

Protecting and Advancing Co-management with Tribes (PACT) Act

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For Consideration of

the *Senate Committee on Indian Affairs* and the *Senate Energy and Natural Resource Committee*

Introductions

To the Senate Committee on Indian Affairs and the Senate Energy and Natural Resource Committee, thank you for considering our proposal for future management of two National Parks. My name is Chloe Hsieh, and I am the current Secretary of the Interior. Joining me is the Director of the National Park Service (NPS), Kai Suzuki. National Parks are currently operated under a dual-mandate under the National Park Service Act of 1916, also known as the “Organic Act.” The dual-mandate states that the goal of the service is to “conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (National Park Service). In response to rising appreciation and implementation of Native interpretation and resource practices within the public lands system, we propose the Protecting and Advancing Co-management with Tribes (PACT) Act, which will place Yosemite National Park and Great Smoky Mountains National Park under a co-management plan with local Indigenous tribes. This act will build an inter-tribal Commission of democratically-elected Indigenous community representatives to advise the superintendent of each National Park in developing and implementing co-management practices in conservation, interpretation, fire regulation, land and resource management, and scientific studies.

The PACT Act will not only support and uplift the goals of the NPS but achieve a better balance between the provisions of recreation and conservation than without Native co-management. The PACT Act loosely follows the co-management plan of Bears Ears National Monument, which operates under a co-management agreement between relevant tribes and federal government agencies (Gaddis-Wyatt et al.,

2024). The Act builds on Secretarial Order No. 3403 from 2021, which seeks to strengthen the relationship between Native tribal nations and the federal government for federal stewardship (Haaland & Vislack, 2021). By integrating a co-management system into the popular National Parks of Yosemite and the Great Smoky Mountains, we aim to encourage other National Park Units to follow similar courses of action and to put Indigenous history at the forefront of visitors' minds.

In this testimony, we will:

- 1) Provide our personal backgrounds and experiences.
- 2) Detail the provisions of the act.
- 3) State the history of Indigenous involvement on American public lands respective to the two National Parks.
- 4) Outline the predicted environmental, cultural, and legal benefits of co-management.
- 5) Address alternative positions and the potential outcomes of withholding co-management plans.

Personal Backgrounds

Chloe Hsieh, Secretary of the Interior

I grew up in San Jose, California, visiting Yosemite National Park and other units of the National Park system and holding an appreciation for the NPS's recreational and educational services. I earned a Bachelor of Arts degree in Environmental Studies with a Minor in Poverty, Inequality, and Social Justice from the University of California, Santa Barbara and has since taken on numerous roles within the National Park Service and the Bureau of Land Management (BLM). After a decade of working in roles such as a park ranger for Yosemite National Park and natural resource specialist in the BLM, I received my Juris Doctor from the Columbia Law School in the Environmental and Land Use Law Program and dedicated myself to representing both public and private clients on issues of land use.

As Secretary of the Interior, I witnessed how Native and local management has been implemented on American public lands recently, including most recently through Yosemite and the Great Smoky Mountains, in addition to Bears Ears National Monument. In light of the re-election of Donald Trump, I

seek to provide stronger protections for our public lands and to strengthen relationships with Indigenous Nations by promoting the co-management of these two National Parks. Through promoting this Act, I hope to strengthen the resilience of these National Parks while more permanently ensuring that Native populations have equitable stewardship of these public lands.

Kai Suzuki, Director of the National Park Service

I am a fourth-generation Japanese American who grew up in Orange County, California. I earned my Bachelor of Arts degree in Environmental Studies at the University of California, Santa Barbara with an emphasis on wildlife and habitat management. After graduating, I worked at the California State Parks system, specifically at Crystal Cove State Park as an Assistant Natural Resources Manager. Further experience in the National Parks Service took me to management roles at Olympic National Park and Glacier National Park before being appointed as the 20th Director of the National Park Service.

My experiences with the members of the Santa Ynez Band of Chumash Mission Indians and the Confederated Tribes of the Umatilla Indian Reservation have contributed to my view on the future of National Park Unit management. The National Parks System is administered by the US Department of the Interior, managing 85 million acres, drawing in over 300 million visitors annually, and employing approximately 20,000 people to further the enjoyment of public lands for all (National Park Service, 2024). This goal can be best achieved through working with Indigenous leaders and existing experts in the field.

Provisions of the PACT Act

A cooperative agreement will be made between the National Park Service, the Superintendents of each respective National Park, and the traditionally associated local Indigenous tribes of each respective National Park to form a Commission through the PACT Act that will coordinate land use planning, resource management, and Park program goals. Provisions of the PACT Act include, but are not limited to:

- Create an inter-Tribal coalition with one democratically-elected elder/council member and two support staff members from each tribe.
- Work collaboratively to ensure that Tribal Nations have access to sacred sites and locations that are both culturally and non-culturally significant (such as plant gathering or local ecological practices).
- Cooperate in program development regarding education and interpretation of Native species, Tribal uses, and other culturally significant objects to be implemented consistently throughout the National Park through concessions, hiking trails, campgrounds, and other material.
- Meet annually to set priorities for the National Park in the upcoming year to develop a joint annual working plan to prioritize National Park Service funds towards initiatives such as critical research and educational opportunities, Visitor Center management, volunteer opportunities, and interpretive content such as signage and advertisements.
- Identify and designate areas of critical environmental concern and natural research areas for conservation and refurbishment.

National Park and Issue History

These National Parks of interest hold unique histories, both in their conception as national parks and in their relationships with their respective Indigenous populations. However, Indigenous removal and cultural erasure remain significant markers of these parks' legacies. As a potential remediation of historical wrongdoings, co-management has gained traction as a policy issue for many federal public land units across the United States. In this proposed legislation, the National Parks of Yosemite and the Great Smoky Mountains were selected due to their extensive historical significance for Indigenous people and the broader American public alike. These two parks boast extensive cultural and ecological significance and have the ability to set strong precedents in the NPS in encouraging other National Park Units to implement co-management in their conservation and recreation programs.

Yosemite: California protected Yosemite as a state park in 1864, and lobbying by conservationists like John Muir led to the park joining the National Park Service in 1916 under the Organic Act. Conservation is an ongoing effort in the area amidst concerns with wildfires and tourism. While American history is documented within the past two centuries, the Ahwahnechee originally inhabited the area as early as the 14th century. However, over 90% of the original Ahwahnechee population passed away or were unaccounted for by 1910 (Ivdal, 2023). The National Park holds ancestral and cultural significance to seven other tribes as well, including the American Indian Council of Mariposa County, Inc., Bishop Paiute Tribe, Bridgeport Indian Colony, Mono Lake Kootzaduka'a, North Fork Rancheria of Mono Indians of California, Picayune Rancheria of the Chukchansi Indians, and the Tuolumne Band of Me-Wuk Indians (U.S. Department of the Interior, *Surviving Communities*). They were excluded from preservation efforts and their resources were harvested as the California Gold Rush increased traffic for non-Indigenous people (Patterson, 2014). Today, Yosemite's current form of Indigenous integration involves an elder/council member and support staff member from each of the tribes to identify priority projects with a third-party mediator (*Tribal Priorities*, 2024). Overall, Yosemite attracts almost 4 million visitors annually and remains California's most popular National Park (Staff, 2024).

The Great Smoky Mountains: In response to the growing United States and influx in non-Native populations, the Cherokee Nation ceded the first piece of what would become the Great Smokies in 1791. By 1819, the US claimed a majority of this land and continued its pursuit of making life intolerable for Native peoples (Williams, 1995, p. 4). This tension culminated in a minority group of representatives of the Cherokee Nation and the United States signing the Treaty of New Echota in 1835, agreeing to the Cherokee Nation disposing of their remaining lands and possessions east of the Mississippi River to the US federal government for \$5 million (Treaty of New Echota, 1835). Forced Cherokee removal on the Trail of Tears quickly followed in 1838, and gathering the remaining Cherokee people in concentration camps (Benjamin C. Nance, 2001, p. 12). In 1870, the Eastern Band of Cherokee Indians (EBCI) obtained a corporate charter from North Carolina to legally own the Qualla Boundary as a business rather than through a US reservation land trust (*History & Culture*, 2010).

At the turn of the 20th century, rampant public interest spurred by environmental writers and Southern Appalachians grew in favor of creating a National Park to protect the Great Smoky Mountains from growing logging practices and railroads. A coalition of essayists, the Appalachian National Parks Association, and North Carolina representatives proposed the Temple Bill to jointly establish the Great Smoky Mountains National Park from appropriated private lands, which President Coolidge signed in 1926 (Gatewood, 1960). The Great Smokies gathered over 13 million visitors in 2023 and remains the most popular National Park (Staff, 2024).

Only four National Park Units are currently under official co-management, most notably Bears Ears National Monument (Sams). Bears Ears National Monument was established in 2016 under the Obama Administration and includes involvement, communication, and planning with five federally recognized tribes in the local area. Their involvement in the management plan has jurisdiction over the preserved artifacts, recreational opportunities, and ecological challenges using traditional knowledge (U.S. Department of the Interior, 2022). Their expertise is cited to have played a major role in an environmental impact statement regarding resource management (Bears Ears Inter-Tribal Coalition, 2024).

Arguments

Environmental

The proposed structure of the PACT Act will follow a similar one to that of Bears Ears National Monument. Native co-management formally integrates traditional ecological knowledge, or TEK, into the stewardship and preservation of these National Parks, ultimately serving to better protect these diverse natural resources and habitats through centuries of generational understandings of each specific landscape. Major issues present in each of these landscapes include wildfires, air pollution management, and anthropogenic disturbances from recreation.

Through co-stewardship efforts, the Black Oak Tribal Stewardship Project in Yosemite integrates TEK through techniques such as controlled burns, acorn planting, and pruning tree limbs. Even prior to

Yosemite's establishment as a National Park, observers warned of issues in the park management that may sprout from Indigenous removal in stewardship over the land. California outlawed intentional burning in 1850 through the Act for the Government and Protection of Indians (In 1882, California state Commissioner M.C. Briggs noted the disastrous effects on the Black Oak without Indigenous management, writing that "the [Indigenous] annual fires kept the whole floor of the valley free from underbrush, leaving only the majestic oaks and pines to adorn the most beautiful of parks [...]. In this one respect, [government] protection has worked destruction" (Briggs, 1882). As a "cultural keystone species," Black Oak



Figure 1

Yosemite, pictured in 1872 and 2020; tree cover has increased.

restoration efforts currently utilize Indigenous TEK from Yosemite's traditionally associated seven tribes (California Black Oaks, 2023). Figure 1 demonstrates a side-by-side comparison of Yosemite Valley in 1872 and 2020, with tree coverage greatly expanded following the implementation of Native cultural burns as found by the University of California. Honorable Ron W. Goode, the Tribal Chairman of the North Fork Mono Tribe argues that "We're burning to restore the land, restore the resources, restore water. Bring it back to where it can reproduce on its own" (Johnston-Dodds, 2002, p. 5). This philosophy adds depth to typical prescribed burns, focusing on restoring the land through deliberate burning and replanting of species that are specific to the local knowledge of Indigenous groups. This kind of attention to detail highlights the importance of TEK in the management knowledge systems.

Similarly, the Great Smoky Mountains National Park signed an agreement with the EBCI to allow community members to forage within the park for sochan, a culturally significant edible green, in the spring of 2019. As one of the first of its kind, this foraging is supported through its negligible impact on the environment and by "stimulat[ing] more vigorous growth and lead[ing] to increased flower and seed

production” (Eastern Band, 2020). The NPS currently uses active partnerships with the EBCI and other tribes to inform the agency of TEK that is otherwise not well-documented in Western science or history. Co-management in the National Parks System would be an improvement over the current structure of management by providing an alternative to the current policy driven by Western ecological knowledge that idolizes scientific findings as the only beacon of truth (Nakashima et al., 2002). Many current policies should be maintained; however, a responsible blend of knowledge systems and an emphasis on adjustment based on results is in the best interest of the National Park Service.

Cultural/Historical

Currently, interpretation in the National Park Service can be misleading in terms of historical Indigenous involvement within the established unit boundaries. Qualified Indigenous historians, experts, and professionals should be brought into the two units to facilitate park interpretation. Current history from the National Park Service website mentions Muir’s impact on protection of the park, but fails to mention his damaging words regarding Indigenous people (National Park Service, 2023). Implementing co-management in this situation can involve the descendants of those who were colonized to have opposition to inaccurate historical interpretations of land, human activity, and management.

Despite the dark history of the NPS and their Indigenous removal, positive opportunities for reparations can come in the form of education, acknowledgment, and equitable land management. Indigenous American education implementation into educational programs has the potential to improve security in a child’s identity, as well as increase rates of tolerance within society (Metzger et al., 2013). Implementing education of Indigenous culture through activities that are accessible to all visitors of the park would be best implemented by the descendants of the local people. Through successful co-management, historical accuracy can be better achieved and language can be appropriately presented with the interest of all people in mind.

Additionally, recent efforts in Native interpretation within these National Parks have been met with widespread approval. In mid-September of this year, the US Board of Geographic names revised the

Great Smokies' highest peak from Clingmans Dome to Kuwohi, or "mulberry place," in respect to the Eastern Band of Cherokee Indians' request. Kim Smith, a specialist of The Wilderness Society and member of the EBCI stated that "it's like my ancestors can hear the healing that the next generation gets to have that they weren't able to experience or witness" (Kays & Bridges, 2024). Kuwohi receives over 650,000 annual visitors per year, ultimately encouraging these visitors to acknowledge the Indigenous history of the land while sparking interest in learning more about Cherokee history and preserving their culture. Similarly, the Yurok tribe of California, who lost over 90% of their lands during the Gold Rush, became the first native people to manage tribal land alongside the NPS in the spring of 2024. The president and CEO of the Save the Redwoods League argued, "Today's agreement starts the process of changing the narrative about how, by whom and for whom we steward natural lands" (U.S. Department of the Interior, 2024).

Finally, the PACT Act seeks to disrupt connotations of the "noble savage," a stereotype that equates Indigenous people of the Americas as all-knowing and uncorrupted by civilization (Redford, 2010). Native cultures, their historical use and understandings of land, and traditional practices have changed significantly over time throughout the course of colonization, forced removal, industry, and technological innovations. By consciously and continuously keeping open communication and co-management practices with local Indigenous tribes, the federal government acknowledges these tribes as unique in their histories and current relationships with the land. Interpretation including Indigenous-led guides, increased concession opportunities regarding Indigenous culture, and cultural ceremonies open to the public would bring a different perspective to new and returning visitors of two of the most famous National Parks.

Legal

As the first of its kind, the PACT Act would set precedence for Native co-management systems within the National Park Service, providing stronger protections for Indigenous stewardship as a permanent structure. Bears Ears National Monument, whose co-management provisions act as the

skeleton to the PACT Act, notably faced a significant reduction in size and interpretation in light of President Trump's Administration. The Obama Administration established this Monument in 2016 to include active participation, communication, and planning with five federally recognized tribes in the local area. The protection process and Indigenous involvement in the management plan has altered jurisdiction over the preserved artifacts, recreational opportunities, and ecological challenges, currently through traditional knowledge (U.S. Department of the Interior, 2022). Their expertise played a major role in an Environmental Impact Statement regarding resource management (Bears Ears Inter-Tribal Coalition, 2024). When President Trump cut down by 85 percent in size, he weakened the power of National Monument protection. State and federal parks are extremely popular among citizens and politicians as a nonpartisan issue, making the National Park Service a beloved federal agency. Under the upcoming Trump Administration causing uncertain implications with the fate of National Monuments, protecting co-management under the National Park Service would create resilience if a unit were modified (Robbins, 2021).

The PACT Act will ensure that the National Park Service's planning documents will be jointly authored by existing experts and Indigenous professionals. In 1970, the Taos Pueblo requested the governing body over Blue Lake in New Mexico be transferred in order to better address the needs for the land. The US Forest Service, under the Department of Agriculture, and their "multiple use mandate" allowed for recreation and significant resource extraction to the detriment of local Indigenous communities in the Blue Lake area (Glendenning et al., 2023). Through policy and management changes, improved jurisdiction over long-term land conservation was achieved because Indigenous management prioritized natural resource preservation; these federal agencies maintained education and visitor access in this process as well (Glendenning et al., 2023). In addition, further investment in employment opportunities to enact new leadership can boost economic growth for existing concessions, Native and otherwise, through increased public interest.

Addressing Oppositions

Partisanship

Amidst a polarized political environment within the United States during the 21st century, it is understandable to be concerned about distrust in institutions. It is generally assumed that Indigenous Americans historically lean favorably towards the Democratic Party and that integrating Native knowledge systems into the NPS would unfairly benefit the Democrats. However, analysis shows that this voting block typically votes for Democrats at a lower rate than Black, Asian, and Hispanic-American voters (Sanchez et al., 2024). In fact, an Associated Press survey reported that in the 2020 Presidential Election, Indigenous Americans voted 52-45 in favor of the Republican nominee Donald Trump (NPR, 2021). It has also been found that Indigenous Americans have generally less loyalty to a certain party because they do not feel that their needs are addressed on the federal level (Sanchez et al., 2024). Arguably more importantly, Native American voting patterns vary greatly when specified by tribes and there are prominent Indigenous political figures in both major political parties. Considering all of these factors, the partisanship of the Indigenous is difficult to define and should be considered on a case-by-case basis.

Many federal workers also resign when an incoming administration does not match their personal desires for the direction of an agency. As stated previously, Indigenous American goals lie on a broad spectrum, and there are enough qualified candidates to field these positions through traditional knowledge or higher education. This legislation will ensure that throughout varying presidential administrations, Native Americans will be represented in the most high-profile federal land agency in the world. If Indigenous partners in co-management of federal agencies do not want to participate under a certain administration, they will have the freedom to recuse themselves.

Lack of Serious Need or Interest

One argument against co-management systems within the NPS is that the general American public does not have an interest in TEK or that the current integration of TEK is sufficient as is. In reality,

Indigenous knowledge and history serves to enrich visitors' experiences to public lands. In the summer of 2024, five Native tribes alongside the federal government evaluated over 20,000 public comments on the future of Bears Ears National Monument. The coalition found that they “overwhelmingly supported the use of Traditional Indigenous Knowledge in the management of the Monument,” following the creation of Bears Ears, its subsequent reduction by President Trump, and its restoration and expansion by President Biden (Fisher, 2024).

Recent efforts to incorporate Indigenous cultivation and history into these two parks and the NPS as a whole also highlight the overarching belief that Indigenous stewardship is not only a want but a need in continuing the mission of the NPS. Cherokee leaders of the Great Smoky Mountains “hope that this first agreement sets a precedent for other tribes to begin their own environmental assessments, and that Congress may earmark some funding for those studies” (WLOS News 13, 2017). Formally implementing TEK into Yosemite and the Great Smoky Mountains National Parks through co-management would allow these restoration efforts like these to gain such consistent funding and reimplementation, while strengthening and streamlining communications between tribal community members and the NPS. Requiring TEK specifically in Yosemite and the Great Smoky Mountains National Parks is critical to display the difference in environmental policy in action for the most popular ‘flagship parks’ of the NPS.

Imposition on Recreation and Preservation

The National Park Service’s Organic Act dictates that National Park Units be conserved and protected, as well as provide recreational activities sustainably. One argument against Native co-management claims that establishing a formal Native voice in the decision-making process of these Units would be counterproductive to encouraging recreational opportunities. Controversial recreational activities, such as snowmobiles or maritime vehicles, in National Park boundaries have historically involved a public comment process that will remain a central, democratic process for the organization (Manning et al., 2016). Additionally, shutdowns within and to the National Parks can be devastating. In 2013, 16-day shutdown in national park sites, education programs, and special events resulted in 8 million

lost visitors and \$414 million in visitor spending (Gonzales & Coutant, 2023). The PACT Act seeks to uplift and maintain all aspects of the NPS Organic Act, including recreational opportunities. Reliance on funding is central to the National Park Service, and co-management that leads to removal of recreational activities is neither authorized under the NPS dual-mandate nor economically sound for operational costs.

Another argument centers around adequate understanding of possible environmental impacts that Native practices could have on the parks. The National Environmental Policy Act requires Indigenous groups to complete an environmental assessment to evaluate all potential ramifications of their actions, such as that with sochan harvesting. Any practices proposed in the PACT Act would follow those that are preexisting in the National Park system, ensuring that the practices of Indigenous community members are sustainable and do not cause adverse harm to the surrounding environment.

Summary and Call to Action

While the National Park Service is praised as a preserver of America's natural beauties, these Park Units often hold dark and violent histories relating to the forced removal of Indigenous Americans and the destruction of their ways of life. Many of the issues that harm the current-day National Park Service, such as wildfire management and balancing the dual-mandate, have never been given a proper chance to be addressed using Indigenous knowledge and leadership.

Through the PACT Act, we seek to repair relationships with Native communities and reimplement Indigenous knowledge into the management systems of the NPS through tribal coalitions that will work directly alongside the NPS and administrators of Yosemite and the Great Smoky Mountains National Parks. Local ecological knowledge, as implemented nationally and in these specific parks, should be a centerpoint in these co-management plans, for both its environmental and cultural benefits. Changing interpretation through park information, graphics, and events with the input of Indigenous Americans is also key to changing park enjoyers' understandings of the National Parks and their histories. Lastly, supporting the dual-mandate through Indigenous input is an action that is attainable in the United

States, in supporting and protecting Native stewardship through formal unification, especially in the face of political turmoil.

The current policy structure that has led to some shortcomings in ecological results can not be entirely relied upon to fix issues. As the first nation to establish public lands and a National Park system, it is only fitting that the United States take on the mantle as the global leader towards Indigenous and environmental justice through the PACT Act.

We deeply appreciate the Senate Committee on Indian Affairs and the Senate Energy and Natural Resource Committee for considering our testimony. This piece of legislation will support responsible stewardship of our public lands for the betterment of our future and to create a more equitable future for all. We thank you for your time and consideration.

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