

ADVANCING TRIBAL PARITY ON PUBLIC LANDS ACT

SUMMARY

The vast majority of federal lands are carved out of the ancestral homelands of tribal nations. Despite physical removal and displacement from these traditional territories, tribal nations' cultural connections to these places have never been extinguished. Tribal nations and their citizens continue to exercise treaty rights to hunt, fish, and gather on federal lands, and continue to access federal lands to pray, conduct ceremonies, visit burial sites, and gather plants for traditional purposes.

Federal land management laws fail to protect the rights and interests of tribal nations with a historic connection to, or treaty or other reserved rights on, public land. For example, public land containing a tribal sacred site or where an tribal nation has a treaty right may currently be sold to private developers regardless of a tribe's interest in the land.



The Bighorn Medicine Wheel is one of the largest and most well-preserved medicine wheels on public land. The Advancing Tribal Parity Act would ensure that sacred sites on public land are not sold to private developers.

Further, despite being sovereign nations, tribal governments are not even afforded by law the same rights as State and local governments regarding federal land management. Numerous federal laws, for example, require federal land managers to consult with State and local governments, but many of these requirements omit tribal nations. The Recreation and Public Purposes Act authorizes the conveyance of public lands to State and local governments—and even non-profit organizations—but not to tribal nations.

Tribal nations and their partners are urging Congress to update federal land laws to ensure that tribal governments are afforded the respect and rights due them as sovereign nations, and to increase protection for federal lands that contain tribal cultural sites, or where a tribal nation maintains treaty or other reserved rights. The Advancing Tribal Parity on Public Lands Act would achieve these important goals.

PREVENTING THE DISPOSAL OF CULTURAL SITES

Despite tribal nations maintaining a historic connection to, and treaty or other reserved rights on, public land, current law allows for the sale of those lands despite the impacts such a sale may have on tribal rights and interests. The Advancing Tribal Parity on Public Lands Act would prohibit the sale of public land containing a tribal cultural site, where a tribal nation retains treaty or other reserved rights, or that contains a former reservation.

AUTHORIZING TRIBAL GOVERNMENTS TO ACQUIRE PUBLIC LANDS

The Advancing Tribal Parity on Public Lands Act requires that, when selling public land, the United States Forest Service and Bureau of Land Management must offer the land at fair market value first to tribal nations with a historic connection to the land; and second to land grants for public lands containing historic common lands. This ensures that tribal nations and land grants with historic connections to public lands have the first opportunity to reacquire those lands if they are sold.

Federal law authorizes the conveyance of public lands to State or local governments, or non-profit organizations, for public purposes. However, tribal governments are not afforded the same opportunity. The Act would correct this deficiency by authorizing tribal governments to acquire public lands for public purposes.



The Laramie Treaty of 1868 gave Native Americans the right to hunt on unoccupied lands, like these in the Bighorn National Forest. Yet tribal nations with such rights often have little to no say in the management of these lands. The Advancing Tribal Parity on Public Lands Act would address these and other inequities.

INCREASED TRIBAL CONSULTATION

Federal law contains numerous provisions directing federal land managers to consult with State and local governments, but many of these requirements omit tribal nations. The Advancing Tribal Parity on Public Lands Act would correct these deficiencies by requiring federal land management agencies to provide tribal governments with meaningful public involvement opportunities in land use planning. The Act would also require that federal land use plans be consistent with tribal plans where feasible.

ACQUIRING CULTURAL SITES

Federal law establishing criteria for land acquisition currently makes no mention of the presence of sacred sites, or the role of the land in honoring treaty obligations to tribal nations. The Advancing Tribal Parity on Public Lands Act includes the presence of cultural sites and the fulfillment of treaty obligations in the criteria considered by federal land managers in prioritizing land acquisition.

ENSURING TRIBAL REPRESENTATION ON ADVISORY BOARDS

Federal law authorizes the establishment of advisory boards to provide input on public land management. Currently, there is no requirement that these committees include tribal nations, a glaring omission in light of the strong historic and current connection tribes maintain to their ancestral homelands. The Advancing Tribal Parity on Public Lands Act addresses this inequity by requiring that public land advisory boards include at least one tribal representative.

REPEALING ANTIQUATED STATUTES

Current law contains two antiquated statutes that allow states to acquire land within reservations for public education purposes and authorize litigation over such lands to proceed without the involvement of the affected tribal government. These inequitable statutes have no place in the modern era. The Advancing Tribal Parity on Public Lands Act would repeal these antiquated laws.