96-30 on state/Tribal government-to-government relations. The purpose of the order was to "establish a process which can assist in resolving potential conflict, maximize key intergovernmental relations and enhance an exchange of ideas and resources for the greater good of all Oregon's citizens, whether Tribal or not."

In 2001, Oregon became the first state to pass a state-Tribal government-to-government relations law with Senate Bill 770. Oregon Revised Statutes (ORS) §§182.162-168 directs state agencies to promote government-to-government relations with Oregon's federally recognized Tribes.

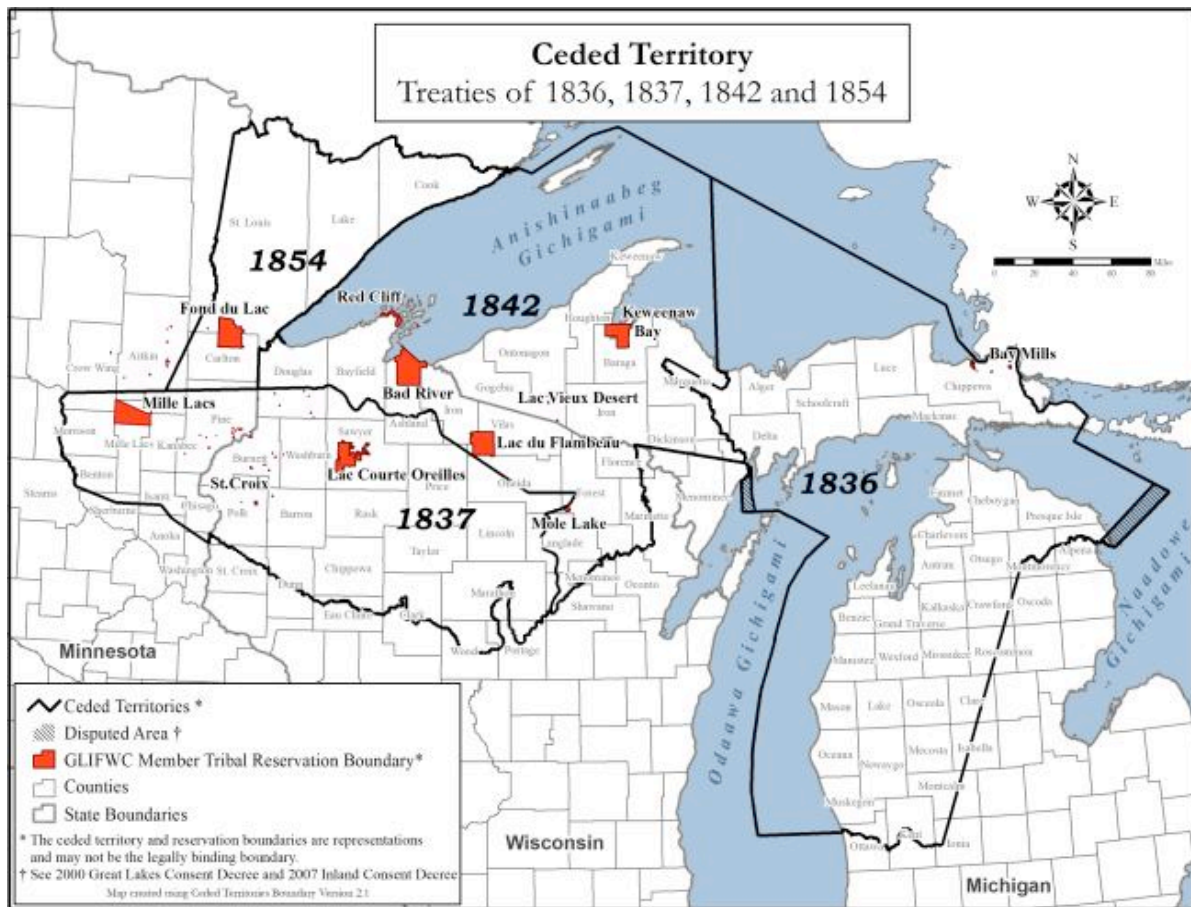
The Oregon Department of Fish and Wildlife (ODFW) Tribal Government Relations Policy promotes government-to-government relations between ODFW and Tribes in Oregon (Oregon Department of Fish and Wildlife 2014). ODFW has management agreements with multiple federally recognized Tribes in Oregon (Oregon Department of Fish and Wildlife n.d.). The agreements include cooperative management of natural resources between Tribes and the State of Oregon through ODFW. In addition to developing annual or seasonal harvest areas and limits, the agreements place licensing and tagging for authorized harvest activities that is subject to Tribal regulation and management. ODFW authority to enter into agreement is through ORS §190.110 and ORS §496.146(11).

## The States in the Great Lakes Region

The health and long-term sustainability of the Great Lakes fishery is vital to the cultural, social, and economic well-being of the Tribes, the State of Michigan, and the United States. According to the Tribes' oral histories, during a time of famine and desolation, the eight traditional clans Bear, Turtle, Deer, Loon, Crane, Marten, Bird, and Whitefish came together to discuss how to save the Anishinaabeg throughout the Great Lakes Region (GLIFWC 2025). After much debate and discussion, the Whitefish clan chose to sacrifice itself to provide for the well-being of the people. The Whitefish clan submerged itself in the Great Lakes and became the Whitefish that the Tribes fish today, and Great Lakes fish remain a primary source and means to sustain the health and prosperity of the Anishinaabeg. The Tribes emphasize the economic, cultural, traditional, spiritual, and historical significance of Tribal treaty fishing rights in the Great Lakes.

The Great Lakes have been and will continue to be an integral part of the Tribes' way of life and will continue to carve that pathway for the next seven generations because of the agreement the Tribes' and the State have made in creating a shared management plan.

Ojibwe Treaty Tribes created the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) in 1984. The commission serves 11 Ojibwe Tribes in support of property rights reserved in treaty negotiations during the mid 1800's (see Figure 7). GLIFWC assists their member Tribes in implementing natural resources assessments and harvest seasons and works with partner agencies, organizations and the public on cooperative natural resources enhancement and stewardship. Their work is rooted in science and Indigenous Knowledge to best serve the next seven generations across the 1836, 1837, 1842 and 1854 Treaty Ceded Territories.



**Figure 7.** Tribes that participate in The Great Lakes Indian Fish & Wildlife Commission (GLIFWC 2025).

The Great Lakes Decree defines Tribal rights and describes how the state and the Tribes cooperatively allocate and manage the fisheries resources in the 1836 Treaty-ceded waters of the Great Lakes. It outlines management of numerous species but puts particular emphasis on lake trout and lake whitefish. The State of Michigan and five Michigan Tribal governments including the Sault Ste. Marie, Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, The Little Traverse Bay Bands of Odawa Indians, and The Little River Band of Ottawa Indians are party to the Great Lakes Decree. The Parties engaged in extensive mediated

negotiations to resolve their differences concerning allocation, management, and regulation of fishing in 1836 Treaty Waters. These negotiations resulted in this Decree and related documents detailing how fishing in 1836 Treaty Waters will be allocated, managed, and regulated by the Parties for the next twenty-four (24) years.

The Decree governs allocation, management, and regulation of state and Tribal fisheries in the 1836 Treaty Waters. The Parties cooperatively manage a shared resource and have agreed to following principles and practices. These practices include regular communication at appropriate levels; collaboration on research of joint interest; sharing data and scientific information; sharing perspectives in a transparent manner; timely and meaningful government-to-government consultation regarding decisions and actions that may impact another Party's fishery; and a respective commitment to responsible management actions and the enforcement of regulations used to implement those management actions. The Tribes are governed by a Charter, Tribal Plan, and Tribal Code for management and regulation of their fisheries. This Decree requires the Tribes to abide by the terms of these documents, as they may be amended from time to time in accordance with their terms. The Decree sets forth additional provisions to address federal, state, and Tribal management and allocation concerns. In the event of a conflict, the provisions of this Decree shall control over the provisions of the Charter, Tribal Plan, and Tribal Code.

## The State of Alaska

Co-management efforts in Alaska have been limited due to the state's long-term adversarial approach to Alaska's Tribes and Alaska Native subsistence rights.

Many people claim that the political lay of the land of Indigenous Peoples in Alaska is too complex and fail to gather a factual understanding before working in Alaska. However, it is important to start out with the fact that the coastline of Alaska is larger than the coastline of the rest of the entire continental United States. There are 229 federally recognized Tribes in Alaska, the largest number of Tribes in any one state. This is a political and legal fact as the federal government—and the federal government alone—determines its relationship with a Tribal government. Tribes in Alaska have the same rights as all Tribes. As federally recognized Tribes, Tribes in Alaska hold all inherent sovereign rights and responsibilities that we described earlier. But the Alaska Tribes do not have a land base. There are 12 regional nonprofit Tribal organizations (e.g., Association of Village Council Presidents, Maniilaq, etc.) that can be Tribes, Tribal organizations or Tribal consortia. They were formed in the mid-to-early 20th century or to lobby for the passage of ANCSA. These organizations work with villages in their region to provide social, education, health, Tribal and other services for the community. They can compact and contract with the federal government under the Indian Self Determination and Educational Assistance Act.

The Alaska Native Claims Settlement Act of 1971 transferred title to 44 million acres of land and nearly \$1 billion to 13 regional and 200 village for-profit corporations. These regional and village ANCSA corporations are eligible for federal funding, services and need to be consulted on certain matters. The corporations were also authorized to foster cultural and language preservation and dispense scholarships. Some have taken on other responsibilities, such as advocacy on behalf of their shareholders. In addition to the ANCSA corporation, as in other states, there are a diversity of other organizations that operate in the political space that may

make decisions for Tribes that may not exclusively include Tribal membership or Alaska Native people. These organizations can include (not an exclusive list): the Marine Mammal Protection Act “co-management” entities; regional for-profit Community Quota Development Corporations (not exclusive to Alaska Native peoples); other Alaska Native Organizations like the permanent participants in the Arctic Council; the Alaska Federation of Natives; and the State of Alaska’s regional boards (not exclusively Alaska Native).

An important step towards progress of co-stewardship is the recognition of Tribal Sovereignty or the political sovereignty of Indigenous Peoples. The federal government, the federal courts, and the Alaska Supreme Court all affirmed the sovereign status of Alaska Tribes in the 1990s, yet for years the State of Alaska litigated the existence and powers of Alaska Tribes. In 2017, the Alaska Department of Law provided a legal memorandum to the then-Governor evaluating and acknowledging the “Legal status of Tribal governments in Alaska.” Five years later in 2022, the Alaska State Legislature passed a law that recognizes Alaska’s federally recognized Tribes. Neither of these developments are groundbreaking—both restated longstanding federal law that exists and is in effect regardless of what the State of Alaska says. Rather, it is the fact that these actions took place so recently that makes them notable.

The importance of having a policy statement is important on the path working towards sovereignty in the state. By acknowledging the role that Tribes play in the state, and a commitment to strengthening the relationship between Tribal and state government creates potential opportunity for other benefits such as compacting with the state.

With regards to climate change and research, the State of Alaska has been willing to create research and monitoring projects along with federal agencies for Tribes. These examples include the Southeast Alaska Tribal Ocean Research network and the Sustainable Southeast Partnership.

The Marine Mammal Protection Act, Section 119 (Public Law 103-238) allows NOAA Fisheries or the U.S. Fish and Wildlife Service (FWS) to establish agreements with Alaska Native Organizations (ANOs), including, but not limited to, Alaska Native Tribes and Tribally authorized co-management bodies. The MMPA agreements include the State of Alaska in meeting proceedings, but the agreements are signed by the co-management entities and the federal government and not the State of Alaska. These are described in Appendix C. Note that the co-management agreements are usually with a body that consists of Tribally authorized commissioners. The exceptions are the Traditional Council of St. George Island and the Tribal Government of St. Paul. It is worth mentioning these agreements here as the MMPA agreements provided the basis for having co-stewardship for ocean-based resources in Alaska and were an important milestone. They continue to be important as they are authorized in statute and could be a place to build more holistic approaches to ocean governance.

## VIII. Tribal government authorities and approaches to implementing co-stewardship and co-management in the ocean/marine waters

Indigenous Peoples use their authorities under their own jurisdictions in advancing co-management and self-management in marine waters. Internationally, this authority is recognized under Article 26 of the UNDRIP that asserts Indigenous Peoples have the right to own, develop, control, and use their lands, waters, and resources, including the marine environment, and that countries must provide legal recognition and protection to these lands, waters, and resources. Federally, we discussed the relationship between Tribes and the government at length in an earlier section. The challenge, federally, is that while Tribes may have their own authorities expressed by their sovereignty, it is still created under the auspices of the United States. So, we have identified the authorities a Tribe may take even if it appears that it is accessing a federal policy, it is still action undertaken at the behest of the Tribe. As we mentioned earlier, and is worth repeating here, that Tribal sovereignty can take different forms even in a colonized context.

The authorities that Indigenous Peoples may utilize encompass a variety of actions. A thorough understanding of the potential actions Indigenous Peoples may need to take ensures that all stages important to co-stewardship are recognized and supported. The following list describes some of the potential steps and actions that are important for Indigenous Peoples in working to develop their co-management leadership and capacity. It should also be noted that these activities can be critical prior to any agreement with the federal or state governments and all require funding investment and not only after an agreement is signed.

**Consensus-based decision making:** A Tribe is a functioning government, with processes and procedures on all elements of governance. Ocean co-stewardship often involves more than a single Tribe—so there are multiple governments all working together towards a shared goal. Many Tribes are looking to follow their traditional decision-making processes today (e.g., Stark 2024) One of these processes is to ensure consensus-based decision making, which allows for issues to be identified and thoroughly discussed. Through that process, a decision can reflect the diverse views that exist in a community—and not merely the majority “vote” or enable a debate that allows people to change their minds. It offers the need for thought out discussion that addresses multiple views thoroughly. It is an important process in not only capturing the complexities behind a decision, but in creating stewardship over a policy or idea. And it can also take time, but the benefits can be long-lasting and supported policies.

**Resolutions:** One tool that Tribal governments and organizations use in identifying policy goals and priorities are resolutions. A resolution is a formal act by a Tribal Government. Resolutions are important as they help to build consensus across scales as well as identify challenges and solutions. It is a format that all Tribal leaders are familiar with and understand. Resolutions may be among the first tools used to work towards creating governing structures for potential

marine co-management. Resolutions across time formed the basis for advocacy that led to the creation of the Northern Bering Sea Climate Resilience Area, and more generally, protections in the Northern Bering Sea.

**Hosting gatherings with Tribal authorities or representative organizations:** Tribe or regional Indigenous organizations often host a gathering to address an issue or to address the management of ocean resources more generally. Gatherings help create consensus and build trust among Tribal members. These gatherings are important in bringing multiple Tribes together, because often, there are multiple Tribes that are connected to a single, shared body of water. This shared responsibility is one of the values important in fostering ocean co-management in an inclusive way. These gatherings are important in developing a common understanding and in advancing ocean stewardship.

**Requesting a Government-to-Government Consultation:** A federally or state recognized Tribe may request a formal government-to-government consultation with a federal agency on a particular issue. This could be the start of a dialogue between the agency and Tribe. If it is a persistent issue, it could be helpful in identifying rationale for exploring co-stewardship. Funding Tribes and Tribal organizations to more successfully participate in consultations with ocean-based agencies is a need for those spaces and issues where co-stewardship would be the ideal outcome in solving challenges.

**Developing programmatic departments:** Developing programmatic departments in Tribes or Tribal organizations helps to create capacity appropriate to the Tribe or region to address priorities and better understand the challenges. It also creates specialized capacity—for example, fisheries management, monitoring/observing platforms, or to facilitate marine mammal co-management between the federal government and the Tribes.

**Creating Tribally-led Research or monitoring/observing platforms:** A Tribe or Indigenous organization may initiate a research or monitoring project with the goal of stewardship. A research or monitoring project could address a purpose important to the well-being of the community and environment. Both research and monitoring need to follow protocols depending on the knowledge system applied (science, Indigenous Knowledge or both). A research or monitoring project may address a basic question designed to help establish co-stewardship over the long term.

The Guardians, Sea Rangers and Sentinels are monitoring projects that gather observations from both scientific and Indigenous Knowledge perspectives by community members who are living, hunting, and traveling. They can help build capacity for Tribes and Tribal organizations, create connections to lands and waters, and form the basis for achieving broader conservation objectives.

Both Tribally-led research and observing platforms are critical for meeting measurable objectives in co-stewardship. Establishing such projects could help create the space for co-stewardship agreements. It is important to support the various phases that a Tribe may undertake in developing basic research or observing platform with the aim of stewardship and co-stewardship. These are often done in conjunction with colleges and the private sector, but may be important for co-stewardship agreements.

**Co-production of knowledge, policies and regulations:** Utilizing a co-production of knowledge approach could narrowly focus on research, developing specific policies or regulations by Tribes and agencies (federal or state). Taking a co-produced approach on a narrow question would be a good step towards undertaking larger co-stewardship and co-management efforts. A co-production of knowledge approach will assist in creating skills and practices, developing relationships and prepare both federal and Tribal entities for a co-stewardship agreement. A co-production of knowledge approach focuses on the process and in building equity for all participants. During a co-production of knowledge process, the Tribe and the agency might be able to better determine the areas where capacity is needed for all participants to meaningfully participate.

**Compacting with a federal agency for some authority over marine resources:** The federal Government may enter into an agreement with a Tribe or Tribal organization to take some of the responsibility for resource management. These agreements are called Tribal Self-Governance Compacts that establish the general arrangement between the Tribe and the Secretary. Currently, under Self-Governance, Tribal governments can operate select programs with specific departments, including within the Department of Interior (DOI), Indian Health Service (IHS), and the Department of Transportation (DOT). There is a legislative need to include other agencies. The Jamestown S'klallam Tribe signed an agreement with the Fish and Wildlife Service in August 2024 to assume full responsibility of managing two wildlife refuges near the Olympic Peninsula in Washington State. Compacting with a federal agency is an important Tribal authority in creating opportunities for co-stewardship as the Tribe can manage the resources according to federal law along with Tribal values and practices. The concept of Two-Eyed Seeing and the principles in the co-production of knowledge are especially applicable to compacting.

**Creating a Tribal body to engage with the federal government:** Tribes may decide to create a body that is Tribally authorized to address ocean issues in a particular space in a government-to-government relationship with the Federal government. These bodies include Tribally authorized, appointed or elected members to represent a Tribe or group of Tribes. For example, the Bering Intergovernmental Tribal Advisory Council formed a Tribally-based Task Force that regularly met with the Federal Bering Task Force to address issues in the Bering Sea. They reference their inherent sovereignty that extends to the ocean and the need for Tribal members to be a part of decision making on ocean-based issues:

*"Our Tribes are the first caretakers of the Northern Bering Sea. We are stewards of the complex webs of life that are centered in, or touch, the Northern Bering Sea. We are guided by and lift up our traditional knowledge and we affirm Tribal self-determination and our Peoples' right to protect and steward our traditional waters." (Bering Inter-Tribal Advisory Council n.d.)*

Furthermore, the Tribal Marine Stewards Network created a Leadership Council to facilitate Tribes and partners as well as to provide guidance on Network efforts (Tribal Marine Stewards Network n.d.). Both efforts create opportunities to share Tribally based perspectives and positions with Federal (Bering Inter-Tribal Advisory Council, BITAC) and state (Tribal Marine Stewards Network, TMSN) officials. Both efforts also employ and promote self-determination and can negotiate co-stewardship agreements.

**Indigenous policies and self-designations:** Tribes and Indigenous organizations create policies that enable ocean stewardship and co-management to occur. This authority has been practiced on the land (DOI 2022a) to authorize conveyance of land to Tribes. Those authorities are specific to land and not many examples exist in the ocean/marine environment. Tribes may create designations they deem important based on Tribal and customary laws. Three Tribes from the California-Oregon border to Little River near the town of Trinidad, California self-designated 700 square miles of coastal waters and marine waters as an Indigenous Self Stewarded Area. The Yurok-Tolowa Dee-ni' Indigenous Marine Stewardship Area sets a precedent as the three Tribes are reclaiming ocean waters critical to Tribal lifeways and well-being under inherent self-determination and Tribal Sovereignty. Self-designations are a critical action that Tribes may take in asserting rights to ensure a way of life and well-being that is connected to the ocean. Designations in the United States parallel ones in Canada and New Zealand. The laws in other countries may make facilitating these designations somewhat easier than in the United States. While federal jurisdictions may not recognize these designations, they offer a potential opening for creating a new designation. These designations create the documented importance and support by and from the Tribe for the ocean space. They also create support across several Tribal/Indigenous jurisdictions, which can also offer the creation of a new marine based designation at the state or federal level. While at the state level, the Tribe can have significant input, a federal designation may be more difficult and need to be open to the conditions set forth by Tribes. Defining policies through culturally appropriate methodologies is another tool that Indigenous organizations like the Inuit Circumpolar Council of Alaska (ICC) has taken in defining food security and food sovereignty. For example, ICC defines these terms using a holistic view rather than through science alone. As a result, these terms have different definitions and require social science and analyses. These reports then also include recommendations for management that includes co-management within which ICC works internationally across Inuit nunaat to create momentum for action federally that recognizes Inuit values in decision making.

**Tribally-led stewardship in the ocean:** Indigenous Peoples hold a holistic view of the ocean that includes humans as part of that system. As a result of that holistic view, Indigenous Peoples have a relationship with the ocean that affects their well-being. Ensuring that the relationships within that holistic worldview are reflected in the management (or care) of the ocean are important. Bringing that “caring” into management includes providing the space for Tribes to participate in management. Indigenous Peoples may have a vision in how to manage ocean spaces with the intent, and by the values, that they believe. The same vision may not be shared by all Tribes having a relationship to the same ocean space, as often multiple Tribes have differing knowledge/relationality to the same body of water. They may need some time to take steps to come to a place where they are comfortable in a management role, or take time to identify and develop management priorities (e.g., sustainable fisheries, conservation, wind development, etc.). Steps, for example, that include previously described actions such as gatherings, building consensus, resolutions, etc. There might not be a one-size-fits-all approach to fulfill Tribally-led or Indigenous-led stewardship for the ocean and marine spaces (process versus management intent). This progress is often clouded and made difficult to achieve by the overlay of existing regulations and natural resources challenges (overfishing, bycatch, marine debris, etc.) that can steer the direction off-course.

One approach forward is to start with smaller projects, like those identified and funded as co-stewardship by DOI (DOI 2022b, 2023, 2024). Some of the projects that DOI funded on land

could be undertaken in an ocean-based setting might include documenting knowledge in place names, documenting the ocean from an Indigenous perspective, or, creating bilingual materials that explain concepts important to Indigenous stewardship. It is important to ensure that the effort is grounded in Indigenous values. Having a common understanding of how the marine system functions from the Indigenous world view is important before even introducing and discussing natural resources issues of management. It can be a common misconception that Indigenous communities share the same values or beliefs (whether grounded in western paradigms of conservation or development). That misconception can potentially lead to conflicting interpretations and misrepresentations of Tribal management priorities.

The topic of creating Tribally-led stewardship deserves additional discussion to further delve into the common mistakes that funders, environmental nonprofits, special interest groups and industry make. In advancing their own goals, versus understanding the underlying principles of co-stewardship, they can misunderstand the Tribes' stewardship goals. Not all Tribes share the same goals in ocean management. While this statement is not meant to dissuade funders, it is meant to inform funders on the importance of funding processes. And recognizing that successful co-stewardship is a process worth investing in. Often funders are only interested in funding conservation wins.

## **Examples of Tribal co-stewardship from Tribes and Tribal organizations**

Appendix C contains a more comprehensive inventory of Tribal co-stewardship efforts in the ocean. It may not be exhaustive, but it is a start at identifying ocean examples in the United States. It also emphasizes a need to identify and effectively track such efforts.

This next section focuses on a smaller subset to share progress and identify existing co-stewardship examples and where there is future potential.

### **Hawai`i**

(Hawai`i) Kua`āina Ulu 'Auamo (KUA) is a backbone organization that supports grassroots growth through shared responsibility. It is also an incredible story of the building of co-management from the ground up based on Tribal—in this case Kanaka 'Ōiwi (Native Hawaiian) expertise, knowledge, lived experience, values, and ongoing practices to protect important shoreline areas, ocean traditions, and community well-being. KUA operates based on principles, values, and a commitment to the perpetuation of Native Hawaiian land and sea guardianship for the benefit of all Hawai`i's people, regardless of ethnicity or genealogy. It is committed to keeping communities intact and thriving alongside 'āina (that which feeds), including the land and sea and all sources of physical, spiritual and emotional nourishment.

KUA does this through network building and relationship building with state, county and federal agencies to break down barriers in the ability of communities to have agency over decisions made about their ocean resources and places of origin where they live. The founding network, E Alu Pū links more than 32 communities from around Hawai`i to increase their effectiveness in managing local biocultural heritage (Kua`āina Ulu 'Auamo n.d.-a) based on a simple but evocative idea from an elder for the island of Moloka'i that communities around Hawai`i could

benefit from learning directly from one another how to better mālama ‘āina (care for our home). To date, E Alu Pū has met at least annually since 2003, and reached hundreds of individuals of all ages.

Building from the success and massive interest built by the E Alu Pū network, Hui Mālama Loko I‘a was established to grow a network of fishpond practitioners and organizations from across the islands (Kua‘āina Ulu ‘Auamo n.d.-b). The Hui was formed as an opportunity for practitioners to support and inspire each other and leverage the collective skills, knowledge and resources related to restoration and management of loko i‘a (traditional Hawaiian fishponds). Loko i‘a, Hawaiian fishponds, are unique aquaculture systems that exist throughout Hawai‘i, and continue to feed and connect communities around the islands. The Hui which currently includes over 60 loko i‘a revitalization projects.

In 2014, at the request of elders with traditional limu (seaweed) practitioners, KUA partnered with the ‘Ewa Limu Project in an initiative to “gather the gatherers.” From this request, the Limu Hui is a network of elders, educators, and community members from across Hawai‘i who gather, care for and work to restore native Hawaiian limu around the islands (Kua‘āina Ulu ‘Auamo n.d.-c).

These networks form the base and success of KUA’s engagements over the past 20+ years. The network proves that demand for co-management from the grassroots can result in tangible engagement by communities to successfully shift nearshore ocean governance led by Tribal knowledge, wisdom, and continued practices.

### **Northern Bering Sea Climate Resilience Area**

For decades, Tribes and Tribal consortia from the Bering Sea region of Western Alaska have been advocating for enhanced protections for the Northern Bering Sea, and have long asserted a willingness to co-steward the region and build a co-management structure that is more robust and collaborative than the federal government’s usual consultation practices. The demonstrated ability of Indigenous communities to co-steward the region is centered in their unique knowledge of the area, and their right to co-steward their region is grounded in bedrock principles that predate this Nation—Tribal sovereignty, hunting and fishing rights, and the federal government’s unique legal relationship with and obligation to Tribes.

In 2016, the Obama Administration responded by issuing Executive Order 13754, which established the Northern Bering Sea Climate Resilience Area (NBSCRA) and recognized the Tribal role in the management of the Northern Bering Sea. The first Trump Administration rescinded that promise, but President Biden, on his first day in office, reinstated Executive Order 13754 and reaffirmed the federal government’s commitment to partnering with Tribes to steward the Northern Bering Sea. Since then, a diverse group of representatives from Bering Sea coastal communities and federal agencies have coalesced in an evolving partnership to protect and restore the health of the people and ecosystems of the region.

Executive Order 13754 established a first-of-its kind Federal Task Force (FTF) of senior-level agency representatives to break down silos and facilitate collaboration among the numerous federal agencies working on issues affecting the Northern Bering Sea.

Likewise, Tribes in the NBSCRA region elected members of the Bering Inter-Tribal Advisory Council (BITAC), composed of ten representatives from across the region. The BITAC is supported by the NBSCRA Coalition, which includes the Association of Village Council Presidents, Kawerak, the Bering Sea Elders Group, and the Aleut Community of St. Paul Island. The BITAC describes itself as “a unified Tribal voice that advocates for the Northern Bering Sea, its interconnected ecosystems, and all its inhabitants. Our Tribes are the first caretakers of the Northern Bering Sea. We are stewards of the complex webs of life that are centered in, or touch, the Northern Bering Sea. We are guided by and lift up our traditional knowledge and we affirm Tribal self-determination and our Peoples’ right to protect and steward our traditional waters.”

In the last few years, both the FTF and the BITAC worked to institutionalize their efforts and build resiliency independent of the NBSCRA Executive Order. The NBSCRA initiative emphasizes the importance of recognizing and including Traditional Knowledge in research, policy, and decision making, prioritizing issues of Indigenous food sovereignty, and developing methodologies to ensure co-production of knowledge in service of co-stewardship of resources.

### Pribilof Islands

The Pribilof Islands are among the most unique and important places in the world. These islands provide vital breeding and feeding habitat for more than half of the world’s population of laaqudan (as they are called in Unangam Tunuu, Native language of the community), or northern fur seals, as well as important habitat for qawan, or Steller sea lions, and other marine mammals. More than three million san, or seabirds, flock to the islands during the summer months. By virtue of their position straddling the continental shelf and deeper ocean waters of the Bering Sea, the islands play a central role in creating the productive ocean zone that supports some of the world’s largest and most profitable commercial fisheries. This irreplaceable region has experienced centuries of anthropogenic disturbances that have steadily shifted the ecosystem away from its natural stability. Today, the Aleut Community of St. Paul Island Tribal Government (ACSPI) is taking steps to ensure a vibrant future for St. Paul where co-management creates a thriving ocean ecosystem, sustainable economic opportunities, and cultural revitalization through research, Unanga investment in ocean-related business, and conservation.

The Tribe as a part of this review shared their perspective about their home:

*“Our island, and the surrounding waters are our home. Everything around us—the land, water, and animals—makes us who we are, creates our economy, and allows us to continue generations of Unanga traditions. As such, we desire to ensure that Unanga voices are heard in decisions that affect our island, animals, and economic opportunities. We are working toward our shared conservation goals alongside a sustainable, growing economy that includes local halibut fishing, research and education, and other initiatives. We must have more say in the management decisions affecting our marine environment. To help us advance this effort, we have been actively exploring many options for conservation, co-management, and co-stewardship. In 2021, we nominated Alaġum Kanuu (Heart of the Ocean) to the Inventory of National Marine Sanctuary nominations. Our vision was to utilize the National Marine Sanctuaries Act and process to create and implement an effective co-management structure between the St. Paul and St. George federally recognized*

*Tribes and the state and federal governments for this vital marine ecosystem. This nomination is the first of its kind to utilize a co-management framework for an ecosystem, although it followed in the footsteps of similar efforts in Papahānaumokuākea Marine National Monument in Hawai'i and Chumash Heritage NMS in the central coast of California. While this nomination is still currently on the NMS inventory, we have not been able to successfully get it moved to scoping. In the meantime, we have (and are) actively pursuing other tools and models to advance our community-centered goals for a healthy and thriving marine ecosystem. These efforts include, but are not limited to, investigating the IMSA model, where declaration of an important area can be accomplished independently, by ourselves and for ourselves, without state or federal approval.*

*Every step we take and option we pursue is done so in the spirit of partnership, collaboration, and economic resilience. We have committed to pursuing inclusive management policies, including maintaining our world-leading fishery management process."*

### **Northern Chumash Tribal Council**

The Northern Chumash Council along with marine scientists from Stanford University and Liverpool John Moores University are monitoring marine life using science and Indigenous Knowledge, taking a Two-Eyed-Seeing approach (Bartlett et al 2012). A Two-Eyed Seeing approach weaves together knowledges from both science and Indigenous Knowledge to generate an understanding coming from using both worlds. They plan to document historical species in Humqag, 7,000 square miles of waters west of Santa Barbara.<sup>2</sup>

Chairwoman Violet Sage Walker of the Northern Chumash Tribal Council said in a webinar held by the Lenfest Ocean Program on March 14 to launch A Two-Eyed-Seeing project, and whose late father Chief Fred Collins led designation efforts before her:

*"I'm the third generation to work on protecting this cherished area...The time is now, the urgency is now. We must combine baseline scientific data with generational knowledge to protect our shared ocean."*

This information will help inform the management plan for the first Tribally nominated national marine sanctuary, described earlier.

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<sup>2</sup> See 'Two-Eyed Seeing' off the California coast: A new research partnership will combine Indigenous and scientific knowledge to monitor marine life in a sacred Tribal region that may be a bellwether of how native species will fare in the face of climate change. <https://sustainability.stanford.edu/news/two-eyed-seeing-california-coast>

# IX. Challenges and opportunities for co-stewardship and co-management in the ocean

Marine co-management isn't going to happen overnight. There are institutional and cultural barriers to reaching meaningful and effective co-management between Indigenous Peoples and federal or state governments over the long term. We are currently dealing with one of the most unstable funding environments in the U.S. experienced by any sector of society (Tribes, public, cities, states, universities, etc.) for many years. These budget shortfalls will be very challenging for any type of sensible management of ocean systems. As a result, any funding directly towards preservation or conservation will likely be severely impeded.

Because of the very real challenges the current administration brings, those who have an interest in ocean-based co-stewardship need to creatively think about the different plausible pathways ocean governance can take under this administration. We drafted this paper for the Biodiversity Funders Group to expand their understanding of Tribally led marine stewardship and co-stewardship. And to recognize Tribally led ocean co-stewardship as a potential pathway to foster stewardship of our oceans.

We think while there are many challenges, there are also opportunities to advance co-stewardship efforts both in the current administration and in preparation for the next administration. Under the current administration, it is plausible that Tribes and Tribal organizations that are prepared to do so, could make the case to the federal government to assume more management responsibilities in ocean environments.

We discuss some of these challenges and opportunities around four themes: 1) the impetus for federal agencies to create co-stewardship opportunities in the ocean, 2) dedicated funding, 3) supporting Indigenous Peoples and Federal capacity to be co-equal managers, 4) the critical inclusion of social and cultural elements into management practices of co-stewardship in the ocean, and 5) dealing with challenges and identifying opportunities in the Trump administration.

## **Creating the impetus for federal agencies to create co-stewardship and co-management opportunities in the ocean**

As we mentioned earlier, DOI has increased not only the number of lands-based co-stewardship agreements with Tribes, but also the number of coastal/marine co-stewardship agreements with Tribes since 2022. Before reporting on the Joint Secretarial Order, DOI had signed 6 agreements with Tribes and after the order was signed, they signed an additional 13 agreements with 18 Tribes (DOI 2022b). In 2022 DOI signed 65 co-stewardship agreements with Tribes and one could be related to the marine environment (see Appendix D). In 2023 there were an additional 60+ agreements signed (DOI 2023) and 3 were considered marine-related (Appendix D). In 2024 DOI and Tribes signed (DOI 2024) another 69 co-stewardship agreements with 8 related to the marine environment (Appendix D). NOAA has signed five agreements in 2023 and two other agreements with Tribes in 2024 (listed in Appendix E). One of the 2024

agreements was also signed by DOI but not included in the DOI 2024 report. This disparity in the number of agreements speaks towards the impetus each agency has in creating collaborative structures to share management with Tribes. We walk through some of the challenges NOAA and other agencies have in their motivation to prioritize co-stewardship efforts with Tribes and offer some possible solutions that the ocean funding community might contribute towards.

**Recognizing Tribal sovereignty:** Indigenous Peoples today live within a colonized system and have sought out human and political rights both federally and internationally. The current federal system is not perfect and fails to recognize all of those with ancestral ties to waters in the United States and affiliated Islands and territories. As a result, there are Indigenous Peoples that may be unrecognized by any level of government, recognized by the federal government, or recognized by a state government. Recognition is a powerful tool that can affect the abilities of a Tribal government to receive specific types of funding, assert sovereign immunity, have the judgments of its Tribal court enforced, and other important aspects of sovereignty. Some federal authorities may apply only to federally recognized Tribes and Native Hawaiians. But not all Indigenous Peoples have a government-to-government relationship with the federal government. It is a best practice for any funder to learn about the community they are interested in funding, understand the context of how colonization has affected that community, understand how recognition (or lack of recognition) and subsequent powers and funding (or lack of powers and funding) currently impact that community. Learning the context and history of the Indigenous Peoples will be an important and critical step.

**Recognizing Indigenous Peoples knowledge about the ocean:** It is the experience of many Tribes that agencies with ocean authorities, in general, often don't recognize that Indigenous Peoples hold knowledge about the oceans and often doubt whether this knowledge is credible. Many of the reasons for this lack of understanding are often based in economic self-interest, racism, and an ingrained system of decision making that devalues holistic information. Not recognizing the value of Indigenous Knowledge leads to the exclusion of Tribes in science, monitoring, management, or policy in decisions made about the ocean. As a result, the knowledge that Tribes can contribute about managing the ocean is often ignored or undervalued (e.g., thought of as anecdotal). This lack of understanding about the importance of including Tribes in decision making further results in the separation of the cultural and social elements that connect Indigenous Peoples to ocean spaces. Decisions are often made about ocean spaces that result with huge impacts on social and cultural well-being of the Indigenous Peoples related to the waters on which they depend. While there exists policy at the executive level that recognizes the value of Indigenous Knowledge in decision making, and agencies that have ocean authorities have policies on Indigenous Knowledge, much work is still needed to operationalize and create a culture of understanding at the agency level. The funding community can help advance this through education by Tribes and non-profits with agencies and ocean institutions.

**Inherent biases in NOAA and other ocean management officials:** There are cultural and hierarchical views held by agency officials and personnel in the ocean management space that need to be overcome. Tribes are typically viewed as stakeholders with an equality provided to other true stakeholders (commercial and sport fishers, boaters, surfers, etc.). The offices within the same agency that manage ocean resources are usually separate from Tribal affairs offices. There is often little communication across offices within the same agency. Ocean-managing offices do not have any mandated training about Tribes, Indigenous Peoples, or Indigenous

Knowledge. Furthermore, it also depends on the individuals placed within the administration whether high level Tribal offices are filled.

The way in which the oceans are managed are also siloed and viewed under single species or single habitats—not as an interconnected and holistic system. This siloed view can contribute to that view of disregarding both Indigenous Knowledge and the depth of Tribes knowledge about the ocean.

**Role of Industry:** Ocean industries (fisheries, energy, mining, shipping) have historically had a large role in influencing how our oceans are managed. Ocean agencies have welcomed the inclusion of ocean industry in ocean governance. Ocean industries are also specifically mentioned in legislation such as the Magnuson Stevens Fisheries Act (MSA) while Tribes are excluded. Political relationships between the federal government and ocean industries can impede achieving an equitable space for Indigenous Peoples to have a valid, recognized and heard voice. Agencies often defer to states and/or industry interests over Indigenous Peoples and Tribal communities. For example, a case study is the latest selection of a NPFMC member representing the State of Washington, where the Governor submits candidates to the Secretary of Commerce, along with the Governor's top choice. Tribes in Washington supported a candidate that was the state's top choice. The trawl industry representative was selected by the Department of Commerce over the Tribes' and the Governor's top choice (Herz 2024). Agencies also often base decision making on economic value and economic gain versus the value of social and cultural well-being, e.g., NPFMC and decisions on bycatch over the years (e.g., Carothers et al. 2021; Gordon and Bayes 2024).

The funding community can play an important role in creating a more equitable space to find approaches for Indigenous Peoples to improve effectiveness in working with the federal government. One potential role is to support candidates for decision-making offices in Commerce and NOAA that understand and recognize Tribal Sovereignty, and are able to implement programmatically, administration policies like co-stewardship with the underlying laws that support it.

**The need to “bridge” federal Indian law and ocean policy:** As discussed throughout this paper, there are solid and long-standing legal bases supporting the different and unique position that Tribes hold when it comes to their relationships with the marine environment and their governmental partners. Much like on land, however, the laws governing the management of the ocean, as well as the agencies charged with carrying out those laws, do not consider or incorporate those Tribal interests. Thus, the sovereign status of Tribes, the Federal-Tribal trust relationship, and, in some instances, even treaty-reserved rights, are often viewed as ancillary to, if not in conflict with, management directives of these agencies. Thus, the need to bring those principles to bear on the management and oversight of the ocean presents a significant opportunity—and challenge—to move co-stewardship forward. As an initial step in this direction, it would be helpful to build the stable of lawyers and others who understand both environmental and Tribal law and can help begin the bridging process. A more in depth look at specific laws in a review form of article would be a good step forward that builds on the work of Mills and Nie (2021).

**Government accountability to the promises they have made to Tribes and Indigenous Peoples:** Holding the federal government accountable to the promises it has made to Tribes is important

and needed. The federal government has made commitments to Tribes (as evidenced through action, policies and reports included in Appendix B) that support self-determination and co-management. Not all executive priorities have been executed equitably in the ocean. The government needs to be held accountable to policies set forth as they also apply to ocean environments.

Accountability also creates the space to create new opportunities to secure other mechanisms for ocean co-stewardship. There is a need for education and a shift in agency practices that provides Tribes the opportunity for co-stewardship in the ocean. Existing ocean and marine authorities for management are extremely siloed and do not take a holistic (or even an ecosystems-based approach). It may be time to review the progress made with past approaches (integrated or ecosystem-based approach) and change gears in taking a whole or holistic look (or identify the next ocean movement) at our oceans that also better connects the ocean to people.

## **Importance of sustainable funding**

There is a need for dedicated programmatic federal funding to be prioritized for Tribes to address ocean-based resource management, or to pursue ocean-based co-stewardship. There are many underlying issues that need to be addressed that go beyond base agency programmatic funding to make Tribal ocean co-stewardship possible and successful. Some underlying issues include: the need for education about Tribes and co-stewardship in Congress, lack of funding for Tribes to create capacity to do existing efforts as well as to pursue co-stewardship opportunities and educate agencies, congress and funders. While the ocean funding community does not have the capacity to serve as a dedicated long-term source of funding, the ocean funding community may be helpful in 1) securing the funding at the legislative (and eventually executive branches) through coalition-led work with and supporting Tribes. 2) Addressing some of the underlying issues and supporting Tribes to be in the position to serve as long term ocean managers.

**Need for long-term, sustained agency funding:** There is a disparity in the per dollar cost spent on the land versus the ocean. Ocean-based agencies need to increase funding allocation to their programmatic lines of funding. Providing for Tribal self-determination in the ocean should not be a responsibility that rests on BIA alone. All agencies including NOAA need to identify co-stewardship and co-management as priorities for funding. Tribes have testified in congressional hearings supporting this need, such as the Chumash Tribal Council and Kawerak. Agencies should request programmatic funding to the Office of Management and Budget (OMB) at the White House to support co-stewardship in the yearly budget process. A transparent understanding on how those requests fare at OMB is also needed. OMB needs to create the mechanisms that allow agencies to include co-stewardship efforts in their programmatic budget requests using existing policies that enable co-stewardship. Agencies also need to ensure existing co-stewardship efforts (e.g., bodies created under the auspices of MMPA) as well as new efforts both have access to funding. Tribes and Indigenous organizations shouldn't be competing against each other in seeking funding. The competition between new and existing co-stewardship efforts is a common, maybe even false argument to dissuade co-stewardship efforts.

**Need for education about Tribes and co-stewardship in Congress:** Further education is needed in Congress to ensure that co-stewardship funding requests are maintained in the budget that Congress approves. Another opportunity for the funders is to assist with the education of congressional members on the importance of funding co-stewardship efforts in the ocean.

**Support and capacity for Tribes to engage in federal budget processes:** The federal budget process can be difficult for Tribes and Indigenous organizations to navigate and contend with on a yearly basis. Even if Tribes have support from their Congressional representative, that funding request might not be supported by other Congressional membership. The federal budget process is rigid and requires staff time to create relationships with federal and congressional staff. It can also be difficult for Tribes to secure funding for initiating key steps that lead to co-stewardship in the long run. While some Tribes may actively engage in educational and lobbying activities – not all Tribes have this access. There is a role for funders and coalitions to support Tribes in this education effort.

**Tribes need funding, in general:** Generally, Tribes need funding to carry out stewardship functions that they currently hold responsibility to manage. To carry out additional responsibilities requires more funding, and likely, additional staff and operating capacity. Funding is needed to create resolutions, gather Tribal members together, and the ability to meaningfully maintain connections with others going through the same experiences. Funding these initiating steps can create the momentum for change that larger federally funded programs could support. Ocean-based co-stewardship will often involve multiple Tribes, which means that funding coordination and collaboration is necessary. Establishing internal agreement on the side of Tribes is important, so for example, funding the process to create a memorandum of understanding among Tribes would be welcomed and effective. In addition, there may be disproportionate capacity across Tribes in a shared body of water to address the co-stewardship agreement/efforts, which will require thinking creatively about funding priorities and conversations. It is very likely that the funding community (philanthropy) will need to help fill the federal void to support Tribes. By this practice, when there is an unfavorable shift in administrations, you are building the capacity in the future to be ready to create an agreement. Another area for review might be how Tribes work in ocean spaces. Often, there are multiple Tribes that advocate for the same ocean space. Looking for opportunities to bring together Tribal and Tribal nonprofit leadership might be beneficial as this has been done for lands or health-based issues that connect people at a regional scale but has not been done for the holistic management of the oceans and for Tribal leadership.

## **Supporting Tribal and federal capacity to be co-equal managers**

Effectively supporting the capacity for co-managers coming together requires more than just making funding available. It is also necessary to have a better understanding about the best ways to overcome challenges, address needs and take opportunities to grow capacity efficiently and equitably. While the funding challenge identified above focuses on the funding process itself, this section includes those items that create the means and ability for Tribes and the federal counterparts to be able to operate on the same level playing field. It focuses more on funding a process rather than a project.

**Funding a process—small is ok:** Funding for co-stewardship means that funding is going towards fostering a process. It takes time to grow to be able to occupy the space as an equal

co-manager and different Tribes will be in different stages of the process. Funding small is ok (e.g., at the resolution or project level) as it helps build capacity to engage at the level Tribes can engage and offers an opportunity to grow. Instead of seeing a goal of a co-stewardship agreement as a hard to attain end goal, see it as funding steps in the process. Doing this in smaller steps can create capacity at the space Tribes are able to effectively engage and may lead to more equitably shared responsibility with Tribes.

**Limited capacity at Tribes and regional Tribal organizations:** Tribes and Tribal organizations are dealing with many issues today that impact everyday life (housing, transportation, health, natural resources, lands, oceans, economics, etc.). Tribes are dealing with the added impacts from the marine environment such as climate change, vessel traffic, expanding fisheries, security challenges, etc. that threaten a way of life. The lack of capacity has always been a challenge to contend with in the best of times. But when the growing and continued threats from the marine environment have everyday impacts to Tribal members on a regular basis, existing capacity (already limited) is not sufficient to address the need. There is an urgent need to invest in people for the long term that includes hiring a range of experience levels. Funding interns, youth and Elder positions that can be less than full time can be excellent ways to meet Tribes where they are. But it can also be helpful to invest in Tribal members who have both traditional and western trained experiences.

**Indigenous Peoples access to tools, frameworks and processes for success:** It is important to ensure that Indigenous Peoples have access to the tools, frameworks and processes needed to facilitate internal decision making on their own time and terms. As noted above, this can mean helping to provide the space and time to come to consensus about an issue or decision. Different Tribes may have different protocols to consider. Some Tribes may prefer separate meetings for Tribal leaders, community members, or elders. Any timeline may need to consider these protocols, and the time needed to come to consensus or make a decision. Access to tools for conflict resolution might be needed to resolve conflict among co-managers/Tribal members. Training for Tribes in specialized elements of ocean management could be helpful to avoid conflict with Federal managers. Tribes may also benefit from training about working within federal systems and processes. The ocean funding community could make a difference in funding these activities (see the Tribal government authorities and practices section for a full listing). Again, it is important to understand where a Tribe is in the co-stewardship process, and what tools they need to be successful.

**Federal and Tribal capacity needed to be co-equal managers:** Ensuring that all co-managers are equipped to understand their responsibilities and have the needed tools to be effective managers can save valuable discussion time. Funding can help support training for Tribes and Federal staff to fully occupy the space as co-managers (see capacity and means and ability in Ellam Yua et. al.). There is very little guidance in existence for either Tribes or the federal managers to be in an ocean co-management space. Ocean-based federal agencies might not have a history of collaborating with, let alone engaging with, Tribes. The lack of knowledge about Tribes can cause many challenges, especially since there is very little federal funding for training of federal staff. There is also an opportunity to create educational tools for Tribes on lessons learned from existing co-stewardship efforts. There is also a need to bring practitioners together or have that opportunity to become aware of other similar efforts. We learn best by sharing experiences—this is a new enough effort that avoiding some common pitfalls might

save time and avoid challenging situations. The ocean funding community would be a great partner to foster these needs.

## **Connecting social and cultural elements into management practices**

We started this paper by underscoring the importance of the relationships that Indigenous Peoples have with the ocean, and the holistic view of that connected system. This section explains how some of these concepts can be included in ocean-based co-management. These connections in the system are critical and have been largely absent from any federal efforts that touch on the ocean (research, science, policy regulations, management and decision making). And all too often, both state and federal systems that manage marine environments do not understand where or how to fit a holistic worldview into their regulatory systems. To have meaningful inclusion of Tribes and Indigenous Peoples in ocean-based decision making, means first, understanding these connections. There are some opportunities to work towards making that a reality that we share here.

**Taking appropriate geographical, physical and culturally based scales:** It is important to recognize and respect place-based, waterscape-level, and culturally-based approaches of the people living within the waters. Culturally relevant scales may not be reflected by state or federal boundaries and authorities. Examples of culturally connected scale might include the Indigenous Hawaiian systems of Indigenous Resource Management described by Winter et al. (2023) or the Inuit food security model and world view described by ICC Alaska (2015). These systems show the interconnectivity with lands and waters, people and the sea, and how decisions made in the ocean affect people. It is very difficult to silo the elements within those culturally connected systems, and they could better inform federal and state regulatory systems (e.g., DOI, NOAA, etc.). The place-based scale may include different culturally connected Tribes that may not ordinarily work together because of federal or state structures. There may be additional steps in decision-making processes or building consensus that are needed. Engaging the community at these culturally based scales might also include important considerations for language, processes, and youth and elders' roles, for example, in co-stewardship structures. The ocean funding community could assist in exploring what has been done (e.g., ahupua`a management systems, fisheries in the Arctic Ocean, and the formation of the Bering Inter-Tribal Advisory Council) and how what needs to change at the federal and state level to better account for taking watershed approaches to managing ocean-based resources.

**Shared responsibility to manage ocean spaces:** Everyone comes to the co-management table bearing different responsibilities or "wearing different hats" and individuals' roles might not be understood by everyone at the table. A common understanding among all co-managers is needed about what the different types of responsibilities are to marine spaces. For example, there are responsibilities that come from legal, agency missions, Tribal missions, cultural roles, cultural values, generational knowledge, etc. Once the different responsibilities (or authorities) have been identified, it is necessary to consider what a shared responsibility means in those contexts. How are all these types of responsibilities accounted for and respected? All co-managers should have that shared understanding of the collective responsibility to manage an ocean space.

**Culturally appropriate staff/capacity:** Having staff (for Tribes, federal or state co-managers) that understands Tribes is critical. Often, state and federal staff do not originate from any Tribal

community, so they require extensive training to effectively work with Tribes. The change in administrations can result in abrupt change within agencies that disrupt success in critical areas. New staff and policies that change after every election often discourage Tribes from participating. It is also important to respect the Tribe's cultural requirements in hiring staff. That staff represents the Tribe and their values. If a Tribe selects a person with experience based on their cultural ties and practices, respect that decision, but also understand that they may welcome or need training or guidance for Federal processes. Tribes learn how to work with the Federal agencies, given time. Tribes have been working with agencies for hundreds of years. But, ensuring cultural understanding among co-managers is crucial to success early on. One other consideration for both the federal and Tribal co-managers to consider is a "bridger" or a "spanner" role (e.g., Rudolf 2023). The role of a "bridger" can be important especially in ocean policy and regulatory spaces. That role can be someone who understands both Tribal and federal (or state) processes or cultures. Within the bounds of federal law and hiring policies, agencies should endeavor to recruit and hire Tribal members and people with direct experience working directly with Tribes to be more successful in their efforts. Some ocean funders may not have the ability to fund positions but should look for creative ways to create capacity within Tribes and Tribal organizations. While some fund positions at non-profits to engage with Tribes on co-stewardship advocacy, this does not create capacity for the Tribe or Tribal organization. Ideally these positions should be housed at Tribes or Tribal organizations. But funders should also familiarize themselves with a Tribe or Tribal organizations process and timeline for creating positions.

**Support Tribes and Indigenous Peoples how, where and when they want to be engaged:** It is critical to engage Tribes in co-stewardship at the place where they are able to currently engage. It is even more important to recognize when another entity (funder, ENGO or agency) might be creating pressure that is driving a process beyond a Tribe's capacity or comfort. The time might be "ripe", or we might be running out of "political time", but, the perspective of the Tribe is time immemorial. Tribes have experienced colonization and genocide in the U.S., so time is relative. Tribes understand what has provided them with resilience over time and what they are able to extend in terms of resources for co-stewardship. The first part of the rationale is to understand what co-stewardship means to the Tribe and how they can advance co-stewardship on their timeline. The other part of the rationale here is to set Tribes up for success. Tribes may be able to advance across the spectrum of Tribal ocean self-governance (Figure 2) if they are supported at the entry point where they are able to engage. Ocean funders should not see this as a negative, but a positive – there are many Tribes and Tribal organizations that are at different places along the spectrum and need different levels and kinds of support. The trick is understanding where and when to support them. Gathering this knowledge is an important part of the ocean funders relationship building process.

**Importance of coalitions:** There are many different forms of coalitions that can support Tribal co-stewardship. There are Tribal-only member coalitions (Inter-Tribal). Coalitions can include other Tribes or Tribal organizations as well as other allies and supporters. Non-Tribal allies can be critical as they have their strengths (ability to engage, do specialized work, access to non-federal capital) and weaknesses (speak for Tribe, hold bias, uneven power dynamics). Tribal and Indigenous organizations and coalitions can be critical as they can provide the support and financial backing for co-stewardship efforts. It is important to create memorandums of understanding for processes and procedures in working together on a co-stewardship goal. The ocean funders could be critical in establishing these kinds of coalitions because they have

relationships with different types of Tribes and organizations. The ocean funder can also be critical to ensuring the non-Tribal allies are educated (on the basics of Tribal co-stewardship, such as the material in this overview) and follow guidance and best practices.

**Creating new designations:** There is a need for an ocean-based designation that can be championed by Tribes and rooted in Tribal sovereignty (e.g., the principles from section V). The purpose of the designation would be Tribal self-governance and co-stewardship of ocean spaces using a holistic lens. Managing ocean spaces from a holistic world view means more than taking an EBM-based approach, which requires “incorporating” Indigenous Knowledge into a western system. For some, it is questionable as to whether the process of “incorporating” is a “good” first step, as it requires taking one knowledge system and fitting it into another, rather than creating something different. For instance, the concept of ecosystem services in EBM does not fully account for the holistic interconnected system. EBM fits the cultural values into an economic system that continues to value profit (e.g., fisheries and bycatch) over time immemorial. There is a need for both state and federal governments to offer Indigenous designated marine spaces that prioritize management from a holistic world view with priorities for management that come from the Indigenous community versus a state or federal program. Such a designation would need to be flexible for management priorities. It should be grounded in Tribal sovereignty that allows for Tribal self-governance or co-stewardship. This type of designation could better protect the priorities from the Tribes’ perspective rather than a flip-flopping government. Indigenous Peoples see that administrations come, and go—thus funding priorities also come and go. Indigenous Peoples have been here since time immemorial and will continue to do so. This type of designation recognizes that relationality. An example of this is the Resighini Tribe of the Yurok People, the Tolowa Dee-ni’ Nation, and the Cher-Ae Heights Indian Community of the Trinidad Rancheria that agreed to collaboratively steward nearly 700 square miles (about 1,800 square kilometers) of ocean and coast. There is not an existing designation in regulations that could foster that type of designation. The ocean funding community can work with another Tribal organization or Tribal funder to explore the potential for a new designation, and what might be needed when the time should arise in the future.

## **Challenges and opportunities for advancing marine co-stewardship in the Trump Administration**

The current administration is one of the most unstable federal environments in the U.S. experienced by any sector (Tribes, public, cities, states, universities, etc.) of society. Tribes are facing many challenges from basic budget shortfalls for supporting the basic Tribal government operation to emergency funding that was previously approved by the State or by Congress to the loss of most climate and environmental programmatic support. Agencies are being eliminated (e.g., Marine Mammal Commission) or under funded (NOAA, DOI, FEMA). These budget shortfalls will be very challenging for any type of sensible management of ocean systems by any single agency. As a result, any funding directly towards preservation or conservation will likely be severely impeded.

This challenge presents an opportunity to seek out areas where Tribes can collaborate with the current administration. We believe that co-stewardship, and even Tribally-led management of natural resources, might be shared with officials in a way that could fit in with priorities of the current administration. One of these priorities is to lessen the burden on agencies (i.e., creating

a smaller federal government) and bringing decision making to local Tribes and Tribal organizations. To make this happen, funding may be required to support management efforts from the funding community. This sort of effort may be the only source for a chance of real conservation efforts in the next four years (or beyond).

A potential opportunity is to make the case to the current administration that Tribes can provide management, research and services in marine areas that are possibly less expensive and more efficient.

# X. Recommendations

This paper has provided extensive background on co-management in U.S. marine and ocean waters and the challenges and opportunities to advance it. Detailed recommendations and needed changes are woven throughout the white paper. This section summarizes some of the actionable items for funders. As those specifics are considered, it is also important to recognize some broad themes that can help make funding more effective:

**Lay groundwork:** Implementing co-management approaches takes investment that can exceed traditional grant terms. It is necessary to think about investment as a longer-term process. At this stage, it is necessary to build understanding among Tribes, government, and the public. Doing so requires research, education, outreach, and coordination over time.

**Build capacity:** Tribes must have the capacity to carry out their basic day-to-day functions and engage in co-management. Providing funding and allowing Tribes to determine the highest and best of use of that funding for their staffing needs is key to ensuring long-term success.

**Bring together Tribes and their advocates:** Common understanding and the ability to learn from each other can be key to advancing co-management on a large scale. This approach is also consistent with the traditional processes explained above.

**Think big:** Accept that the guiding principle is Tribal ocean management. Co-management and co-stewardship are steps toward that goal. Investment and processes can occur within a broad framework that is looking toward fundamental change.

Those themes carry over to the following actionable recommendations:

## Short-term (1-3 years)

- Tribes and Indigenous organizations should set the direction of any funding efforts to implement co-management. It is critical to provide funds to encourage Tribes to networking and sharing experiences with other Tribes and Indigenous organizations that work in ocean co-stewardship. Tribes value exchanging knowledge and sharing lessons learned. Some examples of this type of networking could include regular calls, email list serves, and periodic in-person meetings for Tribes and Indigenous organizations focused on co-management and co-stewardship. This is a key step prior to moving forward on any recommendations or acting on them.
- Support Tribes in working with the federal government to identify areas where programs and services could be transferred to Tribes through agreements, contracting, compacting and transferring full programs and management of lands and waters.
- Support both existing and new state and Tribal co-stewardship processes (including those explained in this document) and new ideas.

- Build political support for co-management of oceans by directly supporting Tribes and Indigenous organizations entering this space. This could include strategies and resources for advocacy and lobbying. Additionally, communications strategies are needed to educate groups and engage the public on co-stewardship.
- Build broader understanding of the advantages of and need for co-management approaches by developing and implementing a communications strategy to educate groups and the engaged public. This strategy can be led by Indigenous entities.
- Support and assist Tribal organizations and consortia and representative organizations in creating capacity (e.g., building expertise and capacity to advocate for co-stewardship) so they can encourage the government to create more agreements, and have the capacity to follow through with finalizing agreements. Building capacity for Tribes and Indigenous organizations supports co-management. Tribes and Indigenous organizations should identify the capacity needs. Tribes need funding for capacity to support their efforts across a wide spectrum of activities as they advocate for and seek co-stewardship. Some possible examples of building capacity include basic capacity needs, strategies and resources for advocacy and lobbying, as well as legal and science needs.
- Support and assist Tribes to create co-management proposals and effectively navigate bureaucracy by hiring policy experts that can navigate these spaces.
- Support efforts and create opportunities where appropriate for environmental organizations to work with and assist Tribes on Tribal marine co-management priorities and needs and to develop Tribally-led conservation tools.
- Funders could help fill a critical gap in federal funding for ocean co-stewardship. The federal government is cutting Tribal contracting and programming. Ocean and land management agencies are also facing a general loss of federal employees in critical service areas for Tribes. These cuts may necessitate funding from philanthropy for Tribes to make advancement on co-stewardship during the current administration.
- As discussed throughout this paper, there are solid and long-standing legal bases supporting the different and unique position that Tribes hold when it comes to their relationships with the marine environment and their governmental partners. The status of Tribes, the Federal-Tribal trust relationship, and, in some instances, even treaty-reserved rights, are often viewed as ancillary to, if not in conflict with, management directives of these agencies. There is a need to bring those principles to bear on the management and oversight of the ocean to move co-stewardship forward. As an initial step in this direction, it would be helpful to build the stable of lawyers and others who understand both environmental and Tribal law and can help begin the bridging process.

## Long-term (3-5 years)

- Engage with the administration to create the political space for co-management to become more widespread. The funding community could advocate directly with the Department of Commerce Secretary to make ocean co-stewardship a priority (and other leadership in NOAA, DOI and the White House).
- The funding community can play an important role in creating a more equitable space to find approaches for Indigenous Peoples to improve effectiveness in working with the federal government. One potential role is to support candidates for decision-making offices in Commerce and NOAA that understand and recognize Tribal Sovereignty, and are able to implement programmatically, administration policies like co-stewardship with the underlying laws that support it.
- Government accountability to the promises they have made to Tribes and Indigenous Peoples: Holding the federal government accountable to the promises it has made to Tribes is important and needed. The federal government has made commitments to Tribes (as evidenced through action, policies and reports included in Appendix B) that support self-determination and co-management. Not all executive priorities have been executed equitably in the ocean. Funders could support entities to hold the Federal Government accountable to policies set forth as they apply to ocean environments.
- Analyze the need for improvements in laws that could create a clearer mandate in the ocean but there needs to be advocacy for marine co-management under existing authorities. Accountability also creates the space to create new opportunities to secure other mechanisms. There is a need for a clearer mandate - through legislation or policy that directly provides Tribes the authority for co-stewardship in the ocean. Existing ocean and marine authorities for management are extremely siloed and do not take a holistic (or even an ecosystems-based approach). Any new legislative authorities also need to include dedicated funding.

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## Appendix A: Terminology and Definitions

**Table 2.** Terminology and definitions for common terms in co-stewardship. Sources are footnoted.

TERM	NOAA DEFINITION	DOI DEFINITION	OTHERS AS NOTED
<b>Stewardship</b>	Stewardship refers to NOAA activities relating to management, conservation, and preservation of federal lands and waters, including wildlife and its habitat. These may include the conservation and management of coastal and marine ecosystems and resources, including vegetation, fish, marine wildlife, habitats, and other resources; the conduct of monitoring, research (inclusive of scientific research and, where appropriate, Indigenous Knowledge) to support management and services; the development of informational products and services, including weather forecasts, warnings, and climate monitoring; the protection of cultural resources and practices; and the provision of recreational and	Stewardship refers to 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. <sup>4</sup>	

<sup>4</sup> Department of the Interior. 2022a. Current land, water, and wildlife authorities that can support Tribal stewardship and co-stewardship. Final Report November 20222, Office of the Solicitor. <https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>

	educational opportunities associated with these resources. <sup>3</sup>		
<b>Co-stewardship</b>	Co-stewardship broadly refers to collaborative or cooperative arrangements between NOAA and Tribes or the Native Hawaiian Community related to shared interests in federal lands and waters, including wildlife, culture and resources. Collaborative and cooperative arrangements can take a wide variety of forms reflecting the unique relationship and shared interests of the parties. These may include, for example, sharing technical expertise, or combining the capabilities of Line Offices and Tribes or the Native Hawaiian Community through cooperative agreements or other means. The shared goals of these arrangements are to: improve resource management; foster consensus in decision-making where possible; advance the responsibilities and interests of the parties including the federal Government's responsibility to protect Tribal treaty and reserved	Co-stewardship broadly refers to collaborative or cooperative arrangements between Bureaus 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 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. <sup>6</sup>	

<sup>3</sup> NOAA. 2025. NOAA Co-stewardship Report for 2023-2024: Implementing Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. U.S. Department of Commerce. January 8, 2025. [https://www.noaa.gov/sites/default/files/2025-01/508-Co-Stewardship%20NOAA\\_01.07.25.pdf](https://www.noaa.gov/sites/default/files/2025-01/508-Co-Stewardship%20NOAA_01.07.25.pdf)

<sup>6</sup> Department of the Interior. 2022a. Current land, water, and wildlife authorities that can support Tribal stewardship and co-stewardship. Final Report November 2022, Office of the Solicitor. <https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>

	rights in federal decision-making and regulatory processes; and include where appropriate Indigenous Knowledge, experience, and perspectives to inform NOAA’s decision-making and management and policies related to these resources. <sup>5</sup>		
<b>Co-management</b>	<p>From NOAA Sustainable Fisheries Co-management is the collaborative process between co-managers, Tribal governments and state governments on the West Coast. Using scientific information, the co-managers make decisions about the management of fisheries to ensure that the fisheries meet legal requirements, treaty fishing rights, and conservation goals.<sup>7</sup></p> <p>Co-Management, as applied to NOAA authorities, refers to collaborative or cooperative arrangements undertaken pursuant to federal authority that authorize the delegation of some aspects of federal decision-making or</p>	Co-management narrowly refers to collaborative or cooperative stewardship arrangements that are undertaken pursuant to federal authority that requires the delegation of some aspect of federal decision making or that make co-management otherwise legally necessary, such as management of the salmon harvest in the Pacific Northwest, where co-management has been established by law. <sup>9</sup>	The FAO defines co-management as “A partnership arrangement in which government, the community of local resource users (fishers), external agents (non-governmental organizations, research institutions), and sometimes other fisheries and coastal resource stakeholders (boat owners, fish traders, credit agencies or money lenders, tourism industry, etc.) share the responsibility and authority for decision-making over the management of a fishery.” <sup>10</sup>

<sup>5</sup> NOAA. 2025. NOAA Co-stewardship Report for 2023-2024: Implementing Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. U.S. Department of Commerce. January 8, 2025.

[https://www.noaa.gov/sites/default/files/2025-01/508-Co-Stewardship%20NOAA\\_01.07.25.pdf](https://www.noaa.gov/sites/default/files/2025-01/508-Co-Stewardship%20NOAA_01.07.25.pdf)

<sup>7</sup> Pacific Salmon and Steelhead Fisheries Management Glossary, <https://www.fisheries.noaa.gov/west-coast/sustainable-fisheries/pacific-salmon-and-steelhead-fisheries-management-glossary>

<sup>9</sup> Department of the Interior. 2022a. Current land, water, and wildlife authorities that can support Tribal stewardship and co-stewardship. Final Report November 20222, Office of the Solicitor. <https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>

<sup>10</sup> Berkes, F., Mahon, R., McConney, P., Pollnac, R.C. and Pomeroy, R.S. 2001. Managing Small-Scale Fisheries: Alternative Directions and Methods. International Development Research Centre, Ottawa. Online <http://www.idrc.ca/books/>

	function, provide for joint roles in stewardship, or make co-management otherwise legally necessary, such as cooperative agreements between National Marine Fisheries Service and Alaska Native Organizations for the conservation of marine mammals and management of subsistence use by Alaska Natives, which is authorized by law. Co-management authorities may also arise from established Tribal Treaty rights such as those adjudicated in U.S. v Washington. <sup>8</sup>		California Fish and Game Commission adopted the definition: “A collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources.” <sup>11</sup>
<b>Collaborative management</b>		Also called collaborative partnership agreements  Depends on the agreement. Example: In 2022, the USACE, FWS, and NPT signed a collaborative management agreement, which defined collaborative management as the parties “working together to fund, manage, and operate the Hatchery.” <sup>12</sup>	Community-based management that is formally supported by government and/or private entities, in the lands and/or waters under their jurisdiction and/or ownership, is known as “collaborative management.” Where “Community-based management” is a situation where common resources used by a community are managed by that community, and it is an approach that has been shown

<sup>8</sup> NOAA. (2024, December 20). Tribal and Native Hawaiian Input on Implementing Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters: NOAA Executive Summary and Response. U.S. Department of Commerce. [https://www.noaa.gov/sites/default/files/2025-01/508-JSQ3403\\_Consultation%20Summary\\_LR\\_FINAL%2012.2024.pdf](https://www.noaa.gov/sites/default/files/2025-01/508-JSQ3403_Consultation%20Summary_LR_FINAL%2012.2024.pdf)

<sup>11</sup> California Fish and Game Commission Co-Management Vision Statement and Definition, February 2020, [file:///Users/raychelledaniel/Downloads/FGC\\_Co-mgmt%20Vision%20and%20Definition\\_012120\\_Adopted.pdf](file:///Users/raychelledaniel/Downloads/FGC_Co-mgmt%20Vision%20and%20Definition_012120_Adopted.pdf)

<sup>12</sup> Congressional Research Service (CRS) 2023. Tribal Co-management of Federal Lands: Overview and Selected Issues for Congress. Report R47563, May 18, 2023. <https://crsreports.congress.gov/product/pdf/R/R47563>

			to be effective all over the world (Berkes 2021). in Winter et al. 2003 in HI <sup>13</sup>
<b>Cooperative management</b>		cooperative agreements, with definitions depending on the agreement <sup>14</sup>	
<b>Self-management</b>		self-governance agreements, compact agreements that define the terms in the agreement - and can vary	
<b>Indigenous Marine Stewardship Areas (IMSAs)</b>	NA	NA	IMSAs are a defined geography in ocean and coastal waters that are designated by a Tribal Nation(s) to achieve long term stewardship, management and co-management of ecosystem services, and support cultural lifeways and economies. <sup>15</sup>

<sup>13</sup> Winter, K. B., M. Blach Vaughan, N. Kurashima, L. Wann, E. Cadiz, A. Kawelo, M. Cypher, L. Kaluhiwa, and H. K. Springer. 2023. Indigenous stewardship through novel approaches to collaborative management in Hawai'i. *Ecology and Society* 28(1):26. <https://doi.org/10.5751/ES-13662-280126>

<sup>14</sup> Congressional Research Service (CRS) 2023. Tribal Co-management of Federal Lands: Overview and Selected Issues for Congress. Report R47563, May 18, 2023. <https://crsreports.congress.gov/product/pdf/R/R47563>

<sup>15</sup> Yurok-Tolowa Dee-ni' Indigenous Marine Stewardship Area, <https://www.tolowa-nsn.gov/341/Yurok-Tolowa-Dee-ni-Indigenous-Marine-St#:~:text=Definition%3A%20Indigenous%20Marine%20Stewardship%20Areas,support%20cultural%20lifeways%20and%20economies>.

# Appendix B: Federal authorities for co-stewardship and co-management

## ***Executive and Agency Actions (policies, reports) that recognize Tribal Authority***

- Seminole Nation v. United States, 1942
- Cherokee Nation v. Georgia, 1831
- Executive Order 14112: Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination

## ***Executive and Agency Actions (policies, reports) that recognize the Duty to Consult***

- Memorandum on Tribal Consultation and Strengthening Nation to Nation Relationships (E.O. 13175) <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>
- Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, January 26, 2021 <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>
- Memorandum on Uniform Standards for Tribal Consultation, November 30, 2022 <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/>
- Department of the Interior Tribal Consultation Policies and Procedures - Updated in 2022
  - Department of the Interior Policy on Consultation with Indian Tribes, 512 DM 4, 11/30/2022 #5137: [https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-4\\_2.pdf](https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-4_2.pdf)
  - Department of the Interior Procedures for Consultation with Indian Tribes, 512 DM 5, 11/30/2022 #5138: [https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-5\\_2.pdf](https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-5_2.pdf)
  - Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations, 512 DM 6, 11/30/2022 #5139: <https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-6.pdf>
  - Procedures for Consultation with Alaska Native Claims Settlement Act Corporations, 512 DM 7, 11/30/2022 #5140: <https://www.doi.gov/sites/doi.gov/files/elips/documents/512-dm-7.pdf>
- The National Oceanic and Atmospheric Administration (NOAA) Policy on Government-to-Government Consultation with Federally Recognized Indian Tribal Governments
  - Policy: Administrative Order 218-8A, The National Oceanic and Atmospheric Administration (NOAA) Policy on Government-to-Government Consultation with Federally Recognized Indian Tribal Governments (Mar. 10, 2023) <https://www.noaa.gov/sites/default/files/2023-06/NAO-218-8A.pdf>

- Handbook: NOAA Procedures for Government-to-Government Consultation with Federally Recognized Tribal Governments (June 2023)  
[https://www.noaa.gov/sites/default/files/2023-06/NOAA\\_Tribal\\_Consultation\\_Handbook%202023\\_FINAL.pdf](https://www.noaa.gov/sites/default/files/2023-06/NOAA_Tribal_Consultation_Handbook%202023_FINAL.pdf)
- White House Council on Native American Affairs
  - THE WHITE HOUSE TRIBAL NATIONS SUMMIT PROGRESS REPORT, November 15-16, Prepared by the Domestic Policy Council,  
[https://www.bia.gov/sites/default/files/media\\_document/2021\\_wh-tribal-nations-summit-progress-report.pdf](https://www.bia.gov/sites/default/files/media_document/2021_wh-tribal-nations-summit-progress-report.pdf)

### ***Executive and Agency Actions (policies, reports) that recognize Aboriginal Hunting and Fishing Rights***

- Aboriginal hunting and fishing rights under Aboriginal Title
- Alaska Native Claims Settlement Act (ANCSA) and the American National Interest Land Conservation Act (ANILCA)
- Treaty rights

### ***Executive and Agency Actions (policies, reports) that recognize Indigenous Knowledge***

- White House Council on Environmental Quality (CEQ) and the White House Office of Science and Technology Policy (OSTP)
  - Implementation of Guidance for Federal Departments and Agencies on Indigenous Knowledge <https://www.whitehouse.gov/wp-content/uploads/2022/12/IK-Guidance-Implementation-Memo.pdf>
  - Guidance for Federal Departments and Agencies on Indigenous Knowledge: <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>
- Department of the Interior
  - 301 DM 7: Departmental Responsibilities for Consideration and Inclusion of Indigenous Knowledge in Departmental Actions and Scientific Research <https://www.doi.gov/document-library/departmental-manual/301-dm-7-departmental-responsibilities-consideration-and>
  - Procedures for the Inclusion and Application of Indigenous Knowledge in the Actions of the Department Handbook (301 DM 7)  
[https://www.bia.gov/sites/default/files/dup/tcinfo/301\\_dm\\_7\\_draft\\_indigenous\\_knowledge\\_handbook\\_consultation\\_11.8.24\\_508.pdf](https://www.bia.gov/sites/default/files/dup/tcinfo/301_dm_7_draft_indigenous_knowledge_handbook_consultation_11.8.24_508.pdf)
- NOAA Guidance and Best Practices for Engaging and Incorporating Indigenous Knowledge in Decision-Making (June 27, 2023)  
[https://www.noaa.gov/sites/default/files/2023-07/NOAA\\_IK\\_Guidance\\_FINAL\\_2023\\_1.pdf](https://www.noaa.gov/sites/default/files/2023-07/NOAA_IK_Guidance_FINAL_2023_1.pdf)

## **Executive Actions recognizing co-stewardship and co-management**

- Executive Order on Tackling Climate Crisis at Home and Abroad (E.O. 14008) which included:
  - Reinstating the Northern Bering Sea Climate Resilience Area E.O.
  - Sec 219 Securing Environmental Justice and Spurring Economic Opportunity
  - <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>
- Environmental Justice Executive Orders:
  - Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations (E.O. 12898) <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>
  - Executive Order on Revitalizing Our Nation’s Commitment to Environmental Justice for All <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>
- Executive Order on Advancing Racial equity and Support for Underserved communities Through the Federal Government (E.O. 13985)
  - <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>
- National Strategy for the Arctic Region
  - Strategy: October 2022: <https://www.whitehouse.gov/wp-content/uploads/2022/10/National-Strategy-for-the-Arctic-Region.pdf>
  - Implementation Plan: October 2023: <https://www.whitehouse.gov/wp-content/uploads/2023/10/NSAR-Implementation-Plan.pdf>
- The Ocean Climate Action Plan, March 2023:
  - [https://www.whitehouse.gov/wp-content/uploads/2023/03/Ocean-Climate-Action-Plan\\_Final.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/03/Ocean-Climate-Action-Plan_Final.pdf)
- Ocean Justice Strategy
  - The first-ever U.S. Ocean Justice Strategy, a report by the Ocean Policy Committee:
  - <https://www.whitehouse.gov/wp-content/uploads/2023/12/Ocean-Justice-Strategy.pdf?cb=1701982354#:~:text=Based%20on%20Executive%20Order%2014096's,making%20and%20other%20Federal%20activities>
- White House Council on Native American Affairs
  - THE WHITE HOUSE TRIBAL NATIONS SUMMIT PROGRESS REPORT, November 15-16, Prepared by the Domestic Policy Council, [https://www.bia.gov/sites/default/files/media\\_document/2021\\_wh-tribal-nations-summit-progress-report.pdf](https://www.bia.gov/sites/default/files/media_document/2021_wh-tribal-nations-summit-progress-report.pdf)

## **Agency Action recognizing co-stewardship and co-management in the ocean**

- Secretarial Order 3342: Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources Management  
[https://www.doi.gov/sites/doi.gov/files/uploads/so3342\\_partnerships.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/so3342_partnerships.pdf)
- Department of the Interior, Department Manual Part 502: Collaborative and Cooperative Stewardship with Tribes and the Native Hawaiian Community, 11/30/2022 #5135  
<https://www.doi.gov/sites/doi.gov/files/elips/documents/502-dm-1.pdf>
- Joint Secretarial Order 3403: On November 15, 2021, Department of the Interior Secretary Deb Haaland and Department of Agriculture Secretary Thomas J. Vilsack signed the Joint Secretarial Order 3403 “Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters.” On November 22, 2022, Secretary Gina Raimondo signed the Department of Commerce as a party to the Order (Joint Secretarial Order No. 3403, Amendment 1). The Secretarial Order ensures that federal lands and waters are managed in a manner that seeks to protect treaty, religious subsistence, and cultural interests of federally recognized Tribes and that such management is consistent with nation-to-nation relationship between the United States and federally recognized Tribes and that such
  - “Section 6 of S.O. 3403 on Tribal stewardship of lands and waters directs Bureaus to support consolidation of Tribal landholdings within reservations, including through Tribal acquisition of Federal lands and private inholdings. It further directs Bureaus to facilitate Tribal requests to have lands placed in trust status, including for conservation, protection of sacred sites, cultural or religious use, or exercise of subsistence of treaty reserved rights. The following authorities can support Tribal stewardship pursuant to Section 6 of S.O. 3403. Their applicability must be determined, however, based on the facts of each case. Bureaus must consult SOL to determine when the authorities discussed below apply.”
- DOI lists the authorities by agency in a report on co-stewardship authorities from 2022 by the Solicitor’s office (mostly land-based: FWS, NPS, BOEM, BOR, USGS):  
<https://www.doi.gov/sites/doi.gov/files/-final-legal-rvw-v-final-pdf-508.pdf>
- NOAA commitments in policy: Office of National Marine Sanctuaries Briefing: Actions Related to Commitments Shared at the first Cross-Pacific Indigenous Exchange (March 2024): <https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/docs/20240306-onms-briefing-cross-pacific-indigenous-exchange.pdf>
- Memorandum of Understanding (MOU) with Tribes - any agency
- Cooperative Agreements - any agency

## ***Existing laws and regulations that could be applied to co-stewardship and co-management in the ocean***

- Indian Self-Determination and Education Assistance Act
- The Indian Reorganization Act of 1934: 25 U.S.C. Sections 2 and 9 and Section 2 of the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended (SO 3342 authority)
- Antiquities Act of 1906 (Monuments)
- Marine Protection, Research and Sanctuaries Act of 1974
- Alaska National Interest Lands Conservation Act (ANILCA)
- The Marine Mammal Protection Act (MMPA, 16 U.S.C. 1388 Sec. 119)
- Migratory Bird Treaty Act, 50 CFR § 92.10 established the Alaska Migratory Bird Co-Management Council
- Coastal Zone Management Act (CZMA; Pub. L. 92–583, 86 Stat. 1280, enacted October 27, 1972, 16 U.S.C. §§ 1451–1464, Chapter 33)
- The Hawaiian Home Lands Recovery Act (HHLRA)
- Antideficiency Act
- Administrative Procedure Act
- National Environmental Policy Act
- Records-Related Authorities (FOIA, Privacy, Federal Records Act, Paperwork Reduction Act)
- Congress has provided broad authorities on land to land management agencies to partner with non-federal entities and specifically Tribes - example National Historic Preservation Act (NHPA; 54 U.S.C. §§300101 et seq.); American Indian Religious Freedom Act (AIRFA; 42 U.S.C. §§1996 et seq.); Archeological Resources Protection Act of 1979 (ARPA; 16 U.S.C. §470aa-mm); and Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. §§3001 et seq.).
- Endangered Species Act
- Magnuson-Stevens Fishery Management and Conservation Act
- Pribilof Islands Transition Act

# Appendix C: Inventory of Tribal agreements and ongoing efforts in the ocean/marine waters

The following is an attempted inventory of signed agreements and existing efforts of co-stewardship. It includes a brief description, the authorities that created the agreement and the waters within which the agreement or designation applies. Note that the state-based efforts include the authorities from the respective states. Rather than be duplicative and include authorities separately as we have done for federal authorities, we listed efforts in state waters here. To find state-based efforts, search for state waters in the third bullet. While these are publicly available, if this paper is shared beyond an internal audience, there is the need to request permission for these items to be grouped together and in such a space.

## ***The Resighini Tribe of the Yurok People, the Tolowa Dee-ni' Nation, and the Cher-Ae Heights Indian Community of the Trinidad Rancheria designated an Indigenous Marine Stewardship Area (IMSA)***

- The Resighini Tribe of the Yurok People, the Tolowa Dee-ni' Nation, and the Cher-Ae Heights Indian Community of the Trinidad Rancheria agreed to collaboratively steward nearly 700 square miles (about 1,800 square kilometers) of ocean and coast.
- Tribal designation - permission from the U.S. government isn't required to designate the IMSA because they are sovereign, and they recognize the IMSA. Tribal Constitutions of Tribal Nations and, where applicable, Tribal Ordinances of Tribal Nations.
- Tribal designation for nearly 700 square miles (about 1,800 square kilometers) of ocean and coast from the California-Oregon border to Little River near the town of Trinidad, California

## ***Northern Bering Sea Climate Resilience Area (NBSCRA): Tribal Advisory Council and Federal Task Force***

- The NBSCRA initiative emphasizes the importance of recognizing and including Indigenous Knowledge in research, policy, and decision making, prioritizing issues of Indigenous food sovereignty, and developing methodologies to ensure co-production of knowledge in service of co-stewardship of resources.
- Executive Order 13754 established an ocean-focused Bering Federal Task Force of senior-level agency representatives to facilitate collaboration among federal agencies working on issues affecting the Northern Bering Sea and cemented under the Arctic Executive Steering Committee (Executive Order 13689) as a chartered task force. Tribes and Tribal Organizations formed the Bering Inter-Tribal Advisory Council (TAC), composed of elected representatives from across the region under Tribal law.
- The Northern Bering Sea, federal waters

### ***Papahānaumokuākea Marine National Monument***

- The mission of the monument is “To carry out seamless integrated management to ensure ecological integrity and achieve strong, long-term protection and perpetuation of NWHI ecosystems, Native Hawaiian culture, and heritage resources for current and future generations.” So, to do this the management structure is such that it is administered jointly by four co-trustees—the Department of Commerce, the Department of the Interior, the State of Hawai‘i, and the Office of Hawaiian Affairs. Currently there is a proposed sanctuary that claims it would not change the co-management structure.
- The Northwestern Hawaiian Islands Marine National Monument was established by Presidential Proclamation 8031 on June 15, 2006 under the authority of the Antiquities Act (16 U.S.C. 431-433).
- There is a signed MOA for coordinated administration of all the federal and state lands and waters within the boundaries of the Monument.

### ***Tribal Marine Stewards Network (Amah Mutsun Tribal Band, Kashia Band of Pomo Indians, Pulikla Tribe of the Yurok People, Tolowa Dee-ni’ Nation, Santa Ynez Band of Chumash Indians)***

- Tribes came together in March 2020 and co-created a co-management strategy. In addition to Tribes, they invited the CA Ocean Protection Council, CA Fish and Game Commission, CA Dept of Fish and Wildlife, Ecotrust, and CIEA. This created an opportunity for funding for the Tribal Marine Stewards Network Pilot focused on monitoring projects and Tribal engagement with funding from the CA Ocean Protection Council. The TMSN first convened in 2022 to finalize a Memorandum of Agreement that identifies the organizational framework and decision-making body for the Network, as well as a Strategic Plan to chart the path forward. They have been strengthening their relationships with Tribes, building capacity and monitoring.
- Tribal Marine Stewards Network was established under the following: the Ocean Protection Act, Division 26.5 of the Public Resources Code; The proposed projects are not ‘legal projects’ that trigger the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section, section 15378.” And Sections 35500 et seq. of the Public Resources Code. Tribal Marine Stewards Network was established under the following: the Ocean Protection Act, Division 26.5 of the Public Resources Code; The proposed projects are not ‘legal projects’ that trigger the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section, section 15378.” And Sections 35500 et seq. of the Public Resources Code
- Coastal California waters

### ***Coquille Indian Tribe and The State of Oregon, through the Oregon Department of Fish and Wildlife***

- Drastic declines in Chinook salmon in 2022 led to the Coquille Tribe requesting the State of Oregon for more authority in resource management. The Tribe and state leaders agreed to co-manage fish and wildlife under Tribal regulations that the Tribe and Oregon Department of Fish and Wildlife (ODFW) develop together. There was opposition (including conservation groups) “citing concerns that the agreement could lead to Tribal commercial fishing or hunting, was drafted without adequate public input, ceded too

much authority to the Tribe, or gave “preferential treatment” to Tribal citizens over non-Indigenous Oregonians.”<sup>16</sup>

- Memorandum of Agreement to define exercise of hunting, fishing, trapping and gathering by the Coquille Indian Tribe and its members and for cooperative management of natural resources Between The Coquille Indian Tribe And The State of Oregon, through the Oregon Department of Fish and Wildlife. State authorities provided under ORS 190.110 and ORS 496.146(11). Coquille Tribe and State of Oregon MOU for co-management of decisions surrounding Chinook salmon. State authorities provided under ORS 190.110 and ORS 496.146(11).
- Southwest coastal Oregon, 1,000 square-mile Coquille River watershed, state waters

### ***Hoh Indian Tribe, Makah Indian Tribe, Quileute Indian Tribe, Quinault Indian Nation: The Intergovernmental Policy Council (IPC) with State of Washington and the OCNMS***

- The Intergovernmental Policy Council (IPC), an advisory body established by the Coastal Tribes, State of Washington and the OCNMS It is a forum for marine resource managers with regulatory jurisdiction over the marine resources and activities within the boundaries of the Olympic Coast National Marine Sanctuary to enhance their communication, policy coordination and resource management strategies
- The Office of National Marine Sanctuaries (ONMS) entered into the Agreement under the authorities governing the management of marine sanctuaries including, but not limited to, the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), the Treaties of Neah Bay and Olympia, and the federal trust and consultation responsibilities as articulated in such documents as the Executive Order on Consultation and Coordination with Indian Tribal Governments 13084 (May 14, 1998), now supplanted by Executive Order 13175 (November 6, 2000), the Executive Order on Federalism 13132 (August 4, 1999), the Secretarial Order on American Indian Tribal Rights, Federal Tribal Trust Responsibilities, and the Endangered Species Act (June 5, 1997), the American Indian and Native Alaska Policy of the U.S. Department of Commerce (March 30, 1995), and the Presidential Memorandum on Government to Government Relations with Native American Tribal Governments (April 29, 1994), the NOAA Procedures for Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations (November 12, 2013), and related policy statements. Coastal Treaty Tribes entered into the agreement with their inherent sovereignty, the Treaties of Neah Bay and Olympia, and under the authority of their respective Tribal constitutions. The State of Washington entered into the Agreement in accordance with its inherent sovereignty and the Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington, as reaffirmed by the Governor's Proclamation of April 28, 2005. <https://nmsolympiccoast.blob.core.windows.net/olympiccoast-prod/media/docs/moa-2017-136-11519.pdf>
- State and federal waters

### ***Winnemem Wintu Tribe and NOAA restore Chinook in Redding, CA***

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<sup>16</sup> Aadland, C. (2022, June 28). *Southwest Oregon tribe, state forge 'model' agreement to co-manage fish and wildlife*. OPB. <https://www.opb.org/article/2022/06/28/southwest-oregon-tribe-state-forge-model-agreement-co-manage-fish-and-wildlife/>

- The California Department of Fish and Wildlife, NOAA Fisheries and the Winnemem Wintu Tribe have signed agreements to restore Chinook salmon to the mountains north of Redding, California. The Tribe signed a co-management agreement with CDFW and a co-stewardship agreement with NOAA Fisheries.
- Agreement and Co-Stewardship Framework for Reintroduction of Anadromous Salmonids in the Tribal Cultural Landscape of the Winnemem Wintu Tribe along the McCloud River Watershed. The agreement states: “WHEREAS, the Agencies hold the legal authority to manage wildlife, fish, and waterways for the benefit of the resources and the public and also hold the regulatory responsibility for recovering listed fishes;”<sup>17</sup> And, Joint Secretarial Order 340.
- McCloud River Watershed CA, federal and state

### ***Kīpahulu on Maui, HI***

- The Kīpahulu Community-Based Subsistence Fishing Area (CBSFA) spans 5.7 miles of coastline and covers 1,650 acres of submerged area and became the third CBSFA in Hawai‘i on March 15, 2024.
- Community-based Subsistence Fishing Area Designation under Hawai‘i Revised Statutes §188-22.6 CBSFAs are unique, co-managed marine areas between the Division of Aquatic Resources and the local community, designed specifically to perpetuate and protect Native Hawaiian culture, religion, and traditional and customary practices.” [https://dlnr.hawaii.gov/dar/files/2015/08/HRS\\_188-22.6.pdf](https://dlnr.hawaii.gov/dar/files/2015/08/HRS_188-22.6.pdf)
- State waters

### ***Miloli‘i on Hawai‘i Island, HI***

- “The Miloli‘i Community-Based Subsistence Fishing Area (CBSFA) includes the waters and submerged lands from the shoreline to the 100-fathom depth contour on the southwest coast of Hawai‘i Island, from Pa‘akai Point at Kīpāhoehoe in the north to Kaunā Point in the south” (<https://dlnr.hawaii.gov/dar/regulated-areas/miloli-i-community-based-subsistence-fishing-area/>)
- Community-based Subsistence Fishing Area Designation under Hawai‘i Revised Statutes §188-22.6 CBSFAs are unique, co-managed marine areas between the Division of Aquatic Resources and the local community, designed specifically to perpetuate and protect Native Hawaiian culture, religion, and traditional and customary practices.” [https://dlnr.hawaii.gov/dar/files/2015/08/HRS\\_188-22.6.pdf](https://dlnr.hawaii.gov/dar/files/2015/08/HRS_188-22.6.pdf)
- State waters

### ***Hā‘ena on Kaua‘i, HI***

- “The Hā‘ena Community-Based Subsistence Fishing Area (CBSFA) includes the waters and submerged lands from the shoreline to a distance of one mile off the northwestern coast of Kaua‘i, bounded by a straight line extending seaward at the boundary between Hā‘ena State Park and Nā Pali State Park, and a straight line extending seaward at the boundary between Hā‘ena and Wainiha” (<https://dlnr.hawaii.gov/dar/fishing/fishing->

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<sup>17</sup> California Department of Fish and Wildlife. (n.d.). *Agreement and Co-Stewardship Framework for Reintroduction of Anadromous Salmonids in the Tribal Cultural Landscape of the Winnemem Wintu Tribe along the McCloud River Watershed*. Retrieved May 18, 2025, from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=212746&inline>

[regulations/regulated-areas/regulated-fishing-areas-on-kauai/#haena-community-based-subsistence-fishing-area](#)).

- Community-based Subsistence Fishing Area Designation under Hawai'i Revised Statutes §188-22.6 CBSFAs are unique, co-managed marine areas between the Division of Aquatic Resources and the local community, designed specifically to perpetuate and protect Native Hawaiian culture, religion, and traditional and customary practices." [https://dlnr.hawaii.gov/dar/files/2015/08/HRS\\_188-22.6.pdf](https://dlnr.hawaii.gov/dar/files/2015/08/HRS_188-22.6.pdf)
- State waters

### ***Jamestown S'Klallam and The Dungeness River Management Team***

- The U.S. Fish and Wildlife Service (FWS) and Jamestown S'Klallam Tribe entered a multiyear funding compact pursuant to title IV of the Indian Self-Determination and Education Assistance Act regarding management of Dungeness and Protection Island National Wildlife Refuges. This co-stewardship agreement emphasizes the protection of marine and avian species, including the restoration of eelgrass beds and salmon habitats, which are vital to the Tribe's subsistence and cultural heritage.
- ISDEAA and Executive Order 3403
- Protection Island and Dungeness Bay, state waters but Federal Refuges, so with the federal government

### ***Chumash Heritage National Marine Sanctuary/co-management agreement***

- Encompassing 4,543 square miles along 116 miles of California coast, the Chumash Heritage National Marine Sanctuary (CHNMS) provides critical environmental protections and allows for Tribal and Indigenous management. The final management plan outlines a course of action for understanding and protecting sanctuary resources in collaboration with Tribes and Indigenous community partners (<https://nmssanctuaries.blob.core.windows.net/sanctuaries-prod/media/chumash/2024-chnms-final-management-plan.pdf>). The sanctuary nomination was submitted in July 2015 by the Northern Chumash Tribal Council. NOAA published the final rule, management plan and record of decision on October 11, 2024 which became effective on November 30, 2024 (<https://sanctuaries.noaa.gov/chumash-heritage/about/designation.html>).
- National Marine Sanctuaries Act (NMSA; 16 U.S.C. §§ 1431 et seq.)
- State and federal waters (at its maximum, it extends 60 miles offshore)

### ***Aleut Community of St. Paul Island MOU with Commerce/NOAA***

- A co-management agreement between the Aleut Community of St. Paul Island (ACSPI) and the National Marine Fisheries Service (NMFS) covering laaquadan (northern fur seal), qawan (Steller sea lion), and isugin (harbor seal). The areas included St. Paul Island, and the associated interaction areas of Walrus Island, Otter Island, and Sea Lion Rock.
- NFMS authority to enter agreement is under Section 119 (16 U.S.C. § 1388) of the Marine Mammal Protection Act of 1972 (16 U.S.C. §§ 1361-1407). ACSPI authority to enter into the agreement comes from the constitution and bylaws for ACSPI. NMFS authority to manage qawan and laaquadan is under the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1544) and the Fur Seal Act of 1966 (16 U.S.C. §§ 1151-1175). <https://www.fisheries.noaa.gov/s3//dam-migration/nfs-st-paul-comanagement-agreement-2020.pdf>

- Federal

### ***Tulalip Tribes and USFS memorandum of agreement***

- The October 3, 2007 memorandum of agreement (MOA) establishes a framework for a cooperative government-to-government relationship between the Tulalip Tribes and the United States government regarding issues relating to the Mt. Baker Snoqualmie National Forest. The MOA's objectives include: facilitating timely communication between parties; Tribal participation in land and resource management plans; exercising of Tribes' treaty hunting and fishing rights; and establishing a framework for mutual collaboration that includes technical expertise and data sharing ([https://cops.usdoj.gov/pdf/tribal\\_training/MOU\\_MOA/Formalization\\_of\\_Relationship/MOA\\_Tulalip\\_Tribes\\_US\\_Forest\\_Service.pdf](https://cops.usdoj.gov/pdf/tribal_training/MOU_MOA/Formalization_of_Relationship/MOA_Tulalip_Tribes_US_Forest_Service.pdf)).
- Consultation and coordination with Tribes are required by federal statute under executive orders and memoranda including: "Government to Government Relationship With Tribes" (1994), and "Designation of Cooperating Agencies under NEPA" (Council on Environmental Quality, 2002). Relevant statutes and policies include: The National Environmental Policy Act (NEPA); the Endangered Species Act (ESA); the National Historic Preservation Act (NHPA); the Archaeological Resources Preservation Act (ARPA); the Native American Graves Protection and Repatriation Act (NAGPRA); the American Indian Religious Freedom Act (AIRFA); Executive Order 13175-Consultation and Coordination with Indian Tribal Governments (Nov. 6, 2000); and Executive Order 12898 – Federal Actions to Address Environmental Justice in Low Income and Minority Populations (Feb. 11, 1994)
- Federal

### ***Oregon Tribes co-management agreement with State of Oregon***

- Oregon Department of Fish and Wildlife (ODFW) has management agreements with multiple federally recognized Tribes in Oregon ([https://www.dfw.state.or.us/tribal\\_relations/](https://www.dfw.state.or.us/tribal_relations/)). The agreements include cooperative management of natural resources between Tribes and the State of Oregon through ODFW. In addition to developing annual or seasonal harvest areas and limits, the agreements place licensing and tagging for authorized harvest activities is subject to Tribal regulation and management.
- ORS §§182.162-166 passed in Senate Bill 770 (2001) directs state agencies to promote government-to-government relations with Oregon's federally recognized Tribes. Oregon Department of Fish and Wildlife (ODFW) Tribal Government Relations Policy "DO\_100\_04" (effective date: December 15, 2014) promotes government-to-government relations between ODFW and Tribes in Oregon ([https://www.dfw.state.or.us/hr/policies/DO\\_100\\_04.pdf](https://www.dfw.state.or.us/hr/policies/DO_100_04.pdf)). ODFW authority to enter into agreement is through ORS §190.110 and ORS §496.146(11). Other relevant statutory authority includes ORS, §496.012, §496.138, §496.162, §506.109.
- State

### ***Bristol Bay Indigenous Guardians (Alaska Native Village of Igiugig)***

- The Bristol Bay Guardians program fosters inclusive research and monitoring, empowering local communities to actively participate in land planning and stewardship.

The program combines Indigenous Knowledge and western science (<https://bristolbayguardians.com/>).

- Authority: Tribally-led
- Tribal

### ***Indigenous Sentinels Program (Aleut Community of St. Paul Island)***

- The Indigenous Sentinels Network (ISN) is a Tribally-owned program with the goal of providing remote Indigenous communities with tools, training and capacity for ecological, environmental and climate monitoring (<https://www.sentinelsnetwork.com/about-1>).
- Authority: Tribally-led
- Tribal

### ***Southeast Alaska Tribal Ocean Research network***

- Motivated by ensuring food security, the Southeast Alaska Tribal Ocean Research network (SEATOR) monitors ocean chemistry and toxic plankton blooms, tests shellfish for dangerous toxins, and works with the Environmental Protection Agency (EPA) to raise water quality standards (<http://seator.org/resources/>).
- Authority: Tribally-led
- Tribal

### ***Central Arctic Ocean Fisheries Agreement***

- Signed October 3, 2018, the Central Arctic Ocean Fisheries Agreement (CAOFA) aims to “prevent unregulated fishing in the high seas portion of the central Arctic Ocean through the application of precautionary conservation and management measures as part of a long-term strategy to safeguard healthy marine ecosystems and to ensure the conservation and sustainable use of fish stocks”. The 10 signatories to the agreement were: Canada, the People’s Republic of China, the Kingdom of Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Japan, the Kingdom of Norway, the Republic of Korea, the Russian Federation, and the United States of America (<https://vlab.noaa.gov/web/caofa>).
- Authority: International agreement
- International

### ***NOAA Fisheries/U.S. Fish and Wildlife Service marine mammal co-management agreements under Section 119 of the Marine Mammal Protection Act with committees based on marine mammal species***

- Section 119 of the Marine Mammal Protection Act (MMPA) allows NOAA Fisheries or the U.S. Fish and Wildlife Service to establish agreements with Alaska Native Organizations, including, but not limited to, Alaska Native Tribes and Tribally authorized co-management bodies to conserve marine mammals and provide co-management of subsistence use by Alaska Natives. Memorandums of Agreement in 1997 and 2006 between the U.S. Department of Commerce National Marine Fisheries Service (NMFS), the U.S. Department of Interior Fish and Wildlife Service (FWS), and the Indigenous Peoples Council for Marine Mammals (IPCOMM) set out to provide a foundation for developing the agreements as provided under section 119 of the MMPA and to promote

the health of marine mammal species

(<https://www.fisheries.noaa.gov/resource/document/memorandum-agreement-negotiation-marine-mammal-protection-act-section-119>). A list of cooperative agreements through section 119 of the MMPA can be found here:

<https://www.fisheries.noaa.gov/alaska/marine-mammal-protection/co-management-marine-mammals-alaska>

- 16 U.S.C. 1388 § 119 states “The Secretary may enter into cooperative agreements with Alaska Native organizations to conserve marine mammals and provide co-management of subsistence use by Alaska Natives”
- Federal

### ***Alaska Migratory Bird Co-Management Council (AMBCC)***

- The amended treaty with Canada called for creation of management bodies to ensure an effective and meaningful role for indigenous Peoples in Alaska in the conservation of migratory birds. This led to the creation of the Alaska Migratory Bird Co-Management Council. The U.S. Fish & Wildlife Service, Alaska Department of Fish & Game, and Alaska Native representatives from the subsistence regions in Alaska have worked collaboratively since 2000 to co-manage the spring and summer migratory bird subsistence harvest season. The primary purpose of the AMBCC is to conserve migratory birds and respect the relationship we all share with them through development of annual harvest regulations, assessment and reporting of subsistence harvest, and statewide outreach. AMBCC is designed for direct involvement by Alaska Native peoples and other qualified individuals living and subsisting in many remote communities within Alaska.
- Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-712
- Federal, State

### ***National Parks***

- 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. <https://www.doi.gov/ocl/tribal-co-management-federal-lands>
- Organic Act and ISDEAA
- Federal

# Appendix D: DOI Tribal co-stewardship agreements in 2022, 2023 and 2024

This appendix lists the **marine/coastal ONLY** DOI agreements signed by DOI and by Tribes from the yearly co-stewardship reports: DOI 2022b, 2023, 2024. Note that DOI signed over 400 agreements (land and coastal) during this time period.

## Co-stewardship agreements signed in 2022:

### *Columbia River Upper Basin:*

Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, and the Spokane Tribe of Indians and FWS (Idaho, Washington)

The FWS worked with the Confederated Tribes of the Colville Reservation, Coeur d'Alene Tribe, and Spokane Tribe of Indians to develop a historic agreement to reintroduce anadromous fish populations into blocked habitats in the Upper Columbia River Basin. The FWS provides up to 180,000 juvenile summer Chinook salmon from Entiat National Fish Hatchery; provides surplus summer Chinook adults to facilitate Tribal ceremonial events on the Coeur d'Alene Reservation; facilitates and streamlines environmental compliance allowing Tribal research priorities to occur; and supports tribally led efforts to reintroduce healthy and abundant anadromous fish populations into the Upper Columbia River Basin. The FWS has committed to seek additional funding for this effort and to take other actions necessary to advance implementation.

Additional funding may come from BOR, and the Department of Energy and Bonneville Power Administration are engaged in Departmental efforts.

## Co-stewardship agreements signed in 2023:

### *Kuskokwim River Inter-Tribal Fish Commission*

KRITFC - composed of 33 Federally recognized Tribes / USGS, FWS

"The USGS entered into a 5-year cooperative agreement with the KRITFC to increase its capacity to co-manage fisheries with FWS and will increase capacity for KRITFC to co-produce science with the USGS and other Department of the Interior (Interior) Bureaus. Over the next 5 years, KRITFC will use Interior funds to initiate Indigenous-led research efforts, reestablish a field camp and weir to count fish, and to improve community-based monitoring efforts."

### *Offshore Washington Ancient Landforms*

Quinault Indian Nation / BOEM

"The objective of this study is to fill an existing data gap in BOEM's regional model of submerged paleolandforms off the U.S. West Coast by integrating industry-standard geophysical survey data with traditional Tribal knowledge."

### *Nantucket Sound*

Mashpee Wampanoag Tribe / BOEM

"Cooperative agreement with the Mashpee Wampanoag Tribe, entitled "Capacity Building and Collaboration with the Aquinnah and Mashpee Wampanoag Tribes," to help the Tribes manage and analyze environmental information, develop best practices for management of data, and facilitate the nomination of Nantucket Sound as a National Historic Landmark."

## **Co-stewardship agreements signed in 2024:**

### ***Cape Cod: Mashpee Wampanoag Tribe and Bureau of Ocean Energy Management***

(Massachusetts):

"A cooperative agreement with the Mashpee Wampanoag Tribe provides capacity to the Tribe to manage and analyze the requisite environmental information supplied by offshore wind energy developers"

### ***Coastal Washington: Quinault Indian Nation and Bureau of Ocean Energy Management***

(Washington):

"BOEM is working with the Quinault Indian Nation's Tribal Historic Preservation Office and Oregon State University to refine the model for understanding and identifying submerged precontact landforms off the Pacific Coast"; "The goal is to create a better model of submerged paleo-landforms off the Pacific Coast by integrating industry-standard geophysical survey data with Indigenous Knowledge through consultation with coastal Washington Tribes"

### ***Dungeness and Protection Island National Wildlife Refuges: Jamestown S'Klallam Tribe and U.S. Fish and Wildlife Service***

(Washington):

"This co-stewardship agreement emphasizes the protection of marine and avian species, including the restoration of eelgrass beds and salmon habitats, which are vital to the Tribe's subsistence and cultural heritage"

### ***Everglades and Biscayne National Parks: Miccosukee Tribe of Indians of Florida and National Park Service***

(Florida):

"The Biscayne National Park agreement acknowledges Tribal citizens' right to traditional fishing and gathering of palm fronds and medicinally significant plants within the park's borders, subject to applicable laws, regulations, and policies. The Biscayne National Park agreement also addresses collaboration on fisheries management and vegetation restoration"

### ***Gravel to Gravel: Memorandum of Understanding between Alaska Natives and Interior Bureaus***

(Alaska):

"Through the Gravel to Gravel Keystone Initiative, Interior is investing funds made available through the Bipartisan Infrastructure Law to support resilient ecosystems and communities in the Yukon, Kuskokwim, and Norton Sound regions of Alaska and make immediate investments to respond to the salmon crisis"

### ***Integrated Water Availability Assessment Collaboration Activities: Yurok Tribe and U.S. Geological Survey***

(California):

"(USGS) is partnering with the Yurok Tribe of California pursuant to a Self-Governance Agreement on a project to assess the sedimentary and geomorphic effects of dam removal on the Klamath River's downstream corridor...provide a comprehensive understanding of how the downstream river corridor and estuary respond to an increase in fine-sediment flux"

### ***Lisamu': Santa Ynez Band of Chumash Indians and Bureau of Ocean Energy Management***

(California):

"BOEM entered into a cooperative agreement with the Santa Ynez Band of Chumash Indians in central California to support the nomination of Lisamu' (Morro Rock; Lisamu' in Chumash; Le'samo in Salinan) to the National Register of Historic Places as a traditional cultural place"

***Pacific Northwest: Northwest Indian Fisheries Commission and U.S. Geological Survey:***

"Representing 20 treaty Tribes in Washington State, the Northwest Indian Fisheries Commission co-manages fisheries and co-administers investments made by Federal agencies to protect and restore habitats important to salmon and shellfish recovery and treaty rights.

# Appendix E: NOAA Tribal co-stewardship agreements in 2023, 2024 and 2025

This appendix lists the NOAA agreements signed by NOAA and by Tribes from NOAA (2025).<sup>18</sup> The NOAA report also lists projects funded through competitive request for proposal processes. Not all those projects are listed here. The projects funded through only the Tribal and Hawaiian Homeland initiative are, however, listed. If all individual projects were listed, we would need to include or account for all EPA, NOAA, DHS, HHS funded projects through their respective competitive processes.

## Examples of co-stewardship agreements signed in 2023:

### *Conservation of Cape Foulweather Headland, an Icon of the Central Oregon Coast*

In 2023, NOAA provided \$2 million for the conservation of Cape Foulweather Headland. The Confederated Tribes of Siletz Indians will purchase the ecologically and culturally significant “Cape Foulweather” property, located on a bluff overlooking the Pacific Ocean. This project will conserve the undeveloped coastal property that hosts habitats rich in marine mammals, a rare salt spray meadow complex, and upland forest connections that are important to threatened species. <https://oregonlandtrusts.org/celcp-foulweather/>

### *Winnemem Wintu Tribe Co-Stewardship Agreement with NOAA and State of California*

In 2023, the California Department of Fish and Wildlife, NOAA Fisheries, and the Winnemem Wintu Tribe signed agreements to restore Chinook salmon to the mountains north of Redding, California. The goal of this agreement is ecological and cultural restoration, which will one day renew fishing opportunities for the Tribe that depended on the once-plentiful salmon for food and much more. <https://www.fisheries.noaa.gov/feature-story/tribe-state-and-federal-partners-join-return-endangered-salmon-historic-habitat>

### *Conservation of Ancestral Lands – Upper Mattaponi Indian Tribe's Return to the River*

In 2023, the Upper Mattaponi Indian Tribe, through the Virginia Coastal Zone Management Program, acquired and conserved 866 acres of historic Tribal lands along the Tribe’s namesake river, the Mattaponi, within the Chesapeake Bay watershed. This was the Tribe’s first opportunity to acquire ancestral lands for conservation, which will allow them to pursue future activities to enhance culturally significant fish, wildlife, and plants through habitat restoration. The conservation benefits will extend to Tribal citizens and others who enjoy the region’s coast. NOAA provided \$3 million to fund this project from the Bipartisan Infrastructure Law. <https://www.noaa.gov/stories/return-to-river-upper-mattaponi-tribe-reclaim-their-ancestral-lands>

### *Efforts to Restore Healthy and Abundant Salmon Populations to Upper Columbia River Basin*

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<sup>18</sup> NOAA. 2025. NOAA Co-stewardship Report for 2023-2024: Implementing Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. U.S. Department of Commerce. January 8, 2025. [https://www.noaa.gov/sites/default/files/2025-01/508-Co-Stewardship%20NOAA\\_01.07.25.pdf](https://www.noaa.gov/sites/default/files/2025-01/508-Co-Stewardship%20NOAA_01.07.25.pdf)

In September 2023, the Biden-Harris administration announced an historic agreement to support Tribally led efforts to restore healthy and abundant salmon populations in the Upper Columbia River Basin. The agreement between the United States, the Confederated Tribes of the Colville Reservation, the Coeur d'Alene Tribe, and the Spokane Tribe of Indians will fund efforts to test the feasibility of, and ultimately to reintroduce salmon in blocked habitats in the Upper Basin. The agreement between the Tribes and the DOI's Bureau of Reclamation and U.S. Fish and Wildlife Service, DOC's National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the Department of Energy's Bonneville Power Administration (BPA) includes \$200 million over 20 years from the BPA to advance the Phase 2 Implementation Plan. The other agencies, including NOAA, also agreed to use their authorities to seek additional funding for this effort and to take other actions necessary to advance implementation.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/27/fact-sheet-president-biden-takes-action-to-restore-healthy-and-abundant-wild-salmon-and-steelhead-in-the-columbia-river-basin/>

### ***Ten-Year Partnership with Tribes and States to Restore Wild Salmon, Expand Clean Energy Production, Increase Resilience, and Provide Energy Stability in the Columbia River Basin***

In December 2023, the Biden-Harris Administration announced an historic agreement to work in partnership with Pacific Northwest Tribes (Nez Perce, Umatilla, Warm Springs, and Yakama) and States (Oregon and Washington) to restore wild salmon populations, expand Tribally sponsored clean energy production, and provide stability for communities that depend on the Columbia River system. Implementation of the agreement will diversify and develop affordable, clean, and reliable energy options for the region. Investments under this agreement will help ensure continued energy reliability and affordability, transportation, recreation, irrigation, and other key services. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/14/fact-sheet-biden-harris-administration-announces-10-year-partnership-with-tribes-and-states-to-restore-wild-salmon-expand-clean-energy-production-increase-resilience-and-provide-energy-stability-i/>

## **Examples of co-stewardship agreements signed in 2024:**

### ***Chumash Heritage National Marines Sanctuary***

In 2024, NOAA designated the Chumash Heritage National Marine Sanctuary. Chumash Heritage National Marine Sanctuary is the 3rd-largest national marine sanctuary in the system and will conserve the area's diverse range of marine life and celebrate Indigenous peoples' connections to the region. This sanctuary designation is the result of a decade of work by Tribes, Indigenous Peoples, community leaders, organizations, businesses, state and local officials, and members of Congress to develop and advance the vision for the Chumash Heritage National Marine Sanctuary. <https://sanctuaries.noaa.gov/chumash-heritage/>

### ***Federal Agencies and Northern Bering Sea Tribes Commit to Joint Development of a Plan to Promote Salmon and Community Resilience***

In 2024, the Federal Task Force on the Northern Bering Sea Climate Resilience Area and the Bering Intergovernmental Tribal Advisory Council signed an historic Joint Vision Statement to develop a Salmon Resilience Plan. The Statement outlines a vision to develop a plan to restore, conserve, and protect salmon populations and promote resilience of Tribal communities dependent on them through a collaborative and whole-of-government approach. The Joint Vision Statement builds on more than two years of collaboration between Tribal representatives

and the agencies pursuant to Executive Order 13754, which created the Northern Bering Sea Climate Resilience Area. The Statement recognizes the crisis affecting many Alaskan Native communities due to the historically low returns of salmon in the Yukon and Kuskokwim rivers and sets forth goals, principles, and elements to be included in a Salmon Resilience Plan to be co-produced in the coming year. The Statement further recognizes the need to coordinate with other relevant governmental and non-governmental entities in developing and implementing the Plan. <https://www.whitehouse.gov/wp-content/uploads/2024/11/Joint-Vision-Statement.pdf>

## **Funding Initiatives supporting Tribal and Native Hawaiian Homelands (2023)**

### ***Swinomish Indian Tribal Community Clam Garden***

In 2023, NOAA supported and worked with the Swinomish Indian Tribal Community and key partners, including Washington Sea Grant, to help build the first modern clam garden in the United States. The first modern clam garden is reviving a 3500-year-old Indigenous practice and providing subsistence and environmental resilience for the Tribal community.

[https://www.fisheries.noaa.gov/video/swinomish-indian-tribal-community-clam-garden?utm\\_medium=email&utm\\_source=govdelivery](https://www.fisheries.noaa.gov/video/swinomish-indian-tribal-community-clam-garden?utm_medium=email&utm_source=govdelivery)

### ***Restoring and Strengthening Resilience of Maui Nui Reefs***

In 2023, NOAA invested \$3.1 million to restore habitats and strengthen coastal resilience at two sites in West Maui and South Moloka'i in Hawai'i. This project will restore the lower Wahikuli streambank, restore estuarine habitat within two 30-acre fishponds in south shore Moloka'i, engage the community in designing a water quality outreach and education program, and document lessons learned to inform and scale future restoration efforts statewide.

<https://coast.noaa.gov/states/stories/maui-nui-reefs.html>

### ***Tribal Ocean and Coastal Resources***

In 2023, NOAA awarded \$1.1 million to the Makah Indian Tribe, Quinault Indian Nation, Columbia River Inter-Tribal Fish Commission, and Quileute Tribe – to support Tribal actions related to regional ocean and coastal priorities. Through this first-of-its-kind deployment, these awards will support projects to advance regional ocean partnerships and data sharing among ocean users and include the engagement of federally recognized Tribes with existing regional ocean partnerships. <https://www.noaa.gov/news-release/noaa-awards-205-million-for-ocean-and-coastal-resource-management>

### ***Holistic Community-led Habitat Restoration in a Hawaiian Context***

In 2023, NOAA awarded \$7.8 million to Mālama Maunalua. The traditional Native Hawaiian-based ridge-to-reef (ahupua'a) strategy will be used to address habitat degradation in the Niu, Kuli'ou'ou, and Wailupe watersheds of the Maunalua Bay region of O'ahu and represents the first time this approach has been used in a heavily urbanized area. The project will focus on including Native Hawaiian Communities and organizations in the restoration work, to build capacity and inspiration for future restoration efforts. <https://www.noaa.gov/news-release/noaa-bil-investments-2023-hawaii>

### ***Waihe'e Coastal Dunes and Wetlands Refuge Kapoho Loko i'a and Lo'i Kalo Restoration Hawaiian Islands Land Trust***

In 2023, NOAA awarded \$804,000 to support the restoration project. The Hawaiian Islands Land Trust and Native Hawaiians from the Waihee and Waiehu communities will work together to restore the flow of water to the taro fields and fish ponds at the Waihee Coastal Dunes and Wetlands Refuge on Maui. They plan to build a ridge-to-reef model for collaborative land and ocean stewardship by engaging the community through outreach meetings, workshops, volunteer workdays, and educational activities. <https://www.noaa.gov/news-release/noaa-bil-investments-2023-hawaii>

### ***Coral Community Dive Program: Restoration, Resilience, and Monitoring in West O'ahu***

Kuleana Coral Reefs will launch a program to engage community members on West O'ahu in coral reef conservation and reduce barriers to environmental work for Native Hawaiians. The Community Dive Program will provide professional certifications and training in coral restoration to local residents, and conduct on-the-ground coral restoration at community selected sites to help build coastal resilience. In 2023, NOAA awarded \$465,000 to Kuleana Coral Reefs in support of the project. <https://www.noaa.gov/news-release/noaa-bil-investments-2023-hawaii>

### ***Pacific Salmon Tribal Hatchery Investments***

In 2023 and 2024, DOC and NOAA made a \$300 million investment from Inflation Reduction Act funding to support Tribal fish hatcheries that produce Pacific salmon and steelhead, underscoring the Biden-Harris administration's commitment to empowering Tribal Nations and fulfilling the federal government's trust and treaty responsibilities. \$60 million in funding was provided to deferred maintenance and repairs at Mitchell Act-funded hatchery facilities across the Columbia River Basin. NOAA also partnered with DOI's Bureau of Indian Affairs (BIA) to make \$240 million of funding available for deferred hatchery maintenance and modernization to 27 Tribes using 638 contracts in alignment with Executive Order 14112. <https://www.commerce.gov/news/press-releases/2024/07/commerce-and-interior-departments-announce-240-million-president-bidens>

### ***Tribal Priority Fish Passage Projects***

NOAA has run two rounds of the Restoring Tribal Priority Fish Passage through Barrier Removal funding opportunity under the Bipartisan Infrastructure Law and Inflation Reduction Act. NOAA is supporting Tribally important fish passage projects and helping to increase Tribal capacity for fish passage. <https://www.fisheries.noaa.gov/national/habitat-conservation/tribal-priority-fish-passage-projects-selected-funding>