



Partnerships for Indigenous Land Access and Return

A SUMMARY OF LEGAL AND RELATIONAL PATHWAYS

Lisa Wilson
Tahoma Peak Solutions

Forrest King-Cortes
Land Trust Alliance

Diana Ruiz
Native Land Conservancy

About the Cover Art



Photo courtesy of Paige Pettibon

Paige Pettibon is a multidisciplinary artist based in Tacoma, Washington, whose work reflects her Black, white, and Salish heritage (Confederated Salish and Kootenai Tribes). This piece, *Reciprocity*, reflects the interconnected relationships between the land, animals and people. *Reciprocity* is about the cyclical exchange between mountain goats and the mountains they inhabit, the wool they provide, and the warmth created through weaving. A weaver gathers wool and transforms it into a blanket using knowledge passed down through generations, honoring tradition and the natural world. Highlighting offerings from nature and the importance of offering something in return, through care, gratitude and prayer, reciprocity is a reminder that we are all interwoven, and that survival, beauty and belonging come from each other.

Contents

About the Authoring Partners	1
In Gratitude	3
Content Note	4
Connection to the Land Is Good Medicine	5
Audience and Project Catalyst	7
Context for Tribal Nations and Tribal Organizations	9
Partnering with Land Trusts	10
Indigenous Land Trusts	11
Context for Non-Indigenous Allies	13
Foundations for Success	19
Introduction to Legal Mechanisms	22
Donation	23
Purchase	31
Easements	38
Cultural Respect Easement	39
Conservation Easement Considerations for Indigenous Land Return	47
Conservation Easement: Cultural Use Rights	51
Preservation Easements	52
Cultural Harvest Programs	53
Collaborative Management	65
Conclusion	67
Glossary	69
References	70
Further Readings	74
About These Resources	74
Indigenous History and Land Back Movement	75
Partnerships and Frameworks	78
Legal Considerations	80
Additional Resources	83

About the Authoring Partners

The Land Trust Alliance's mission is to save the places people need and love by strengthening land conservation across America. Founded in 1982, we are a national land conservation organization that represents about 1,000 land trust and affiliate members nationwide. As the national leader in policy, standards, education and training, we work passionately to support land trusts so that they can save and secure more lands now and for future generations. We are based in Washington, D.C., and operate several regional offices. More information is available at landtrustalliance.org.

The Native Land Conservancy is an Indigenous-led land conservation nonprofit. Our all-Indigenous board of directors draws upon our collective traditional cultural knowledge as Indigenous people with generations of direct experience in the woodlands, coastlines and waterways of our ancestral homelands. Our mission is to protect and restore land wherever possible for all living things. We do this through acquiring the deed to land, holding conservation easements, land care activities and public walks. We support Indigenous cultural preservation through cultural workshops, cultural respect easements and special events. We are based in Mashpee, on Cape Cod, but we have expanded our work to assist Tribal partners across Turtle Island. More information is available at nativelandconservancy.org.

Tahoma Peak Solutions is a Native woman-owned and operated firm that tells stories and solves problems through an Indigenous lens. We work to empower Native communities and their partners at the intersection of Native plants and food systems, environment, culture, communications, creative production, consultation, facilitation and process development. More information is available at tahomapeak.com.





Skyline Divide, Washington | Photo courtesy of Jamie Pilgrim

*Authors: Lisa Wilson, Forrest King-Cortes, Diana Ruiz
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In Gratitude

This project is a collaboration between the Land Trust Alliance, Native Land Conservancy and Tahoma Peak Solutions. The project team consists of:

- Lisa Wilson (Muckleshoot), MSW, *Lead Consultant, Tahoma Peak Solutions*
- Forrest King-Cortes, *Director of Community-Centered Conservation, The Land Trust Alliance*
- Diana Ruiz, Ph.D., *Executive Director, The Native Land Conservancy*

The project team would like to express its gratitude to the project advisory team:

- Kathleen Ackley, *Executive Director, Wallowa Land Trust*
- Darren Ranco (Penobscot), *Professor of Anthropology, University of Maine, and Executive Director of the Wabanaki Commission on Land and Stewardship*
- Valentin Lopez (Amah Mutsun Tribal Band), *Tribal Chair at Amah Mutsun Tribal Band and President of the Amah Mutsun Land Trust*
- Ailla Wasstrom-Evans, *Conservation Defense Fund and Education Manager, The Land Trust Alliance*

We would also like to thank our partners who shared their beautiful and inspiring work with us for this report:

- Lance Foster (Iowa Tribe of Kansas and Nebraska), *Tribal Historic Preservation Officer and Director of Ioway Tribal National Park, Iowa Tribe of Kansas and Nebraska*
- Sara Roubidoux Lawson (Iowa Tribe of Kansas and Nebraska), *Legal Consultant, Iowa Tribe of Kansas and Nebraska*
- Ross Baxter, *Senior Land Protection Director and Counsel, Iowa Natural Heritage Foundation*
- Hawk Rosales (Ndé (Apache) lineage), *Lead Consultant, InterTribal Sinkyone Wilderness Council*
- Catherine Elliott, *Senior Manager of Land Protection, Save the Redwoods League*
- Ramona Peters (Mashpee Wampanoag), *Founder, the Native Land Conservancy*
- Joseph Masse, *President, Dennis Conservation Land Trust*
- Regina Lopez-Whiteskunk (Ute Mountain Ute Tribe), *Cross Cultural Programs Director, Montezuma Land Conservancy*
- Travis Custer, *Executive Director, Montezuma Land Conservancy*
- Austin Easter, *Conservation Director, Montezuma Land Conservancy*



Content Note

This report includes references to land loss and other harms systemically perpetuated against Indigenous people and Nations.



Washington | Photo courtesy of Daria



Sequoia National Park, California | Photo courtesy of Joshua Earle



Pacific Northwest | Photo courtesy of Getty Images



Connection to the Land Is Good Medicine



Photo courtesy of Iowa Tribe of Kansas and Nebraska

Through this project, it has been a true honor to sit down with Tribal leaders and listen to their stories and wisdom. When reflecting on these conversations, what resonates most for me is how the land remembers us and calls us home. To truly know ourselves, we must know the land—it's our heartbeat, our lifeline, it's who we are. Hawk Rosales, Ndé (Apache) lineage and lead consultant to the InterTribal Sinkyone Wilderness Council, says, "Remove Indigenous people from these relationships and it's disastrous." These relationships are so essential to our health and well-being that when we're disconnected we see it in our people.

Yet, healing and hope lie in restoring these connections. Lance Foster, Iowa Tribe of Kansas and Nebraska and tribal historic preservation officer and director of Ioway Tribal National Park, says, "So if you care for the land, the land takes care of the people, it's part of each other, you know, ancestors and everything. ... In that way, heals a lot, heals families, heals a lot. ... Connection to the land is good medicine."

For many Tribal Nations and people, reconnecting to the land can feel very challenging due to the nuance, entanglements, confusion of colonial laws, arbitrary U.S. borders, great distances, recognition status, financial limitations and lack of respect for Tribal sovereignty. Yet, as Ramona Peters, Mashpee Wampanoag and founder of The Native Land Conservancy, says, "The land itself doesn't know any of these barriers and doesn't know anything about the deeds or anything like that. ... You spend enough time outside and those lines get very blurred; it still has our ancestral imprints there. ... There's nothing that can take that away."

Regardless of current circumstances, no one can take away our relationship to the land and those land relationships that have existed since time immemorial which make Indigenous people critical leaders in land conservation efforts. Ramona continued, "Land is recognizing the people returning to that place."



Welcoming back those original people. Ancestors who are present in these places for so long. They did things that the land recalls, remembers. When it's interrupted and Native people come back, they will revitalize those connections to the land. That principle of Tribal leadership will come out and be informed by that dynamic." Those memories, knowledge and histories run deep and guide us as protectors and voices for our land and water relatives.

As I conducted interviews for this report, both Indigenous and land trust leaders emphasized the importance of centering Indigenous leadership in conservation work. This means valuing and prioritizing Indigenous voices, perspectives, knowledge, experiences and ways of being throughout partnerships and projects. Indigenous insights, relationships with the land, cultural values and histories are crucial to effective stewardship and addressing urgent climate concerns. Ramona stated, "Tribes are not just involved, they are leading. We want to lead." Hawk reinforced this, saying, "We look at them [plants and animals] as relatives. We are connected to them forever. That is why conservation needs Indigenous leadership. Especially with these threats upon us and growing all the time."

Indigenous leadership in conservation is guided by relationships to land. These relationships hold deep knowledge and teachings that benefit not just Indigenous people but everyone, including our more-than-human relatives. Hawk added, "When Indigenous leadership is there, you have amazing success and commitment and outcomes to the community. All the community—not just humans."

The relational and legal approaches outlined in this resource offer practical information on avenues for Indigenous land access and return, but the heart of the matter is, and always will be, reclaiming and revitalizing Indigenous peoples' relationships to land. These connections support the healing, health and well-being of Indigenous people and all our human and more-than-human relatives.

Lisa Wilson

Muckleshoot, Lead Consultant



Grand Canyon, Arizona | Photo courtesy of Jake Johnson



Audience and Project Catalyst

This introductory resource is intended for Tribal Nations and Tribal Organizations seeking information on legal options for Indigenous land access and return. It is also for non-Indigenous-led land trusts interested in learning more about how they can support the goals of Tribal Nations and Tribal Organizations related to land access and return. The authors designed this material to provide accurate information about the subject matter with the understanding that the Land Trust Alliance is not engaged in rendering legal, tax, accounting or other professional counsel. If an individual, Tribal Nation or organization or land trust requires legal advice or other expert assistance, they should seek the services of competent professionals. Any specific legal documents referenced in the case studies are sensitive and relevant to a specific cultural and historical context and will not be shared externally.

The authors developed this resource in response to increasing interest and educational requests from land trusts, Tribal Nations and Tribal Organizations that the Land Trust Alliance and the Native Land Conservancy received. Often, educating non-Indigenous people and organizations falls on Indigenous people and groups, which can be a taxing and often unpaid burden for those already carrying many responsibilities within their communities. Additionally, Western society has a long history of erasing or presenting inaccurate information about Indigenous people.

This document, developed in collaboration with many Indigenous leaders, aims to:

1. Provide accurate information on Indigenous land access and return to help ease the burden of educating non-Indigenous allies.
2. Be a resource to Tribal Nations and Tribal Organizations to learn more about their options for land access and return.
3. Support the broader goal of increasing land access and return to Indigenous people.
4. Provide accurate information on Indigenous land access and return and ease the burden on Indigenous people of educating allies.



Non-Indigenous land trusts that want to work with Indigenous partners must first understand the history, both past and present, of attempted Indigenous erasure and how it contextualizes Indigenous land access and return work today. Reading this document is a beginning step, but non-Indigenous people should go deeper and take the time to read the resources included at the end of this document, attend seminars and pursue other educational opportunities to build their cultural competency and take responsibility for their continued learning to become better allies and partners.

Recognizing the diverse histories, positionality and knowledge each reader brings to this work, this document aims to provide practical information on building relationships between Tribal Nations and Tribal Organizations and non-Indigenous-led land trusts and legal mechanisms available to these partnerships for Indigenous land access and return. It also situates this work within the broader context of colonization and emphasizes the importance of:

- Centering Indigenous leadership.
- Investing in long-term relationships.
- Understanding the implications of legal options within an Indigenous context.
- Reflecting on the roles and responsibilities of non-Indigenous allies in these efforts.

As part of the research for this report, the authors identified more than 70 partnerships between land trusts and Tribal Nations or organizations. The case studies, wisdom and best practices found in this document are just a sampling of the ingenuity and impact unfolding across many Indigenous land access and return partnerships.

The authors developed this resource to meet the needs of multiple audiences. With that in mind, the following two sections, “Context for Tribal Nations and Tribal Organizations” and “Context for Non-Indigenous Allies,” were written to introduce important context for Indigenous readers and allies, respectively. Readers are invited and encouraged to review both sections or select the section most applicable to them.



Photo courtesy of Dennis Conservancy Land Trust and Native Land Conservancy

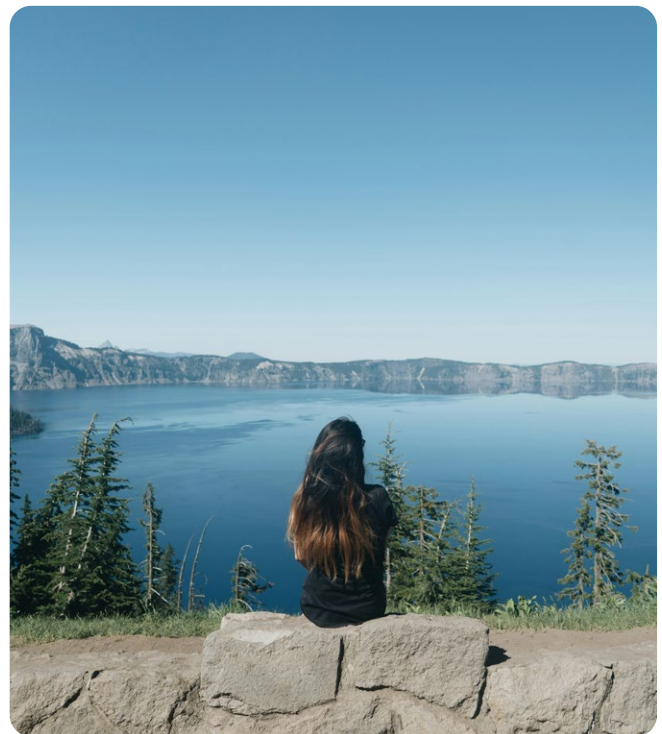


Context for Tribal Nations and Tribal Organizations

It's inspiring and exciting to see the Land Back movement gain momentum and awareness outside Indian Country. The catalyst for this project came from growing information requests and the increasing desire to support the Land Back movement. The influx of inquiries signals a significant shift in Indigenous land access and return efforts. Throughout the research for this resource, numerous examples have surfaced of Tribal Nations and Tribal Organizations reclaiming access to, or full return of, their ancestral homelands. This section is for Tribal Nations and Tribal Organizations interested in learning more about the context and conditions for developing partnerships with land trusts in Indigenous land access and return work.

Land trusts that truly understand what it means to center Indigenous leadership in conservation work can be strong allies to Tribal Nations and Tribal Organizations for land access and return. A land trust, or land conservancy, is a community-based nonprofit organization dedicated to conserving and stewarding land that meets its mission. They achieve this by acquiring land, holding conservation easements, managing and restoring conserved lands, developing programs to connect people to the land and advocating for conservation. It is important to note that not every land trust engages in all of these activities.

Land trusts collaborate with municipal, state and federal agencies; private landowners; and community partners to conserve land and engage community members in conservation efforts. Land trusts operate at local, state or regional levels, serving urban, suburban and rural communities. Collectively their work includes conserving wildlife habitat, improving water quality, ensuring land availability for future generations, providing equitable access to nature, protecting family farms and ranches, keeping working lands productive, and contributing to climate resilience.



Crater Lake National Park | Photo courtesy of Julie Kwak





Photo courtesy of Marek Studzinski

Partnering with Land Trusts

Because of the scope and scale of their work, land trusts can serve as partners in restoring relationships to ancestral homelands. Land trusts can share their real estate expertise and also help connect policymakers and landowners to Tribal Nations and Tribal Organizations. Securing funding for Tribal Nations and Tribal Organizations can be challenging because 80% of private philanthropic dollars for conservation work goes to white-led organizations, even though funding a Tribal Nation has minimal requirements and private dollars generally have fewer restrictions than state or federal funding. Land trusts can use their access to funders, funding and donor networks to help support land return efforts led by Tribal Nations and Tribal Organizations and help raise awareness about the inequities in the current fundraising system. A land trust can return land or

provide cultural access to lands it owns, work with its established network of private landowners to provide access to ancestral lands, and serve as intermediaries between donors and Tribal Nations or organizations, if requested. This could also include assisting with or helping to fund transactional work such as surveys, baseline reports or monitoring properties. In cases where easements are required or necessary, land trusts can advocate for provisions that support cultural access and activities.

Accreditation is an important consideration when partnering with a land trust. The [Land Trust Accreditation Commission](#) manages a voluntary program that awards accreditation to land trusts that meet the highest national standards for excellence and conservation permanence as expressed in [Land Trust Standards and Practices](#). There are good land trusts that choose not to pursue accreditation, but the accreditation seal provides a handy way to check if the land trust follows industry best practices. All Land Trust Alliance members pledge to follow Land Trust Standards and Practices, the legal and ethical guidelines for operating a land trust.

If you seek a land trust partner, the [Land Trust Alliance](#), which functions as a capacity-builder and member association for land trusts, maintains [Find a Land Trust](#), a public database of more than 950 members working in 93% of counties nationwide.



Indigenous Land Trusts

Increasingly, Indigenous land trusts are leveraging and adapting the land trust model to steward land. These efforts include applying Traditional Ecological Knowledge, safeguarding Indigenous peoples' spiritual connections with their lands and waters, and fostering educational programs within their communities. These Indigenous land trusts are nonprofit organizations managed by trustees drawn from Tribal governments or Indigenous communities, primarily focusing on protecting, preserving and providing access to culturally significant lands. Their work includes cultural revitalization, reconnecting Indigenous people to their ancestral lands and employing stewardship practices rooted in ancestral knowledge. They may also engage in public education and policy advocacy and are typically led and primarily staffed by Indigenous people.

An Indigenous land trust is different from Indian trust land. Indian trust land is a type of land in which the federal government holds the legal title to the property for the use of Indigenous Tribes or individual(s).

Tribal Nations can also establish their own land trust, and non-Indigenous-led land trusts can be important partners in that work. One such example is the partnership between leaders from the Shinnecock Nation and Peconic Land Trust, a non-Indigenous-led land trust working in New York. In addition to founding Niamuck Land Trust, a new Indigenous-led land trust, the partners have established the [Shinnecock Land Acquisition and Stewardship Fund](#), to fund the protection and care of sacred land.

Because land trusts are not subject to laws that bind federally recognized Tribes, land trusts have greater flexibility in land transactions and conservation agreements, especially involving land outside reservation or trust boundaries. They can more easily access funding from private donors, foundations and conservation groups and interact with federal and state agencies, nonprofits and other land trusts in more streamlined ways. For Tribal governments with limited resources or capacity for land management, Indigenous-led land trusts can offer helpful expertise, resources and support.

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Photo courtesy of Iowa Tribe of Kansas and Nebraska

This document outlines a spectrum of relational and legal approaches to facilitate Indigenous land access and return, each with distinct features suited to specific circumstances. Some of these tools are well established, while others are still evolving, so their language is contextual and dependent upon specific cultural activities, plants, needs, resources, stewardship practices and types of access the community desires. The best approach will depend on the reader's unique geographic, legal and cultural context. It's always important to center Tribal sovereignty, voices and community needs. When the perfect approach is not feasible, another option might still offer a positive step forward. Legal consultation is a valuable and necessary step in this process, as is developing long-term plans and securing resources to steward land properly.



Context for Non-Indigenous Allies

There are 574 federally recognized Tribes and roughly 400 non-federally recognized Tribes in the United States, each with their own unique culture, land histories, resources and needs. Land trusts have many opportunities to support Indigenous land access and return through partnership with these communities. This section is for non-Indigenous-led land trusts interested in learning more about the context and conditions for developing land access and return partnerships with Tribal Nations and Tribal Organizations.

Indigenous people are intrinsically connected to the land through deep personal and ancestral relationships. These relationships are the heartbeat of Indigenous culture and identity, deeply woven into the fiber of each nation's lifeways. The removal of Indigenous peoples from their ancestral homelands has been a devastating tool of cultural genocide. Advocates have pushed for the return of Indigenous land since contact, but in recent years, the Land Back movement has gained significant momentum and media

attention. The term "Land Back" encompasses various definitions: For some, it means access, stewardship or decision-making power over ancestral lands; for others, it signifies the full return of these lands to Tribal Nations or organizations. Despite these varied definitions, they share a common thread: the Indigenous desire to reconnect with their ancestral lands in meaningful ways. Land Back is more than just the physical return of land. It also encapsulates the protection of Mother Earth, the necessity to restore balance between the land and humans, resistance against assimilation and genocide, the assertion of Tribal sovereignty and a deep longing to reclaim and affirm the importance of land relationships to Indigenous identity and culture.

Land Back is more than just the physical return of land. It also encapsulates the protection of Mother Earth, the necessity to restore balance between the land and humans, resistance against assimilation and genocide, the assertion of Tribal sovereignty and a deep longing to reclaim and affirm the importance of land relationships to Indigenous identity and culture.



As the Land Back movement grows, land trusts can play an important role in Indigenous land access and return efforts. Indigenous-led land trusts are growing in numbers to hold reclaimed land and restore stewardship practices and land relationships. In addition, non-Indigenous-led land trusts are acting as allies in helping to meet the land access and return goals of Tribal Nations and Tribal Organizations. Each entity brings its unique history, perspective and positionality, which present opportunities, considerations and challenges. While this document focuses on relational and legal mechanisms for Indigenous land access and return, it is essential to first understand and respect Tribal sovereignty, prioritize relationship-building and center Indigenous leadership. Without these foundational elements securely in place, even the most well-crafted non-Indigenous-led land trust proposal, plan or legal document will likely be ineffective and potentially harmful.



Crested Butte | Photo courtesy of Holly Mandarin

As an ally, it is crucial to understand Tribal sovereignty, or a Tribal Nation's inherent right to self-governance and self-determination, to engage in land access and return work. Tribal sovereignty is the authority to make decisions about the health, safety and welfare of Tribal citizens within their territories and to govern in ways that honor and perpetuate cultural and traditional lifeways. It encompasses the power to create and enforce laws, regulate activities, establish membership and manage Tribal lands. These rights, established through treaties, the U.S. Constitution, legislation, judicial decisions and administrative actions, are not granted by federal or state governments but are recognized as inherent and perpetual. A federally recognized Tribal Nation has a government-to-government relationship with the U.S. with similar powers as those of federal and state governments to regulate internal affairs. State-recognized Tribes are recognized through a state process or governor's executive order, but have not met the criteria for federal recognition. They are recognized as sovereign nations by a single state, not the federal government. While they do not have sovereign control over their affairs, some states provide certain protections for their autonomy. There are also Tribes or Tribal bands that are not recognized by a U.S. state or the federal government. These groups may not meet the requirements of recognition or may have chosen not to pursue this status.



A Tribal Nation is sovereign and has the autonomy and authority to make laws and regulations affecting its people and lands. It is essential for non-Indigenous-led land trusts to respect this autonomy and avoid imposing preconceived notions about partnership, methods or goals, which may reflect cultural incompetence and/or a lack of cultural awareness. Effective partnerships honor Tribal sovereignty, respond to the needs and desires expressed by Indigenous partners and center their goals, leadership and decision-making. Disregarding Tribal sovereignty can perpetuate oppressive and paternalistic dynamics, causing harm and retraumatization. Respecting Tribal sovereignty is foundational to building relationships with Tribal Nations. Well-intentioned efforts can still cause harm, so it is vital for organizations to engage in both

individual and organizational work to decolonize and develop cross-cultural awareness. Other critical steps include ensuring that all organizational leadership is aligned in commitment to this work and understanding and addressing any difficult organizational histories of complicity in Indigenous land removal.

With a solid foundation of awareness and respect firmly in place, organizations can begin developing relationships with Tribal Nations and Tribal Organizations. This process requires time, patience and sometimes humble persistence. Being respectful, trustworthy and transparent is essential. Once these relationships are established, conversations about what Indigenous land access and return might look like can begin. Clear communication about intentions, expectations and capabilities is imperative from the start, as the work can become complex quickly. Many allies want a clear roadmap to protect against a misstep when navigating complex and sensitive topics such as this. This desire is influenced by [white supremacy culture](#). Pushing this thinking upon Indigenous people through partnerships is an act of white supremacy. The reality is perfectionism is not possible and working cross-culturally with Tribal Nations and Tribal Organizations while operating within westernized structures and systems and navigating the deep wounds of colonization is messy and complicated work.

Critical steps include ensuring that all organizational leadership is aligned in commitment to this work and understanding and addressing any difficult organizational histories of complicity in Indigenous land removal.





Photo courtesy of Getty Images

It's crucial that Tribal Nations and Tribal Organizations lead this work, as they possess deep experience and cultural knowledge, making them the most qualified to advocate for their land and communities. Prioritizing and showing deference and respect to their voices, decision-making and goals not only honors their expertise but also challenges the historical silencing of Indigenous perspectives. Later in the text, we will refer to this practice as “centering.” The legacy of settler colonialism continues to influence the present, making it vital to avoid harmful one-sided extraction of Indigenous knowledge. Examples of the extraction of Indigenous knowledge within conservation spaces is that Indigenous-led land trusts often receive significantly less funding and support than large white-led conservation organizations.



Western conservation groups frequently receive government and private funding for projects that use Indigenous knowledge with no partnership or co-management over the stewardship of these lands with Indigenous peoples. Therefore it is crucial that non-Indigenous people do not usurp Indigenous leadership in the planning of, fundraising for and implementation of programs and projects that impact Indigenous communities. Such practices are exploitative and perpetuate harm, often diverting resources away from Tribal Nations and Tribal Organizations already leading the work.

Understanding an individual's positionality and committing to genuine allyship is essential. This often means stepping back, using influence to amplify Indigenous voices, and directing resources, time and attention to those best equipped to lead the efforts. True allyship involves supporting and elevating, not overshadowing, the leadership of Indigenous people. Non-Indigenous-led land trusts can advocate on behalf of Tribal Nations and Tribal Organizations in spaces they currently can't access.



Photo courtesy of Brandon via Unsplash

Examples of ways non-Indigenous-led land trusts can advocate for Tribal Nations and Tribal Organizations within conservation spaces include:

- Elevating Indigenous voices in these spaces as well as sharing Indigenous work and stories with philanthropic, corporate and private donor networks.
- Sharing positive stories of Indigenous partnerships with peers to help expand their networks and resources.
- Advocating for causes within their legal and policy influence.
- Integrating Indigenous land access into conservation easements.
- Advocating for Indigenous representation in conservation networks and conferences.
- Partnering with Indigenous peoples to co-create conservation approaches, rules and frameworks that are inclusive of Traditional Ecological Knowledge.
- Setting an example by returning land to Tribal Nations and Tribal Organizations.

However, this advocacy must center and uplift—not replace—Tribal Nations' and Tribal Organizations' voices and work. The hope is that non-Indigenous land trusts can be a resource and ally, supporting Tribal Nations' and Tribal Organizations' fight to regain access to and return of ancestral lands.



The three topics introduced in this section are the basic first steps in one's individual and organizational decolonizing learning journey. A learning journey is just that—a journey. This document is meant to be an introduction to Indigenous land access and return and therefore does not go into depth or explore many other relevant topics. Hopefully, the content provided above ignites a desire to deepen learning and explore other resources on this topic.

On a final note, there are various legal mechanisms for Indigenous land access and return, with new approaches developing every day. Each land return opportunity is unique and influenced by a Tribal Nation's history, land relationships, culture, Tribal politics, financial capacity and goals. Sometimes, the ideal mechanism may not be immediately attainable, but there may be intermediate opportunities to make progress. Effective approaches must be developed in partnership with the Tribal Nation or organization from the ground up. While this document outlines different categories and terms, blending concepts and tools may also be necessary. It is important to align individual and organizational values and goals with the core principles and spirit of the Land Back movement. The partnership and process of achieving Indigenous land return is essential and valuable. In fact, the process is just as important as the outcome because choices individuals make in relational partnerships can cause, perpetuate and exacerbate trauma. Increased access to or return of land does not negate that impact. While if approached with humility, respect and a spirit of true partnership, the process can promote healing and reconciliation.



Photo courtesy of Getty Images



Foundations for Success

By mindfully allocating staff time and resources to relationship-building, partners can lay the foundation for an effective project as well as a partnership that benefits all parties and has the potential to extend well beyond the initial scope. Below is a summary of partnership considerations for Tribal Nations and organizations as well as non-Indigenous-led land trusts shared by case-study partners who have navigated effective partnerships.



Build Trust

Commitment, trust, consistent follow-through and mutual understanding build effective long-term partnerships. This process can be slow and sometimes challenging, especially when there has been historical distrust and limited collaboration. Trust can develop through attending each other's meetings, getting to know one another, showing mutual respect and building on past collaborations. Listening and prioritizing repair and reconciliation when a misstep occurs strengthens commitment and trust building. Building and maintaining strong relationships helps ensure these projects are meaningful rather than transactional. It can take several years of consistently showing up and relationship building before embarking on a joint project.



Plan for the Long Term

Indigenous leaders recommended that Tribal Nations develop a clear, long-term vision for managing reclaimed land—especially if it is distant from their reservation lands—and its potential impacts on the community. Tribal Nations and their partners must carefully consider the financial and logistical responsibilities associated with land ownership, ensuring the Tribal Nation has the resources needed for effective stewardship, legal defense and enforcement costs. When thinking through long-term plans and metrics, success of land return initiatives can be measured by improvements in community and land health and well-being.





Commit to Decolonization

Non-Indigenous people must educate themselves on Indigenous perspectives, recognizing that it requires time, effort and compensation for Tribal leaders who are often busy serving their communities. Non-Indigenous partners are responsible for engaging and investing in decolonizing efforts and committing to ongoing learning.



Center Indigenous Leadership

Effective land protection and conservation require centering Indigenous leadership and cultural values. This means valuing and prioritizing Indigenous voices, perspectives, knowledge, experiences and ways of being throughout partnerships, decision-making and projects. Examples of centering Indigenous leadership include prioritizing Indigenous lived experiences and knowledge in what is included or addressed in projects and how it's addressed, especially when there are differences in opinion.



Honor Tribal Sovereignty

Respect for Tribal sovereignty is fundamental. Partnerships must include Tribal Nations as equal decision-makers, co-governors and collaborative managers. Respecting different ways of knowing can result in mutually beneficial outcomes. Tribal Nations should create their own decision-making structures and processes, inviting allies to participate as needed.



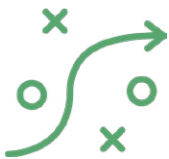
Pacific Northwest | Photo courtesy of Adobe Stock





Prioritize Communication

Effective communication with Indigenous partners should focus on mutual understanding, learning and recognizing shared humanity. It's essential to ensure communication is regular and respectful. Conventions around communication may vary culturally, and understanding and adapting to the Indigenous partner's communication norms is an important sign of humility and respect. This could include prioritizing in-person or phone communication over electronic and making room for longer follow-up response times and/or wait times in conversations.



Maintain Flexibility

Flexibility is vital throughout a project. It involves understanding and accommodating Indigenous partners' timelines and recognizing their broader responsibilities as Tribal leaders. Flexibility is also crucial in navigating the complexities of land use, access and management. An open mind and flexible approach are essential for fostering positive and effective partnerships with Tribal Nations and organizations.



Demonstrate a Willingness to Learn and Share

Non-Indigenous people must educate themselves beforehand and come to the partnership willing to learn. Begin with a strong understanding of local Tribal Nations' histories, Tribal sovereignty, and Tribal Treaty rights and practices. This knowledge should be used to better align the Tribal Nations' and organizations' goals. Non-Indigenous-led land trusts should share their positive experiences with other land trusts and advocate for Indigenous land access and return within their spheres of influence.



Protect Cultural Knowledge

Legal definitions and agreements must protect and reflect specific cultural contexts, knowledge, resources and values. Tribal Nations are cautious about cultural appropriation, misrepresentation and being viewed as a monolith.



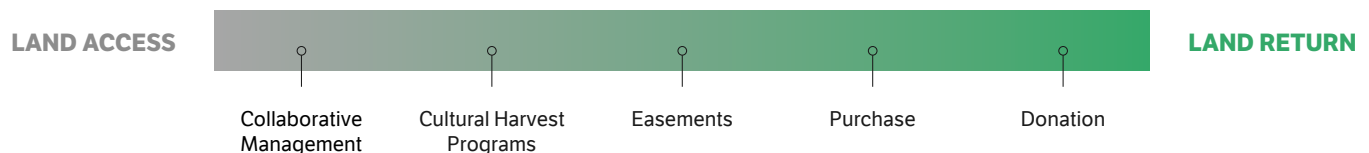
Introduction to Legal Mechanisms

There are various legal mechanisms for Indigenous land access and return, each with its own feasibility and applicability depending on the needs and goals of the Tribal Nation or organization. Before engaging with Tribal Nations or organizations on this work, non-Indigenous-led land trusts must understand and carefully consider how the U.S. legal system has been used against Indigenous peoples in the privatization of land, removal of children from families and other traumatic events that have resulted in a deep and well-founded mistrust of the U.S. legal system, including legal approaches to land access and return. In addition, many Indigenous people don't recognize private property in the same manner as Western societies. So, while Tribal Nations and Tribal Organizations may use Western legal tools to accomplish their goals under the current system, allies need to understand that the underlying belief in the U.S. system of land ownership is not shared. For both parties, it's essential to explore all options and carefully evaluate the opportunities and limitations of each legal approach. The pros and cons will be very specific to each situation: State and local context matter. Seeking legal consultation from a qualified attorney who has demonstrated experience working with these types of legal mechanisms is essential and highly recommended. The unique needs and contexts of Tribal Nations are also important to understand. Tribal Nations are often focused on meeting many different community needs (e.g., health care, education).

This document presents a spectrum of legal mechanisms for Indigenous land access and return, from full land return to land access programming. While these methods are nuanced and sometimes overlap, this structure aims to help the reader distinguish between different legal approaches.

Below is an overview of commonly used approaches, followed by case studies of real partnerships between Tribal Nations or organizations and land trusts.

Spectrum of Indigenous Land Access and Return



Donation

Individuals or organizations can donate land to a tax-exempt organization, including federally recognized Tribal Nations, anytime. Donation is the simplest way to return land while reducing cost burdens to the Tribal Nation or organization. State-recognized Tribes, or those without federal recognition, often organize under nonprofit status, making them eligible for tax exemption and donation. While the land is being donated, the Tribal Nation or organization will still have financial responsibilities in the form of transaction costs. Transaction costs include title work, survey work, recording costs, legal fees, title insurance and, in some instances, Phase I Environmental Site Assessment or an ecological and cultural resource inventory.

When donating land to a Tribal Nation versus a nonprofit, the key difference is the legal status of the land. For nonprofits, ownership is simply transferred, and in many instances, the land trust-owned property is eligible for a property tax exemption if the land is used for charitable purposes. For Tribal Nations, donated land can be placed in federal trust, providing special protections and exempting it from state and local taxes due to the Nation's sovereign status. If the land remains in "fee simple" ownership, the Tribal Nation must pay property taxes. Additionally, federal trust land falls under Tribal rather than state or local jurisdiction, impacting land use and management.



Gifford Pinchot National Forest, Washington | Photo courtesy of Ian



There are several benefits to land donations. The landowner could be eligible to receive state or federal income tax deductions. The Tribal Nation or organization can receive the land without needing financing. The land is immediately available to the Tribal Nation or organization. The Tribal Nation or organization will assume property tax responsibilities once they own the land, unless it's put in trust. If donated to an Indigenous nonprofit organization, it can apply for an exemption on the property tax. Once the land is donated to the Tribal Nation, it has limited sovereignty and is still subject to state law. Once the land is placed in trust, the Tribal Nation has full Tribal jurisdiction and sovereignty.

Estate Planning

Indigenous land access and return can include working with landowners to achieve their long-term goals for their land by way of estate planning. This includes charitable giving through a donor's last will and testament, where the landowner retains full use of the land during their lifetime, and ownership transfers to the Tribal Nation or organization upon the donor's death.

Estate planning could also include charitable giving by way of a trust instrument, where the trustee holds title of any land within that trust on behalf of the beneficiary until the distribution requirements of the trust are triggered. This means a trustee, a person or organization managing the trust, holds ownership of the land in the trust for the beneficiary. The land is only given to the beneficiary when the conditions of the trust are met. Conditions could include many things, including death, time-based distribution or fulfillment of charitable purpose.

Another estate planning tool is the granting of a right of first refusal, where the holder of that right has the first opportunity to buy the property in the future.

Lastly, a landowner might wish to give their land to a Tribal Nation or organization upon their death through a life estate, while reserving the right to use and occupy the land up until their death.



CASE STUDY: IOWA TRIBE OF KANSAS AND NEBRASKA AND IOWA NATURAL HERITAGE FOUNDATION

INTRODUCTION

This case study reflects interviews with Lance Foster, Iowa Tribe of Kansas and Nebraska, the Tribal historic preservation officer and director of Ioway Tribal National Park; Sarah Roubidoux Lawson, Iowa Tribe of Kansas and Nebraska and legal consultant for the Tribe; and Ross Baxter, senior land protection director and counsel for the Iowa Natural Heritage Foundation. They shared their experiences and insights about two land return projects, one through a partnership with the Iowa Tribe of Kansas and Nebraska, Johnson County Conservation Board, and the Iowa Natural Heritage Foundation. The Iowa Tribe of Kansas and Nebraska, also known as Ioway or Báxoje, is a sovereign nation and federally recognized Tribe with over 2,500 people and organized under a constitution and bylaws approved on February 26, 1937. Their headquarters are located on the 12,038-acre Iowa Tribe of Kansas and Nebraska Reservation, which straddles the eastern borders of the lands now known as Kansas and Nebraska, along the confluence of the Nímahá (Big Nemaha River) and Nyisoji (Missouri River). Iowa Natural Heritage Foundation is a statewide 501(c)(3) nonprofit and accredited land trust with a staff of 30 and an active board that works with private landowners and public agencies to protect and restore Iowa's land, water and wildlife. Since their founding in 1979, their supporters and staff have protected more than 200,000 acres of Iowa's natural resources.

PROJECT OVERVIEW

The Iowa Tribe of Kansas and Nebraska is actively reclaiming and restoring its ancestral lands through several key projects, often initiated when external parties offer opportunities to accept donated or transferred lands. Two key land return efforts that were discussed were a 7-acre parcel in partnership with the Johnson County Conservation Board and the return of a historic Iowa Mission site that had been under state control for decades. In the Johnson County Conservation Board project, 7 acres of land were returned to the Iowa Tribe of Kansas and Nebraska. This transfer was a significant milestone, marking the first time the Tribe acquired land in Iowa, which also qualified them as a resident Tribe of the state.



Smith Falls, Valentine, Nebraska | Photo courtesy of Abigail Kaucher



The catalyst for the project was the Melloy family's interest in selling their 90-acre property and desire to see land returned to Indigenous stewardship. The Melloy family connected with Larry Gullet, the director of the conservation board, who then reached out to the board to facilitate the transaction. The Melloy family sold the land at a discounted rate to the Iowa Natural Heritage Foundation, which allowed the land trust to sell 83 acres to the Johnson County Conservation Board, recovering those dollars and then donating a 7-acre circle to the Tribe, which had expressed an interest in owning the parcel. A co-management agreement was established between the Conservation Board and the Tribe for the 7-acre parcel, which is a mixture of prairie and woodland and surrounded by the balance of the Melloy property. Their agreement allows the conservation board to provide conservation management activities on the property.



Photo courtesy of Iowa Tribe of Kansas and Nebraska

LANCE FOSTER AND SARAH ROUBIDOUX LAWSON (IOWA TRIBE OF KANSAS AND NEBRASKA)

The land's remote location, surrounded by a conservation area, presented logistical challenges. Due to the site's distance from the Tribe's reservation, the Tribe was willing to negotiate a conservation easement with the county, allowing the county to maintain the property while the Tribe retained title. The Tribe also needed to address access, liability, indemnity and maintenance agreements. A key factor in the project's success was the Tribe's long-standing relationship with the Iowa Natural Heritage Foundation. This relationship, established well before the project, ensured the project wasn't merely transactional. The expertise of Sarah Roubidoux Lawson, who was the legal counsel for the Tribe, also played a crucial role in navigating the system and fostering effective working relationships.



The second initiative Lance and Sarah discussed involved the Iowa Mission, a former Indian boarding school site closed by the state in 2008. Transferring this state-owned property to the Tribe required state legislative action. An established relationship with the State Historic Preservation Office was essential, so when the state approached Lance about transferring the property, the relationship was already established. The Tribe needed to educate state legislators on federal Indian law and Tribal sovereignty, and address concerns, particularly around potential gaming uses. Support in the legislature from members of other federally recognized Tribes, who understood the Tribe's perspective, helped overcome initial skepticism and secure the necessary approvals. Ultimately, the Tribe secured the property with a provision that it could not be used for gaming. The Tribe then incorporated it into the newly established Ioway Tribal National Park and agreed to a preservation easement to maintain the property's status on the National Register of Historic Places.

“Doing the land right and reconnecting to the land heals a lot, heals families, heals a lot.”

Lance highlighted the importance of the relationship between land and people as an indicator of success in this work. He explained, “So if you care for the land, the land takes care of the people, it’s part of each other, ancestors, and everything.” He sees indicators of success in the health of the people, such as lowered diabetes or reduced crime rates. “Doing the land right and reconnecting to the land heals a lot,

heals families, heals a lot.” He also talked about indicators for health in the land by tracking biodiversity. “If you aren’t taking good care of the land, the land becomes angry. It begins to exclude people through a lot of disease, ticks, accidents, floods, stickers, all kinds of poisonous plants. It’s trying to protect by putting almost a scab on itself, to exclude people who are not doing it right. I think the land takes a long time to heal.” Given this relationship, he says, “I think that’s some [of] my thoughts about how you can find out if you’re doing the right thing or the wrong thing, as that interplay between people and the land and those indicators you’ve chosen to see what’s happening, it’s just the changing climate that’s going to be even more critical.”



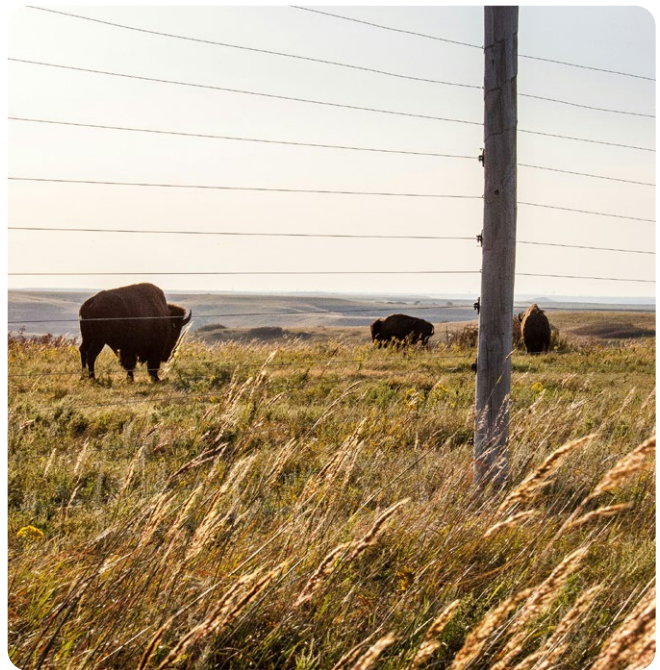
Photo courtesy of Iowa Tribe of Kansas and Nebraska



These projects showed Lance that land return is achievable. He felt it was important to reclaim land in order to provide a physical space where members can connect with each other and their ancestors. Sarah encouraged Tribes to pursue land return opportunities whenever possible, even if they come with restrictions like conservation easements, which she felt can be worked through. “Even if it starts with allowing access, take it because over time it could always lead to land ownership,” she says. Lance added that Tribes must be mindful of the responsibilities of land ownership, particularly when the land is far from the reservation area. He emphasized the importance of having a long-term vision for land stewardship and to consider the financial and logistical implications. Lance was also interested in the role Native land trusts could play in supporting Tribes with stewardship responsibilities.

LANCE AND SARAH’S KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **Long-Term Stewardship Planning:** Tribes should have a clear, long-term vision for how they will care for and manage reclaimed land, especially if the land is distant from their reservation lands.
- **Strengthen Relationships with External Entities:** Building and maintaining strong relationships with conservation organizations, state agencies and other external partners is essential for ensuring that land return efforts are successful and not merely transactional.
- **Address Financial and Logistical Implications:** Tribes and their partners need to carefully consider the financial and logistical responsibilities associated with land ownership, ensuring that the Tribe has the resources needed for effective stewardship.
- **Measure Success through Community and Environmental Health:** The success of land return initiatives should be measured by improvements in the health and well-being of the community and land, using indicators such as reduced addiction rates, increased positive health outcomes and increased biodiversity.



Konza Prairie, Kansas | Photo courtesy of Mary Hammel



ROSS BAXTER (IOWA NATURAL HERITAGE FOUNDATION)

Previously established relationships between the Tribe and the conservation board and the conservation board with the foundation helped enable the collaboration and was critical to the success of the Melloy property project. The land trust's experience with land gifts enabled a transaction that achieved the donor's intentions and facilitated transfers to the conservation board and the Tribe.

The negotiation process between the conservation board and the Tribe involved working through details around property taxes and the management agreement. The conservation board found the Tribal attorney, Sarah Roubidoux Lawson, to be very helpful in navigating the legal requirements for the title transfer. Overall, the project faced few barriers, beyond surveys and complying with county zoning. Ross expressed a desire and need to build stronger relationships directly with the Tribe and other Iowa Tribal Nations going forward.



Lansing, Iowa | Photo courtesy of Christopher Osten





Iowa | Photo courtesy of Ryan De Hamer



Photo courtesy of Adobe Stock

ROSS'S KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **No Standard Approach:** There is no one-size-fits-all approach. Every transaction is unique, and the processes and documents are still emerging and not clearly outlined. It will depend on what the Tribe, landowner and land trust want and are willing to do.
- **Complex Histories:** Determining how and which Tribe(s) to return land to can be complex, given historical Tribal boundaries and migration patterns that sometimes do not align with U.S. political borders.
- **Donor Priorities vs. Tribal Sovereignty:** Sometimes donors may have attachments to specific properties that do not necessarily align with Tribal priorities or conservation goals.
- **Building Trust and Relationships:** Building trust and authentic relationships between land trusts and Tribal Nations is crucial but can be slow and challenging, especially where cooperation historically has been limited.
- **Learning Local Tribal Histories:** It's important for land trusts to have an understanding of their local Tribes and their histories.
- **Navigating Nuances Takes Flexibility:** Navigating the nuances of land use, access and management (e.g., hunting, gathering, cultural practices) requires flexibility and an understanding of Tribal treaty rights and practices.



Purchase

Transfer of ownership to a Tribal Nation or organization can be achieved by outright purchasing land at or above fair market value. In some instances, a charitable bargain sale may also be an option. A charitable bargain sale occurs when a landowner sells property to a Tribal Nation or tax-exempt nonprofit organization for less than the appraised fair market value. The seller could be eligible for tax benefits due to this partial donation. After either form of sale, the buyer has what is known as “fee simple ownership,” or ownership outright with immediate access to the land together with the other rights in and to the property but subject to obligations such as taxes and insurance and any encumbrances and rights of others in and to the property.



Photo courtesy of Save the Redwoods League

Purchasing land in partnership is a common strategy for Indigenous land return. Purchasing in partnership are projects where the Tribal Nation or organization accesses special loan programs, funding from a partner or foundation and/or grant dollars to help with the purchase price of the land. However, for the land to be placed into trust, the Tribal Nation must hold title to the land free and clear, meaning the land must be free of any mortgages and liens. Another option is for the seller to transfer full ownership to the buyer, but still maintain some kind of legal relationship to the land, like in a leaseback agreement. Once the parties finalize the purchase, the Tribal Nation gains full jurisdiction and sovereignty over the land.



CASE STUDY: INTERTRIBAL SINKYONE WILDERNESS COUNCIL AND SAVE THE REDWOODS LEAGUE

INTRODUCTION

This case study reflects interviews with Catherine Elliott, senior manager of land protection at Save the Redwoods League in California, and Hawk Rosales, lead consultant to the InterTribal Sinkyone Wilderness Council (formerly its executive director for over 30 years). Hawk is of Ndé (Apache) lineage, a self-described land defender, and student of nature who works with Tribes to design and implement initiatives centered on rights of nature and Tribal rights that protect, return and heal Indigenous peoples' traditional lands and waters. The InterTribal Sinkyone Wilderness Council is a nonprofit consortium of 10 federally recognized Northern California Tribal Nations with cultural connections to the lands and waters of traditional Sinkyone and neighboring Tribal territories. The accredited Save the Redwoods League is a land trust with a staff of 57 and an active board that protects and restores redwood forests and connects people with their peace and beauty. Since its founding in 1917, the land trust has conserved more than [200,000 acres](#) and helped to create 66 redwood parks and reserves. Catherine and Hawk shared their experiences and insights about a recent land return project between the InterTribal Sinkyone Wilderness Council and Save the Redwoods League.

PROJECT OVERVIEW

In 2019, Save the Redwoods League contacted the InterTribal Sinkyone Wilderness Council to explore a potential land protection endeavor. The collaboration would build on a previous partnership from 2010-2012 between the two entities where a culturally significant piece of land was transferred to the Council after a lengthy 12- to 13-year process. The new property, a 523-acre forest that is remote and difficult to access, was owned by the Anderson family and is located near the Mendocino coast. The project was catalyzed by Pacific Gas & Electric Company (PG&E), which wanted to purchase the land and, as mitigation, sought to establish a habitat conservation plan needed to protect sensitive habitat. PG&E provided funding to the League to purchase the property and hold a conservation easement on it. Then the League transferred the property to the Council. The League reached out to the Council to facilitate the purchase and protection of the property. The primary motivation for the Council to engage in the project was to protect the land and honor nature in the context of cultural connections. The project had a short timeline and required close collaboration. The Council met regularly to identify goals and develop custom-tailored, legally-binding conservation agreements. Cultural values, Indigenous leadership and active participation at every step was essential to the project's success. The Council felt that the League listened and engaged well.



HAWK ROSALES (INTERTRIBAL SINKYONE WILDERNESS COUNCIL)

The Council added a section defining “Tribal protected area” into one of the project documents, which was met with resistance because it had not been done before. The Council placed certain restrictions on wildlife studies in order to honor the personhood of their animal and plant relatives and protect the land for future generations. Hawk feels it’s essential that Tribes and Tribal Organizations hold title to the land and are the ultimate decision-makers. In this case, a conservation easement was unavoidable due to the project’s funding restrictions.

Protecting such areas is crucial for addressing climate change, and doing so effectively requires Tribal leadership, respect for the laws of nature and the consent of nature. Successful land conservation cannot rely on antiquated ideas of human dominance over the natural world. Instead, it must acknowledge that the land was abundant and thriving before contact due to intensive Indigenous care and the centering of Indigenous leadership and cultural values, and then incorporate this understanding into meaningful collaborations with Tribes and Tribal entities.

Indigenous leadership is essential to this work, which can be done collaboratively for mutual benefits, including benefits to humans and all forms of life. Partners need to understand Tribal goals early on and commit to long-term relationships, not just checking a box.

Removing Indigenous people from their land and disrupting their land relationships has disastrous implications for Indigenous people, Tribal Nations and the world. Reconnecting is a long, slow journey, hindered by significant inequities in wealth and control over our plant and animal relatives. Indigenous people view plants and animals as relatives, maintaining intergenerational connections with them. This is why conservation must center and uplift Indigenous leadership, especially with growing climate threats. Tribes must lead these efforts, taking the time to identify the cultural and spiritual needs of lands they do and do not have access to due to colonization. The land remembers those relationships with Indigenous ancestors and welcomes back its original people to revitalize those connections.



Indigenous leadership is essential to this work, which can be done collaboratively for mutual benefits, including benefits to humans and all forms of life. Partners need to understand Tribal goals early on and commit to long-term relationships, not just checking a box. Tribal Nations require equity in decision-making and meaningful roles that they define for themselves in alignment with protecting the land. Indigenous leadership brings amazing success, commitment, and positive and lasting outcomes for the entire community—not just humans.

Engaging in this work requires goodwill, commitment and innovation. Everyone is on a learning journey. Non-Indigenous people need education, but Tribal leaders, often busy with providing services to their communities, have limited capacity for educating those outside their community and should be compensated for their expertise.

One example of Tribal empowerment includes, Tribal Nations or organizations creating their own spaces and inviting partners who will be good allies to collaborate alongside them, if needed. Relationship-building is crucial, including full recognition, respect and honoring of Tribal Nations. Tribes are not “stakeholders” but equal decision-makers who co-govern and collaboratively manage with committed partners. Fitting Tribes into existing federal laws and co-management frameworks often limits their authority and does not recognize them as equals. Instead, Hawk sees huge benefits to the collaborative management approach championed by the Colorado Plateau Foundation’s CEO Jim Enote (Zuni), which allows for learning across different epistemologies and enables the autonomy and unique cultural perspectives of Tribes to be effectuated alongside agency and NGO management in truly collaborative ways. This approach produces mutually beneficial outcomes, for nature, Tribes and the public. Conservation organizations and agencies need to support and nurture the development of meaningful leadership roles for Indigenous people into all current and future endeavors.

Tribes are not “stakeholders” but equal decision-makers who co-govern, and collaboratively manage with committed partners.

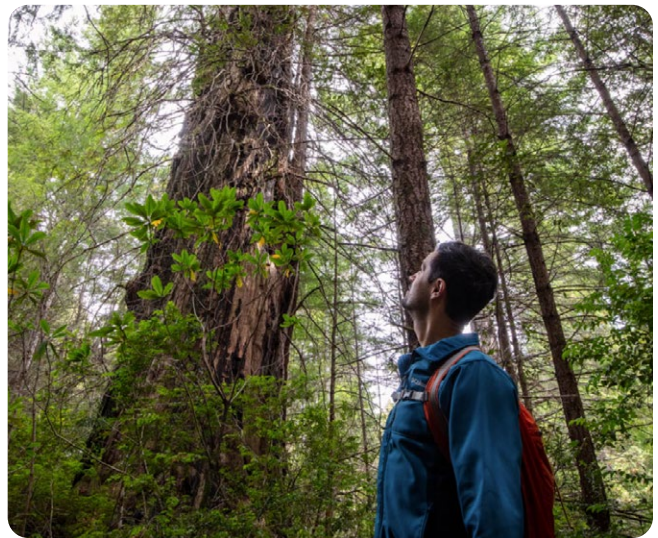


Photo courtesy of Save the Redwoods League



HAWK'S KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **Successful Partnerships:** Commitment, trust, consistent follow-through, and gaining understanding of and respect for Tribal sovereignty are crucial to successful partnerships and agreements with Tribal Nations and Tribal Organizations. Invest in long-term relationships, engage in early and ongoing learning about Tribal goals, and commit to equity in decision-making. This also entails partnering with Tribes to secure funding necessary to sufficiently support Tribal engagement in conservation endeavors.
- **Tribal Leadership and Cultural Values:** Effective land protection and conservation requires centering Indigenous leadership and cultural values, recognizing that Indigenous management since the dawn of time has been largely responsible for enabling the land's abundance, balance and vitality.
- **Collaborative Approach with Equity:** Partnerships must include Tribes as equal decision-makers, co-governors and collaborative managers. A collaborative management approach that respects different epistemologies, or ways of knowing, can achieve mutually beneficial outcomes.
- **Education and Decolonization:** Non-Indigenous people need education on Indigenous perspectives, but this requires time, effort and compensation for Tribal leaders, who are often busy serving their community. Non-Indigenous society has a responsibility to engage in decolonization efforts.
- **Cultural Protection:** Legal definitions and agreements must protect and reflect specific cultural contexts and values. Tribes are cautious about cultural appropriation, misrepresentation or encouraging others to see Indigenous people as a monolith.
- **Revitalizing Land Relationships:** The land remembers its original people and welcomes them back. These relationships will help inform the success of future conservation and climate change efforts.
- **Empowerment and Autonomy:** Tribal empowerment means Tribes creating and implementing their own decision-making structures and processes, and inviting allies to participate as necessary.



Photo courtesy of Save the Redwoods League



CATHERINE ELLIOTT (SAVE THE REDWOODS LEAGUE)

A key factor in the success of the project was the relationship-building that had taken place that led to the existing relationship between the League and Council. The League had previously worked with the Council to donate a property, which helped in establishing trust and familiarity. The League worked closely with Hawk Rosales, the executive director of the InterTribal Sinkyone Wilderness Council at the time, to navigate the complex negotiations. This included regular communication, maintaining to-do lists and providing guidance on a respectful and culturally appropriate approach. The Council also had an experienced attorney, Curtis Burkey, who provided legal expertise. It also had experience engaging in complex negotiations on marine protected areas with fish and wildlife. The League prioritized respect, communication and patience while working toward an agreement—understanding that Tribal leaders are running an entire nation and might need more time and flexibility in the project.

A key challenge was reconciling the League's need for a conservation easement to ensure permanent protection with the Council's concerns around Tribal sovereignty. PG&E was initially hesitant to transfer the property directly to the Council due to fears around potentially waiving sovereign immunity, which could jeopardize their habitat conservation plan. After internal discussions, the League agreed to hold the conservation easement while transferring the property's ownership to the Council. This required the League to indemnify PG&E in case the Council's sovereign immunity ever became an issue.

Opportunities for future expansion of the League's commitments include guaranteeing access and cultural use for Indigenous people on the properties owned and operated by the League. Many funders require conservation easements to ensure environmental protection beyond just the current landholder, but that can communicate a lack of trust and disrespect to Tribal Nations. More flexibility in the legality of conservation easements is needed when drafting them in partnership with Indigenous communities.

The League prioritized respect, communication and patience while working toward an agreement—understanding that Tribal leaders are running an entire nation and might need more time and flexibility in the project.



CATHERINE'S KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **Building Trust and Relationships:** Success hinged on the strong relationship between the League and the Council, built through prior collaborations, fostering trust and easing negotiations.
- **Effective Communication and Cultural Sensitivity:** Regular, respectful communication and the involvement of experienced leaders ensured the project was handled with cultural sensitivity and precision.
- **Flexibility and Patience:** Understanding and accommodating the Council's timelines were critical, acknowledging the broader responsibilities of Tribal leaders.
- **Future Improvements:** Future projects should ensure Indigenous access and cultural use, and conservation easements should be drafted with greater flexibility.



Photo courtesy of Sarah Brown



Easements

An easement is a legal agreement where a landowner grants to an individual, Tribal Nation or other entity certain rights in and to the property for a specified duration or in perpetuity. The landowner retains ownership of the underlying fee interest in the property, but has transferred one or more of its property rights to another. Traditional easement purposes include conveying access rights or utility rights-of-way. Easements must meet certain legal criteria in order to apply to not only the easement grantor, but any successor owners of the subject property. There are many types of easements, differentiated by purpose and goals of the landowner as well as the activities they permit or prohibit. Cultural respect and conservation easements are commonly used as pathways to land access and return. They are distinct tools that overlap in some ways, but also differ greatly. What is and is not permissible by way of these tools will vary greatly from state to state and is grounded in either state common law or state statute. Knowledgeable local legal counsel is necessary to inform a risk/benefit analysis of these tools and to ensure that the final result is a valid and binding legal document serving the purposes intended.



Massachusetts | Photo courtesy of Adobe Stock

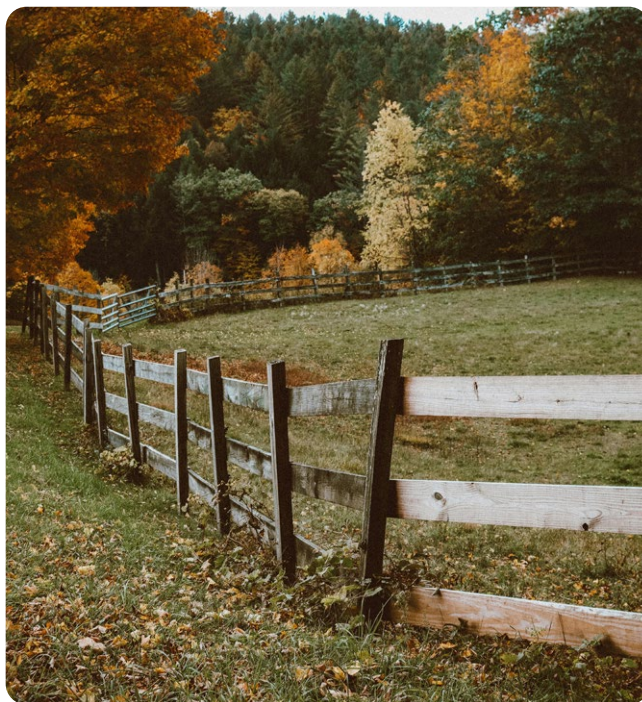


Photo courtesy of Jon Tyson



Cultural Respect Easement

Many lands conserved by land trusts offer public access, often for recreational activities like hiking, biking and rock climbing. However, these activities may not always be welcoming for Indigenous people or consistent with their traditional cultural activities. For this reason, there are types of easements that focus specifically on granting access to Tribal Nations or organizations for cultural activities. These types of easements can go by many names, including “cultural easements,” “cultural access easements,” “cultural conservation easements” or “cultural respect easements.” For the purposes of this document, we will refer to them as “cultural respect easements.” A cultural respect easement is a legal agreement between a landowner (which can include a conservation group) and a Tribal Nation or organization. This easement provides Indigenous people with legally protected cultural access to the land. It also exemplifies a relationship-focused approach based on mutual respect between land trusts and land owners and Indigenous communities, organizations and people. It reflects an understanding and respect of the connection between Indigenous people and their land and the importance of providing them with the opportunity to reconnect with the land.

The cultural respect easement remains a relatively new tool. Legal practitioners are still charting courses for these tools through largely untested legal waters. A cultural respect easement is likely characterized under state law as an “easement in gross,” or an easement where the rights granted therein are personal

to a specific organization or person. State law varies on what rights can be granted by way of easements in gross. Work closely with knowledgeable local legal counsel to ensure that the cultural respect easement meets the state’s legal requirements. For example, some attorneys in California rely on the [California Civil Code Section 802](#) as the legal basis for cultural respect easements. This section of the code expressly allows for easements in gross to grant a right of way to take water, wood, minerals or other things. In Massachusetts, the source of this authority is the common law. Also, work with legal counsel to understand transferability, termination and whether cultural respect easements can be perpetual in the project’s specific state.



Photo courtesy of Dust Pixels



The parties mutually agree on what land access will look like, centering the needs and perspectives of Indigenous people. The original landowner or organization retains ownership while sharing it with Indigenous people. Cultural respect easements offer an opportunity to promote historic healing, strengthen relationships between Tribal Nations and private landowners or organizations, and enhance land stewardship.

The first cultural respect easement in the eastern U.S. was signed in 2021, through a partnership between the Native Land Conservancy and the Dennis Conservation Land Trust (DCLT) in Massachusetts. More recently, DCLT and the Native Land Conservancy completed a legal agreement ensuring Indigenous access for traditional practices and ceremonies on all of DCLT's preserves in perpetuity. Though this was the first cultural respect easement in the eastern U.S., it was inspired by the cultural conservation easement work of the Amah Mutsun Tribal Band, in California.



Massachusetts | Photo courtesy of Christopher Ryan

There are important considerations when creating cultural respect easements. These easements are built on trusting and respectful relationships, which take time to develop. Both the easement and cultural practices outside of the specific community may not be well understood. Both parties must agree on what kind of access is allowed and if there are any specific limitations. Access could include hunting, fishing, gathering, ceremony vision quests, etc. Defining who specifically gets access and how to enforce it can be challenging, especially if the communities involved do not have state or federal recognition. Additionally, a landowner's lawyer might overcomplicate the language or want to include extinguishment clauses, potentially making the agreement more transactional and less based on respect.

Cultural respect easements provide access to the land for cultural activities, but the Tribal Nation does not own or exercise any sovereignty over the land. Cultural respect easements emphasize respect for the Tribal Nation's cultural practices. When properly executed, cultural respect easements alleviate Indigenous people's burden of proving that their cultural access is protected and reduces the risk of being interrupted or harassed while on the land. Cultural respect easements can also include signage and opportunities to educate neighbors, local police and environmental police. These agreements explicitly acknowledge and respect the cultural significance of the land to the Tribal Nation.



CASE STUDY: NATIVE LAND CONSERVANCY AND DENNIS CONSERVATION LAND TRUST

INTRODUCTION

This case study reflects interviews with Ramona Peters, Mashpee Wampanoag and founder of the Native Land Conservancy (NLC), and Joseph Masse, president of the Dennis Conservation Land Trust (DCLT). Ramona shares her insights on developing and implementing cultural respect easements, and Joseph shares his insights on working with the NLC to create a cultural respect easement for Indigenous cultural access to DCLT's properties. Joseph has served as a trustee of the DCLT for more than two decades and as its president for the past nine years.

OVERVIEW OF CULTURAL RESPECT EASEMENTS

The NLC, and with a staff of five and an active board, works to protect land and to facilitate safe access and land return for Indigenous people to practice their cultural traditions in the land now known as Cape Cod, Massachusetts. Since its founding 14 years ago, NLC has managed approximately 198 acres of land in fee, and secured hundreds of acres more through conservation restrictions and cultural respect easements in and beyond Cape Cod. The organization also provides technical support to Tribes interested in developing their own land trusts.

Initially, NLC encountered hesitancy from non-Native groups regarding cultural respect easements. To overcome this, the organization focused on building relationships, engaging respected non-Native intermediaries and investing in public education. They also established their commitment to the work and its longevity by offering a fellowship program, responding to media interests and hosting annual meetings that include cultural elements.

Sensing that many people and organizations are not ready to fully return land back to Indigenous people, nations or organizations, NLC develops cultural respect easements to ensure land access in perpetuity. They carefully consider the restrictions and allowances within each cultural respect easement to ensure they meet the Tribe's needs for activities such as hunting, fishing and sustainable gathering. It's crucial to clearly state these needs in the initial discussions about the easements and to actively participate in drafting the document. The organization prioritizes sites with historical, cultural or spiritual significance to the Tribe when negotiating with landowners and conservation groups.



NLC has faced practical challenges, such as high costs for land acquisition, including deed transfers, site surveys, title searches and land management planning. In regions such as Cape Cod and Martha's Vineyard, land prices can be prohibitively expensive. Unexpected support from anonymous donors has helped NLC overcome these obstacles by covering land-related costs. Additionally, NLC has engaged with other Indigenous communities globally, including an Aboriginal group in Australia, interested in their cultural respect easement approach.

Restoring relationships with the earth is vital for Indigenous peoples. Accessing the land helps to rebuild vital connections to ancestral traditions. Conservation organizations can help facilitate this process by providing access to land. However, it is often challenging for Native people to comfortably ask for respect or space due to the lingering grief from historical losses, which adds another layer of difficulty in advocating for land rights and access.

A best practice when developing cultural respect easements is to talk in depth and in detail about what access means. This requires clear communication by both parties. If someone offers land or access to an organization, staff should go and walk and sense the land for themselves. They should see if the land wants to be in their care and do research on the area. Cultural respect easements can be a beginning step toward land return. Through cultural respect easements, organizations can demonstrate how much they care about the place, which might result in land return one day. Ramona says, "The land itself doesn't know any of these barriers or deeds or anything like that. So it's hard to erase it from our minds, but you spend enough time outside and those lines get very blurred. It still has our ancestral imprints there, and there's nothing that can take that away."



Photo courtesy of Dennis Conservancy Land Trust and Native Land Conservancy

RAMONA'S KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **Building Trust and Overcoming Hesitancy:** NLC faced initial reluctance from non-Native groups about cultural respect easements but overcame this through relationship-building, engaging intermediaries and public education.
- **Restoring Relationships with the Earth:** Access to land is vital for rebuilding connections to ancestral traditions, but asking for respect or space is challenging for Native people due to historical grief.



Photo courtesy of Dennis Conservancy Land Trust and Native Land Conservancy

- **Best Practices in Negotiating Cultural Respect Easements:** Clear communication and thorough discussions are crucial when negotiating cultural respect easements. Involvement in the process, including personally connecting with the land, can lay the groundwork for future land returns.
- **Leveraging Cultural Respect Easements:** Cultural respect easements can be a stepping stone toward full land return. Showing care for the land can potentially lead to its eventual return.

NATIVE LAND CONSERVANCY AND DENNIS CONSERVATION LAND TRUST PARTNERSHIP

Introduction

In this interview, Joseph, president of the DCLT, shares his insights on working with the NLC to create a cultural respect easement for Indigenous cultural access to DCLT's properties.

Founded in 1988, the DCLT has conserved over 670 acres of land in Dennis, Massachusetts. The staff of eight is supported by a strong board, a diverse group of advisors, consultants and volunteers.



Project Overview

This case study examines the experience of the DCLT, located on Cape Cod in Massachusetts, working with NLC to establish a cultural respect easement for access to and use of DCLT's properties by NLC and its Indigenous constituents and partners for cultural purposes.

This project began when NLC approached the town of Dennis with the intent of assisting the town to protect an open space property abutting Scargo Lake. Scargo Lake is important from a historical perspective to the Wampanoag Nation's people, where a burial ground of the former Nobscusset Wampanoag village exists along the lakeshore. Ultimately, the partnership between the town and NLC was not successful. Seeing the passion that NLC had for this property, Joseph met with Mark Robinson, head of the Compact of Cape Cod Conservation Trusts, which provides 31 local and regional land trusts and watershed associations with technical expertise, to see what they could do to work with Ramona to formally invite access to and cultural use of DCLT's properties nearby in Dennis.

DCLT reached out to Ramona and brought her to their largest property, the Black Flats, which is 205 acres of upland and marsh along Chase Garden Creek. Ramona worked with her board and brought them to visit the property. They agreed to continue their discussions, with ongoing assistance from Mark. The DCLT learned so much during this discussion period regarding the deep respect Ramona and NLC have for the land and environment. Western culture values land primarily as an asset to be bought and sold. Ramona and NLC value the land in a much deeper and spiritual way, believing that the land provides and should be provided for, in a mutual caretaking relationship between nature and people.



Photo courtesy of Dennis Conservancy Land Trust and Native Land Conservancy



After months of working together, they created a document, a cultural respect agreement granting legal cultural access for Indigenous people to Black Flats, including the right to practice cultural activities. This, in a real sense, welcomed NLC and its Indigenous partners back to land that had been part of their history for thousands of years. The agreement was formalized and signed by both parties in a ceremony conducted at the Sturgis Library in Barnstable, Massachusetts. Over the next few years, DCLT deepened their relationship with NLC to the point that both boards felt it was time to move forward and welcome NLC to all of the DCLT's properties, forever. Working with the assistance of Mark, a new legal document, cultural respect easement, was created and signed by the DCLT and NLC, formalizing Indigenous access in perpetuity and DCLT's commitment to expanding the partnership in the future. DCLT continues to work closely with NLC, constantly learning other perspectives regarding the land as they strengthen their understanding and mutual respect. They look for new ways to work together to benefit each other and the land and are always learning.

The key to the success of this project was the relationships and trust built over time between the two organizations, and in particular between DCLT's two executive directors (Katherine Garofoli and Julie Early), Ramona and Joseph. Creating an engagement process that encourages mutual respect and a real desire to get to know one another, appreciate each other and learn has been critical to their ongoing success. While there are many individuals important to the creation of their relationship and this formal easement, none were more important than Mark and Ramona. Joseph says, "I, personally, and all of us at the Trust have benefited from what we continue to learn from the members of the Native Land Conservancy and our association with their leader, Ramona."



Breakheart Reservation, Forest Street, Saugus, Massachusetts
Photo courtesy of Stephen H

There were no legal or regulatory barriers in creating or implementing either the initial agreement or the easement regarding access to their properties. The primary challenge for both organizations was to focus not on preconceived notions but rather on the benefit to the land and each other in the process and result.



JOSEPH'S KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **Building:** Developing strong relationships and trust between land trusts and the Indigenous community is essential. Attending each other's meetings, getting to know one another, and approaching the process with mutual respect are critical.
- **Starting:** The DCLT began with a cultural respect agreement for one property, then later expanded to a formal easement covering all their lands. This gradual approach helped build a solid foundation.
- **Focusing:** Rather than approaching skeptically, the focus should be on mutual understanding, learning from one another, and recognizing the shared humanity of all people and their reliance on healthy lands.
- **Advocating and Sharing:** Encourage land trusts that have gone through the process to advocate for these types of easements by sharing their experience. Promote the use of cultural easements as a benefit to both the trusts and their longtime stewards, Indigenous people.
- **Approaching:** Being open-minded and willing to learn from the Indigenous community's perspective on land use and conservation is essential for a successful partnership, as it is essential to promoting the long-term health of the land.

The overall takeaway is that cultural respect easements require a thoughtful, relationship-based approach focused on mutual understanding, ongoing engagement, and a willingness to learn and change perspectives over time.



Photo courtesy of Dennis Conservancy Land Trust and Native Land Conservancy



Mount Greylock, Adams, Massachusetts
Photo courtesy of Rich Martello



Conservation Easement Considerations for Indigenous Land Return

Nonprofit land trusts and government entities widely use conservation easements to protect and conserve land. Conservation easements must provide public benefits, such as water quality improvements, farm and ranch land preservation, scenic views, wildlife habitat, outdoor recreation, education or historic preservation. They are voluntary legal agreements between a landowner and a “qualified holder” (typically a land trust or government entity) that permanently limit land use to protect its conservation values. Land trusts help oversee—and, when necessary, enforce—the terms of the conservation easements. Landowners retain many of their rights, including the right to own and use the land and sell and pass it on to their heirs.

Conservation easements restrict land uses that harm the conservation purposes and values identified for protection under the easement. This includes prohibiting activities such as building construction, surface mining or grading. Conservation easements are granted in perpetuity, ensuring permanent land protection even after the grantor no longer owns the land. Landowners who donate the conservation easement could be eligible for state and federal tax deductions. Land trusts and government entities that own land often place a conservation easement (held by another organization) on it for an added layer of protection.



Photo courtesy of A. C.



Photo courtesy of Josh Hild





Photo courtesy of Polina Kuzokova

Conservation easements generally grant the land trust or government grantee/easement holder rights for monitoring and enforcing the easement's terms in order to protect the property's conservation values. Some conservation easements go further and may include rights for ecological restoration, scientific studies or public access, but note that these kinds of rights require additional risk assessment. For any easement, monitoring best practices requires the easement holder to visit the land annually to check for violations of easement terms. If one is spotted, the holder has a range of responses available, from a letter notifying the landowner of a minor infraction and requesting it be fixed to an injunction for the most serious violations. It is important to note that conservation easements do not come with any financial support for stewardship, monitoring or enforcement, unless it is explicitly negotiated. This can come as an unforeseen cost or barrier to managing a conservation easement. Though insurance options exist to protect against the costs of enforcement and legal defense of conservation easements, if a Tribal Nation or organization holds a conservation easement, they must fully fund and execute all conservation obligations such as monitoring and enforcement. This includes regular monitoring and site visits, landowner communication and support, legal enforcement of easement terms, recordkeeping, compliance reporting, stewardship endowment and financial planning. The cost of these activities depends on the size of the property and the complexity of the stewardship obligations.





Bodega Bay, California | Photo courtesy of Cosima Qin

Among pressing climate concerns, many within Western conservation spaces are beginning to recognize the value and effectiveness of traditional stewardship practices. This has resulted in an increased interest in partnership with Tribal Nations and Tribal Organizations, including opportunities to become conservation easement holders. A Tribal Nation or organization might become a conservation easement holder for many reasons, including the degradation of ancestral lands alongside complex barriers to full land return. Holding a conservation easement can help restore land relationships, revitalize traditional stewardship practices, and help heal and restore the health and well-being of the land. It can allow Tribal Nations and Tribal Organizations to protect land beyond their direct jurisdiction, which may serve as subsistence resources, or assert interest in Tribal lands not officially recognized by state or federal governments. Protecting lands outside reservations can also promote the ecological health of reservation lands. It can help navigate sensitive political landscapes. For example, broader community members might hesitate to sell large parcels of land to Tribal entities due to concerns about development or Tribal jurisdiction. Holding a conservation easement could demonstrate the Tribe's commitment to land conservation, potentially alleviating these concerns for the future. Financial constraints to purchase the land or the landowners' unwillingness to sell might also make stewarding a conservation easement an appealing option to gain access to ancestral lands. If the Tribal Nation is the holder, conservation easements grant the Tribal Nation certain rights, but no sovereignty over the land. Only California, Washington and Oregon have explicitly added certain Tribal Nations to the list of eligible conservation easement holders. The failure of many states to recognize Tribal Nations as eligible conservation easement holders is another reason for the rise in newly formed Indigenous land trusts.



A Tribal Nation or organization might consider accepting land with a conservation easement held by an outside party if they do not have the financial means to cover the stewardship responsibilities, it's required due to one of the parties accepting federal funding, or the Tribal Nation views it as a step toward reclaiming access and sovereignty of ancestral lands in the future.

Some Tribal Nations are concerned about placing permanent restrictions on a property that will last forever. Additionally, the land relationships outlined in the agreement may not align with Indigenous concepts of land stewardship, though the idea of communal investment and partnered stewardship does. Through long-term committed relationships, both partners can work together to draft easement language that better articulates and aligns with Indigenous stewardship concepts, but that takes time, learning, understanding and humility on the part of the non-Indigenous land trust.

For Tribal Nations, conservation easements with an outside holder limit land use, are extremely difficult to change or terminate, hinder the ability to place the land into trust, and impede uses that sovereign immunity would not supersede. For example, an easement could include restrictions on the business development of the land to support the Tribe's economic priorities or recreational uses like building a baseball diamond or basketball courts. For these reasons, it's important for partners to have conversations about the many different needs that Tribal Nations are striving to meet and how to find alignment with those needs in mind.



Samuel H. Boardman State Scenic Corridor, Brookings, Oregon
Photo courtesy of Karsten Winegeart



Washington | Photo courtesy of Getty Images



Conservation Easement: Cultural Use Rights

Whether cultural use rights can be included in a conservation easement will be based on the state statutes that define the parameters of conservation easements for that state. These statutes are often collectively referred to as the “conservation easement enabling act.” Conservation easement enabling acts vary significantly from state to state, including with regard to what is considered a “conservation purpose” that can be protected by the easement. Practitioners incorporating cultural use rights into conservation easements are generally doing so in states that include, amongst conservation purposes, the preservation of historical, architectural, archaeological or cultural aspects of real property.

Differences may arise between landowners and Tribal Nations regarding the role of hunting, fishing, gathering and ceremony in conservation. For example, the landowner might want to prohibit hunting, fishing and gathering in the recreational section of a conservation easement, while these might be seen as critical cultural practices that the Tribal Nation or organization want preserved. When agreeing on cultural access and activities within any type of easement, defining cultural access while honoring the sacredness of traditional knowledge can help ensure clarity for both parties and protect Tribal rights for the future.

Cultural use rights within a conservation easement’s recreational use section grants only cultural access to the named Tribal Nation. Though they have access, they have no jurisdiction or sovereignty over the land.

Tsungwe Council Secures Conservation Easement to Protect Cultural Site

A group of investors acquired land with plans to establish a cannabis operation, which posed a potential threat to a Tsungwe cultural site. In response to Tsungwe Council’s concerns, the landowners agreed to a conservation easement with the Tsungwe Council, protecting a 6-acre portion that included an original village site. The easement restricted subdivision and development while permitting the Tribe to use the land for cultural, ceremonial, gathering, restoration and research purposes. Read more [here](#).



Preservation Easements

Preservation easements focus on protecting significant historical, archaeological or cultural buildings, landscapes or properties. Typically held by nonprofit organizations and occasionally by municipal, state or federal entities, these easements often last in perpetuity, transferring with the property deed upon sale. Some, however, may expire after a set period.

Historic preservation easements may involve different drafting and stewardship considerations than other types of conservation easements. “A key factor in drafting historic preservation easements is to provide sufficient flexibility to ensure that the building will be usable for future residents, while respecting the past,” comments Paul Edmondson, former president and CEO of the National Trust for Historic Preservation. “For example, in most cases, historic properties protected by easements may accommodate changes to allow heating, air conditioning, network cabling, access for individuals with disabilities and other modifications. Such changes should be made under the supervision of a qualified preservation architect and with the approval of the easement holder.”

If measurable standards are impractical, refer to accepted standards. For example, historic preservation easements often refer to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, which may be amended from time to time. The holder then has a reference point to use when evaluating easement compliance.



Photo courtesy of Daniel Lloyd Blunk-Fernández

For historic preservation easements, holders may require rehabilitation agreements—side agreements that require a poorly maintained building to be brought back into good condition, under approved plans, within a specified time period from the date of the easement. This type of agreement ensures that existing conditions will not give rise to a claim that the landowner is not maintaining the property. Preservation easements grant the Tribal Nation jurisdiction but no sovereignty.



Cultural Harvest Programs

Guided by Traditional Ecological Knowledge and cultural protocols, cultural harvest programs facilitate the harvesting of plants for food, medicine or ceremonies; gathering materials for basket weaving, regalia or traditional art; and/or engaging in sustainable hunting and fishing practices. Cultural harvest programs support the continuation or revitalization of cultural practices, support ecological stewardship and promote sustainable land management ethics. The program's focus depends on the needs of the Tribal Nation or organization. These activities are important for community-building, intergenerational knowledge sharing and ceremony, so these programs often include provisions and resources to support participation. These can include providing transportation and education on traditional gathering, hunting, fishing and/or processing practices.

Land trusts can play a role in the development and logistics of these programs and can also enable access to privately held land. Partnerships with land trusts can open up access to land that is owned and managed by the organization, as well as access to willing landowners who have existing relationships with the land trust. These types of partnerships can be a step toward further trust and relationship-building, which can lead to expanded land access and return opportunities in the future. For non-Indigenous land trusts and private landowners, these collaborations provide an introduction and education, and ease concerns or misconceptions regarding harvesting and access. For Tribal Nations and Tribal Organizations, these relational-based and informal agreements, which are less reliant on formal legal structures, can offer a more comfortable and trust-based approach to land access than binding legal contracts.

The 2022 Root Gathering at Bald Hill Farm

The 2022 Root Gathering at Bald Hill Farm in Oregon brought together Indigenous communities, land trusts and conservation groups to strengthen partnerships and support Indigenous-led stewardship. The [event](#) featured cultural harvesting, knowledge sharing and discussions on expanding Indigenous land access and conservation collaboration.





Photo courtesy of Montezuma Land Conservancy

CASE STUDY: UTE MOUNTAIN UTE TRIBE AND MONTEZUMA LAND CONSERVANCY

INTRODUCTION

This case study reflects interviews with Travis Custer, executive director at Montezuma Land Conservancy (MLC); Austin Easter, conservation director at MLC; and Regina Lopez-Whiteskunk, Ute Mountain Ute Tribal member and cross-cultural programs director at MLC. The Ute Mountain Ute Tribe are the Weenuche band of the Ute Nation of Indians. The Ute Mountain Ute Reservation is a sovereign nation located in the Four Corners region of the United States and home to more than 2,000 members. The majority of the reservation consists of about 553,008 acres in Montezuma and La Plata counties in Colorado and San Juan County, New Mexico. Founded in 1998, the accredited MLC has a staff of nine and an active board working to conserve land in southwest Colorado. MLC has worked with 75 families to protect nearly 50,000 acres of open space, wildlife habitat, public access trails and agricultural lands through the use of voluntary conservation easements. MLC offers innovative and inclusive youth and adult programs that connect communities to place. Their programs help ensure future generations have the opportunity to engage with the natural world and build relationships in their community.



ORGANIZATIONAL BACKGROUND

The organization has been shifting their focus from transactional conservation work, centered on private land conservation easements, to community-centered programming. This includes embracing diversity, equity, inclusion and justice work, while also reflecting on organizational values and the historical context of conservation and its lasting impacts. MLC quickly realized, according to Travis Custer, that, “community-centered programming was bigger than just outreach to create more conservation easements or to connect people to MLC’s work, but [it had] a deeper purpose of centering community voice and working to figure out how a land trust can be a better partner to the community so the benefits of conservation could be more broadly felt by more people.”

DEVELOPMENT OF COMMUNITY-CENTERED PROGRAMMING

With this vision in mind, MLC began to develop community-centered programming for youth and adults. In 2021, alongside other partners, they began building a relationship with their neighbors, the Ute Mountain Ute Tribe. They were awarded a grant to develop community-centered programming to address the historical injustices of land loss, genocide and the forced removal of Indigenous people, while also acknowledging the conservation movement’s role in these actions.

“Community-centered programming was bigger than just outreach to create more conservation easements or to connect people to MLC’s work, but a deeper purpose of centering community voice and working to figure out how a land trust can be a better partner to the community so the benefits of conservation could be more broadly felt by more people.”



The grant provided funding for programming and the creation of a cross-cultural staff position. MLC prioritized hiring an Indigenous person for this role because they understood the importance of someone from the community holding this important position. Regina Lopez-Whiteskunk, a former Ute Mountain Ute Tribal councilwoman and environmental advocate, was hired as the cross-cultural programs director to serve as a bridge between the land trust, the Tribal community and the Tribal government. She also plays a pivotal role in fostering trust, building connections and creating collaborative opportunities. Her leadership, experience and social capital has laid the groundwork for trusting, meaningful collaborations.

RELATIONSHIP-BUILDING

For MLC, building relationships with Tribal communities starts with simple, genuine conversation, like sharing a cup of coffee and acknowledging mutual needs. It requires patience, flexibility and understanding that Tribal governments operate on their own timeline as sovereign nations. Authenticity is key, not just to achieve project goals, but to create genuine, lasting connections.

“From a former Tribal leader’s perspective, when you get approached by a new organization or a new vision or dream, the first thing you ask is, ‘What do you want from us?’ And frequently it’s our traditional knowledge, land, and/or resources that are the first things targeted,” Regina says. She highlights the skepticism many Tribes feel due to past experiences with outsiders seeking resources without long-term commitment. To build trust, organizations must show genuine and authentic investment beyond funding or projects, showing reliability and neighborly respect. Yet, she has observed a shift in recent years, as organizations and individuals begin to recognize and respect Tribal sovereignty while seeking paths forward to solve challenges in partnership.

*Authenticity is key,
not just to achieve
project goals, but to
create genuine,
lasting connections.*



Photo courtesy of Montezuma Land Conservancy



She goes on to say that living on the reservation can sometimes lead to feeling a little bit sheltered from knowledge of nearby organizations and potential collaborations. However, her involvement with MLC has shown her there are significant opportunities for Tribal Nations to influence processes and conservation efforts and for non-Tribal Organizations to be important partners in the process.

She emphasizes that each Tribal Nation functions differently, and showing respect for Tribal leaders, their processes and the community can greatly strengthen relationships. Guided by this sentiment, MLC invested time in understanding how the Ute Mountain Ute's Tribal government functions to learn how to best communicate and navigate their systems. Then they drafted a letter of intent that they presented to the Tribal Council to seek their blessing on finding a path forward to partnership. This was an essential step to demonstrate good faith, foster trust and show respect for Tribal sovereignty and governance.

To deepen the collaboration, they formed a steering committee that includes Tribal members, project partners and MLC staff, which remains central to the project today. A key measure of success is the participation of Tribal leaders and regular engagement from three to four Tribal members. Some have taken on leadership roles within the project, which further reflects their commitment and involvement. Meetings are held within the Tribal community or on Zoom, emphasizing inclusivity and accessibility to create welcoming spaces for Tribal voices.



Photo courtesy of Montezuma Land Conservancy



TRADITIONAL HARVEST PROJECT BACKGROUND

As the relationship continued to expand, MLC began working more closely with the Tribal environmental department, including restoration work the department was carrying out on Tribal lands. This partnership led to a series of youth and adult programs supporting riparian area restoration on the reservation. The Tribe had also published a climate change report that addressed drought, desertification and invasive weeds affecting traditional plants and reservation land. Soon after the publication, the Tribe began developing a traditional harvest plan focused on addressing the issues outlined in the report and the overharvesting of culturally significant plants.



Photo courtesy of Montezuma Land Conservancy

The Cross-Cultural Programs Director (CCPD), who was raised and rooted in her culture and traditional knowledge, understood first-hand the difficulty community members face in accessing culturally significant plants for ceremonies. Historical restrictions, current regulations, climate change, reservation boundaries, private land ownership and government regulations have all hindered seasonal and traditional harvesting practices, while overharvesting in limited areas has caused further strain. She believes with global issues like climate change, Tribes and organizations can find meaningful common ground for collaboration by focusing on shared concerns rather than divisions. Coming together as people, beyond arbitrary boundaries, can foster authentic relationships and collaborative conversations about issues that affect everyone.

TRADITIONAL HARVEST PROJECT

A few months after the climate report was released, Hannah Ertl, a biologist for the Tribe's environmental department, submitted a grant to further support the Traditional Harvest Project. The grant was developed with Tribal members' input and blended cultural perspectives with the Tribe's riparian restoration projects. The project sought to develop a Tribal plan aimed at addressing the impacts of climate change on five keystone traditional plants and harvesting practices on Tribal land.



Project members then reached out to MLC to discuss opportunities to grow the project off the reservation. This included educating people outside the reservation and the potential to collaborate with local private landowners to increase land access for the Tribal community. It was unclear how many landowners might be interested in allowing Tribal access for harvesting on their lands, but MLC's existing relationships with private landowners felt like an appropriate place to start. MLC approached the collaboration with flexibility and a commitment to support the project by engaging private landowners and helping to manage those relationships. "We had no expectations of any specific outcomes, but saw an organic opportunity to step in and support," says Travis. "That's always felt like a genuine, authentic part of this work, and I think it's probably why it's continued to gain momentum. The project has community buy-in, and came from a really authentic place."



Photo courtesy of Montezuma Land Conservancy

Initial efforts to explore legal agreements were put on hold after recognizing that such discussions triggered historical trauma related to land loss and displacement for the Ute Mountain Ute people. Instead, the project adopted a voluntary access model centered on trust and relationship-building. Landowners agree to simple, informal consent for Tribal members to access their property for harvesting. This model emphasizes relationship-building over legal formalities, though other mechanisms to enable access are being explored.

Over time, MLC realized the need for more Tribal community participation to help establish trust and education for community members to utilize the program. This led to the development of Tribal Harvest Leaders, who act as liaisons between landowners, harvesters and staff, ensuring smooth, respectful access without burdensome paperwork or liability concerns. They hope this approach will support a seamless process where access to land feels natural and equitable.



The project has grown with enthusiastic support from a surprising number of volunteer landowners, many with their own personal connections to the Tribe's history and the land. Landowners are screened through site visits by MLC staff, Tribal members and Tribal Harvest Leaders to assess the land's suitability for cultural harvesting. Detailed site visit forms document plant availability, potential access issues and considerations for harvesters. The forms also contain language outlining voluntary access agreements, serving as an educational tool for landowners about cultural harvesting practices and the importance of Indigenous knowledge. The process has fostered deep mutual respect and strengthened ties between landowners, Tribal members and Tribal Harvest Leaders while raising awareness of cultural conservation practices. The program now includes about 25 private landowners, a small group of deeply engaged Tribal members, ongoing harvest opportunities and education efforts to expand Tribal participation.

Progress has been a mix of slow movement and remarkable success dependent on the openness and willingness of partners to share and collaborate across reservation boundaries. True progress has come from showing up together, with courage and humility, and working toward solutions as partners even without having all the answers. The CCPD never imagined the direction this project would take, especially from her perspective within a Tribal community. Regina often uses the "grandma test," asking how her own grandmother would view their efforts. "I often sit alone thinking about what would Grandma say about how we've brought this project along. And, you know, I think we did a really great job in bringing people together."

A powerful indicator of success has been watching participants grow from hesitant newcomers to enthusiastic leaders. One memorable example involved an elder Tribal Harvest Leader whose daughter attended a community event. During a talking circle, the daughter shared how she finally understood her mother's passion for this work. This moment highlighted the project's ability to foster intergenerational connection and understanding. Seeing a young participant reflect on her mother's role and feel heard within the community illustrates how the project inspires new generations and builds lasting, meaningful engagement.



Photo courtesy of Montezuma Land Conservancy



CHALLENGES

The project has certainly not been free of challenges along the way. Some landowners are eager for immediate results and to begin restoration work quickly. Others have involved retired wildlife biologists with Western scientific backgrounds, who are learning to understand different Indigenous perspectives and practices. Another challenge is ensuring harvests, which are sacred and personal, remain private and free of barriers, which often means landowners cannot be present for certain harvests.

Tracking certain elements of the harvests has also been difficult due to sensitivities around documentation, with Western data collection methods creating barriers rooted in historical trauma. Efforts to minimize these barriers include avoiding structured, group-focused harvesting events in favor of autonomous, flexible access for community members.

There are also obstacles in transferring grant funds to Tribal communities, with bureaucratic delays hindering timely use. This has led MLC to reflect on equity, power and resource distribution. While nonprofit facilitation can be more efficient, it raises ethical questions about aligning social justice values and the true transfer of decision-making power to Tribal Nations. The project has also uncovered deep interwoven histories of trauma and connection within the community, including stories of white families caring for Indigenous children after boarding school experiences. This layered history reflects both the wounds of colonialism and enduring community ties, emphasizing the need for creative, trust-driven solutions and long-term healing. Finally, the project faces challenges with funders' expectations for deliverables and timelines that do not align with the long-term, trust-based nature of the work. Funders often seek quick results and new initiatives, driven by strategic plans and short-term grants.

Addressing these challenges involves unraveling centuries of colonialism and systemic oppression—a process requiring years, if not decades, of commitment. MLC leverages its position as a white-led nonprofit to advocate for changes to funding structures and timelines that better align with the needs of Indigenous communities and long-term systemic change.



Photo courtesy of Adobe Stock



LESSONS LEARNED

Despite her experience as a former Tribal councilwoman with deep cultural and community roots, the CCPD acknowledges she's always learning. A key lesson came from an attempt to simplify and streamline the harvesting process to a group outing that encouraged participation. While well-intentioned, this effort was making it “too easy” and removing some of the important labor, privacy, flexibility and family autonomy that typically accompanies harvesting. It was a good reminder to Regina to be patient and flexible. “You might have a wonderful dream or idea, but it also might still not be the right one,” she says.

She also reflected on the expectations and isolation that Indigenous professionals can feel in liaison roles or as the sole representative in organizations. Building networks with other Indigenous professionals has been vital to fostering shared knowledge, camaraderie and support. Humor and shared experiences among peers has offered her relief and connection. “We are going to make mistakes because we did not get into this with instructions, a roadmap or guidance. We have to be willing to take risks and apply those to our organizations. ... We're going to screw up things. But, it shouldn't mean that we should be fearful of trying.”

She considers the Land Back movement to be about land access, which looks different to different people and communities. “For me, Land Back is the process of being able to put my feet where my ancestors walked,” Regina says.

She urges individuals to reflect and sit with their own land relationships, understandings, histories and meanings before approaching a larger Land Back conversation. She says, “My grandmother always said that we are all students of life until the day we pass.” She shares this teaching as an encouragement to others to be open to lifelong learning and growth.

While agencies and partnerships come with rigid rules and expectations, success has come through embracing flexibility, patience and mutual respect. Regina notes, “Society can make things so complicated, and we can make processes so convoluted that it actually initiates and invites fear, and that's a barrier ... to learning those basics of how to be a good human being to one another. How do we learn flexibility and patience? Why can't we just go sit down for a cup of coffee? And really being able to lay that fundamental existence within each other, then the rest can be built on that, that's just wisdom from our Elders.” Regina goes on to emphasize the need to heal and forgive past harm from previous collaborations. Though it can be a difficult journey, it's necessary in order to create collaborative spaces today.

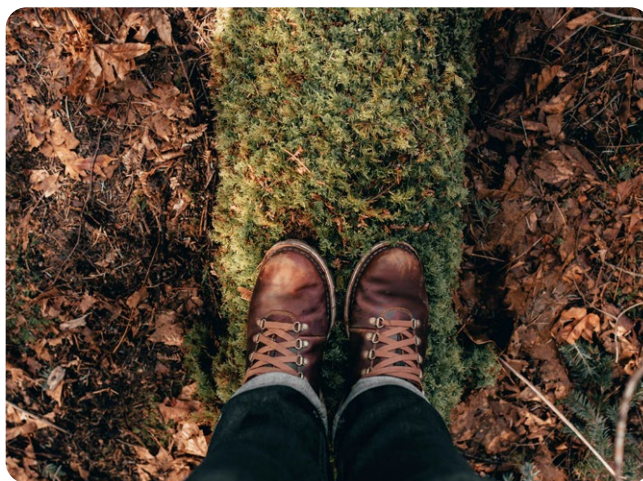


Photo courtesy of Preston Goff



LOOKING FORWARD

MLC continues to undergo a cultural and paradigm shift, embracing Indigenous values and moving away from traditional nonprofit norms rooted in white supremacy. This includes revisiting the need for rigid agendas and timelines, urgency and perfectionism. “This project has fundamentally changed our organization and the way we approach our work both internally and externally. Our entire staff has grown and evolved as individuals and in the ways we do our work,” says Travis. Increasingly, the organization prioritizes relationship-building, family and flexibility. This transformation fosters healing, growth and fundamental change within the organization and among Tribal and non-Tribal participants.

This shift reflects a broader movement toward systemic change, where both personal and organizational evolution are crucial for sustainable, meaningful impact. True progress requires more than project-driven outcomes. It demands a deep, collective rethinking of values and practices. Without this foundational change, social and environmental efforts risk being short-lived and superficial.

Today, MLC’s involvement in the project has expanded. Future goals include creating regional harvesting maps, building timelines across different biomes and expanding restoration efforts on private lands guided by traditional knowledge to further enhance habitats and increase culturally significant plant species. The initiative has inspired other Colorado land trusts, and they hope this work will further catalyze statewide efforts to support Indigenous land access initiatives and programs.

Long-term goals include exploring rematriation with traditional harvest landowners, expanding land access tools, co-management and other partnerships. However, these complex conversations require deep relationship-building with Tribal councils and departments. By remaining flexible and prioritizing Tribal partnership and community-driven approaches without attachment to specific legal outcomes, it allows the project to evolve organically based on trust, collaboration and shared vision.

KEY CONSIDERATIONS FOR FUTURE INDIGENOUS LAND ACCESS AND RETURN PROJECTS

- **Acknowledging Historical and Systemic Context:** Address the historical injustices of land dispossession, genocide and systemic oppression in conservation efforts. Organizations must reflect on their role in these legacies and commit to equity-focused approaches that rectify past harms.



Photo courtesy of Adobe Stock



- **Building Genuine Relationships:**

Relationship-building must precede any formal agreements. This involves authentic, patient engagement; respecting Tribal sovereignty; and valuing Tribal timelines and governance processes. Trust is the foundation for meaningful collaboration and must be earned through consistency and sincerity.

- **Respecting Sovereignty and**

Cultural Knowledge: Acknowledge Tribes as sovereign nations with unique histories, governance structures and cultural

practices. Avoid extractive approaches by seeking partnerships that prioritize mutual benefit, respect traditional knowledge and address community-defined priorities.

- **Centering Community Voices:** Ensure that Indigenous voices lead project design and implementation. Tribal councils, elders and community members must lead at every stage to reflect cultural values, practices and priorities authentically.

- **Prioritizing Flexibility Over Deliverables:** Land return initiatives are long-term processes that require patience and adaptability. Funders and organizations must align expectations with the realities of trust-building and cultural healing, moving beyond rigid timelines and deliverables to prioritize relational progress.

- **Creating Supportive Structures for Indigenous Leadership:** Hiring Indigenous professionals to lead these efforts ensures cultural alignment and trust within the community. Building networks for Indigenous leaders within organizations helps reduce isolation and provides critical support.

- **Navigating Systemic Barriers:** Overcome obstacles such as bureaucratic delays in funding distribution and expectations from the nonprofit industrial complex. Advocate for more equitable funding structures and focus on community-led solutions rather than top-down approaches.

- **Embracing Continuous Learning and Humility:** Acknowledge that mistakes will happen and use them as opportunities for growth. Approach this work with humility, adaptability and a commitment to lifelong learning.



Photo courtesy of Curated Lifestyle



Collaborative Management

Collaborative management, or co-management, involves shared decision-making between Indigenous peoples and non-Indigenous entities (e.g., federal or state agencies, conservation nonprofits or private landholders) concerning land or natural resource management. While not yet widespread in land trust partnerships, these agreements are most often seen on state, local or federal lands, with Tribal Nations granted co-management authority. Co-management is distinct from co-stewardship because it is a delegated authority by Congress. Some Tribal Nations are hesitant to engage in co-management agreements because they're agreeing to become a partner in enforcing a management agreement they weren't involved in co-developing. They are told what management looks like as opposed to making decisions collaboratively. So instead, some Tribal Nations are insisting on co-governance, which allows them to become co-decision makers in land management. Where co-governance isn't used, there is a growing interest in co-management agreements with Tribal Nations or organizations among land trusts. This approach includes stewardship contracts, stewardship agreements and Memorandums of Understanding (MOUs). Many co-management agreements include provisions that protect collaborative efforts and respect Indigenous sovereignty. These agreements often do not come with financial support, leaving the financial burden of co-management on the Tribal Nation. Providing consistent financing and capacity building are necessary investments for successful co-management partnerships.

It is crucial to educate non-Indigenous communities that co-management does not remove access restrictions but introduces a partnership for stronger land management. Tribal Nations must also inform their members that their hunting and fishing rights remain unaffected by the agreement. Co-management means public access rules often remain in place, and they must continue to adhere to hunting regulations on that land, such as conservation laws, seasonal restrictions and licensing requirements.



Photo courtesy of Hunter Brumels





Canyonlands National Park, Utah | Photo courtesy of Getty Images

Historic Partnership: Tribes and Federal Agencies Unite to Protect Bears Ears National Monument

The Bureau of Land Management, the U.S. Forest Service and the five Tribes of the Bears Ears Commission (which includes the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah and Ouray Reservation, and the Pueblo of Zuni) formed a partnership to manage and protect the Bears Ears National Monument, 1.36 million acres of land. In this case, the Bureau of Land Management and U.S. Forest Service provide resources for each Tribe through a separate process. Read more [here](#). Review the agreement [here](#).



Conclusion

Indigenous land access and return is a complex, contextual and critical endeavor. As the Tribal leaders interviewed for this project stated, land relationships hold Indigenous histories, traditional knowledge and opportunities for healing. At the core of these relationships is the culture and lifeblood of Indigenous identities. It's helpful for both non-Indigenous-led land trusts and Tribal Nations and Tribal Organizations to develop a broad understanding of the legal mechanisms available for land access and return. Each approach—ranging from donation to collaborative management—offers distinct advantages and limitations, which must be carefully evaluated based on the specific goals and needs of the Tribal Nation or organization involved. Central to this process is establishing a strong, trusting relationship developed over time, grounded in respect, clear communication and a willingness to learn.

Successful partnerships hinge on transparent agreements that prioritize Indigenous leadership and decision-making. Non-Indigenous land trusts and organizations can support the Land Back movement by leveraging their resources, networks and expertise to support Indigenous-led initiatives, helping to facilitate access to and return of ancestral lands and revitalizing cultural relationships with the land.

As visibility and awareness of the Land Back movement grows, it is vital for allies to reflect on their own relationships to land, histories, intentions and motivations, ensuring that their involvement aligns with the overarching spirit of the movement. The case studies and examples provided in this document offer practical insights and best practices, guiding stakeholders through the complexities of Indigenous land access and return in ways that are thoughtful, meaningful and more than just transactional. It's important to always remember that the details within these examples hold a very specific cultural, geographical and historical context.

The reality is working cross-culturally with Tribal Nations and Tribal Organizations while operating within westernized structures and systems and navigating the deep wounds of colonization is messy and complicated work.



As noted in the Context for Non-Indigenous Allies section, when navigating complex and sensitive topics such as Indigenous land access and return, many allies want a clear roadmap to protect against a misstep. This perspective is influenced by white supremacy culture that is so pervasive within Western society. The reality is working cross-culturally with Tribal Nations and Tribal Organizations while operating within westernized structures and systems and navigating the deep wounds of colonization is messy and complicated work. This introductory document is intended to inspire individual and organizational work that can slowly move toward decolonizing workplaces and individuals. That groundwork is the foundation for cultivating authentic, trusting cross-cultural relationship-building. Relationships that honor Indigenous voices, values and perspectives are key to achieving sustainable and equitable outcomes in land access and return efforts. Once these foundations are firmly established, concrete partnership opportunities begin to reveal themselves and then these tools become applicable—opportunities that support current and future Indigenous generations’ reconnection to their ancestral lands in profound and transformative ways.

The innovation, knowledge and inspiration found in this document are just a sampling of the many completed and ongoing Indigenous land access and return projects that the project team uncovered during the research process. It’s an exciting time of continued growth for the Land Back movement, with boundless opportunities for land trusts to partner in this work. As partnerships, tools and approaches continue to evolve, we extend our deepest gratitude to the advocates, innovators and allies who have forged the path and those who continue to carry it forward.

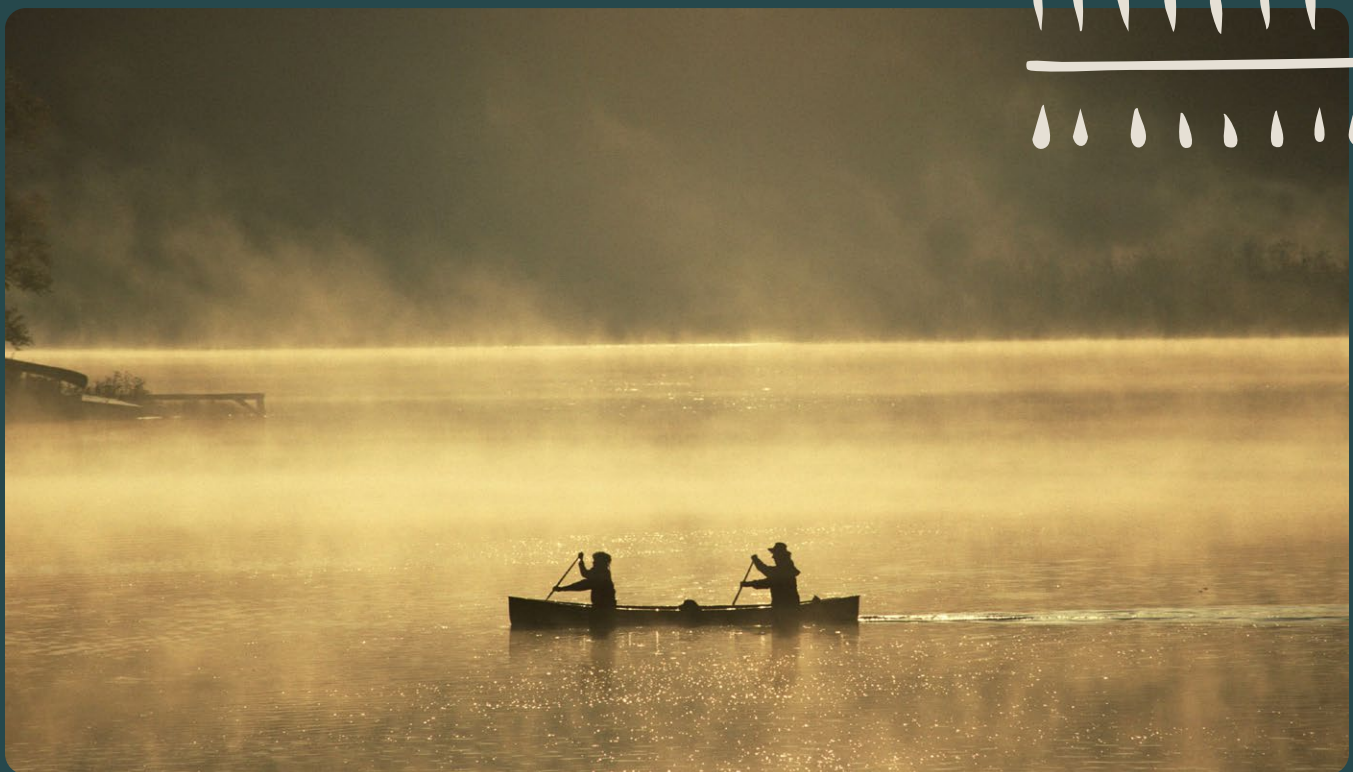


Photo courtesy of Getty Images



Glossary

Allies/Allyship: A person or organization that actively supports the rights of a minority or marginalized group without being a member of it.

Centering: Valuing and prioritizing Indigenous voices, perspectives, knowledge, experiences and ways of being throughout partnerships and projects.

Conservation Easement: A legal agreement that limits future development on a property to protect its natural features.

Cultural Appropriation: The adoption of an element or elements of one culture or identity by members of another culture or identity in a manner perceived as inappropriate or unacknowledged.

Decolonizing/Decolonization: Decolonization is the removal or undoing of colonial elements, and Indigenization is the addition or redoing of Indigenous elements.

Federally Recognized: A federally recognized Tribe is an American Indian or Alaska Native Tribe that the United States recognizes as a sovereign nation with a government-to-government relationship. The United States provides funding and services to the Tribe through the Bureau of Indian Affairs. This relationship gives Tribes certain rights, protections and responsibilities.

Rematriation: Describes the process of “returning to the scared Mother.” It refers to Indigenous women-led work to restore balance and sacred relationships between Indigenous people and their ancestral land, the use of Traditional Ecological Knowledge to care for the Earth, and the honoring of Indigenous matrilineal systems.

Settler Colonialism: The logic and structure of displacement by settlers, using colonial rule, over an environment for replacing it and its Indigenous peoples with settlements and the society of the settlers.

State Recognized: A state-recognized Tribe is a Native American Tribe or heritage group that has been recognized by a state government. State recognition acknowledges the existence of Tribes within a state’s borders, establishes a government-to-government relationship with the state, may provide some protection of autonomy for Tribes, and may qualify a Tribe for state and federal support.

Tribal Sovereignty: The right of Indigenous Tribes to govern themselves, including making decisions about their land, laws and citizens. It’s a fundamental principle of federal Indian law.



References

Dawson, C. (2023, December 8). How Indigenous-led conservation can save the planet. *Impakter*. www.impakter.com/how-indigenous-led-conservation-can-save-the-planet/

Blondell, M., & Taylor, D. (2023). *Examining disparities in environmental grantmaking: Where the money goes*. Yale University. www.doi.org/10.13140/RG.2.2.10106.36801

Clause, J., & Crawford, S. (2024, August 9). Personal communication.

Carnarvon, A. (2023, November 13). Who are considered tax exempt? *Coloring Folder*. www.coloringfolder.com/who-are-considered-tax-exempt/

Fred, E.A. (2021, July 16). Restoring Tribal access to land: A menu of options to re-establish cultural access rights. *Conservation Partners*. www.conservationpartners.com/restoring-Tribal-access-to-land-a-menu-of-options-to-reestablish-cultural-access-rights/

Attridge, I., & Ganswork, K. (2022, August 31). Indigenous-led land trusts: An exercise of self-determination. *Conservation Reconciliation*. www.conservation-reconciliation.ca/blog/indigenous-led-land-trusts-an-exercise-of-self-determination

Cornwall Conservation Trust. (n.d.). What is a land trust? *Cornwall Conservation Trust*. www.cornwallconservationtrust.org/what-is-a-land-trust/

Diverse Daily. (n.d.). Recognizing and securing Indigenous land tenure and resource rights in mountain regions: Challenges and strategies. *Diverse Daily*. www.diversedaily.com/recognizing-and-securing-indigenous-land-tenure-and-resource-rights-in-mountain-regions-challenges-and-strategies/

Center for Agriculture & Food Systems. (n.d.). Conservation easements. *Farmland Access Legal Toolkit*. www.farmlandaccess.org/conservation-easements/

Faster Capital. (n.d.). Land donation: How to donate your land and benefit from tax deductions. *Faster Capital*. www.fastercapital.com/content/Land-donation--How-to-Donate-Your-Land-and-Benefit-from-Tax-Deductions.html

Faster Capital. (n.d.). Public easement: Public easements in gross: Balancing access and privacy. *Faster Capital*. www.fastercapital.com/content/Public-Easement--Public-Easements-in-Gross--Balancing-Access-and-Privacy.html



Tamplin, T. (n.d.). Types of trusts: Land trust. *Finance Strategists*. www.financestrategists.com/estate-planning-lawyer/types-of-trusts/land-trust/

First Light. (2022). Frequently asked questions: Supporting Indigenous land relationships - A legal analysis. *First Light Learning Journey*. <https://dawnlandreturn.org/first-light/resources/navigating-perceived-legal-barriers-land-return>

Generis Global Legal Services. (n.d.). Preservation easements in Indiana: Protecting historical and environmental properties. *Generis Global Legal Services*. www.generisonline.com/preservation-easements-in-indiana-protecting-historical-and-environmental-properties/

Neal, T. (2023). *Climate Change Adaptation and the Protection of Indigenous Peoples' Land & Resources in Latin America*. Harvard Environmental Law Review. <https://journals.law.harvard.edu/elr/2023/03/03/climate-change-adaptation-and-the-protection-of-indigenous-peoples-land-resources-in-latin-america/>

Historic Preservation Trust of Lancaster County. (n.d.). Easements. *Historic Preservation Trust of Lancaster County*. www.hptrust.org/easements/

Roberson, E. (2016, February 9). Conservation easements: Six common misconceptions. *Land Think*. www.landthink.com/conservation-easements-six-common-misconceptions/

Schauffler, M. (2023, February 6). Taking the long view. *Land Trust Alliance*. www.landtrustalliance.org/blog/taking-the-long-view

Levin, R. H. (2023). A guided tour of the conservation easement enabling statutes. *Land Trust Alliance*. www.landtrustalliance.org/resources/learn/explore/a-guided-tour-of-the-conservation-easement-enabling

Library WeConservePA. (n.d.). Conservation easement: A property rights based tool for resource protection. *WeConservePA Library*. <https://library.weconservepa.org/guides/19-conservation-easement>

Leuthy, K. (2023, November 8). Tribal sovereignth: An explainer. www.mecep.org/blog/Tribal-sovereignty-explainer/

Midpeninsula Regional Open Space. (2020). Cultural conservation easement. www.openspace.org/cultural-conservation-easement

Montana Budget & Policy Center. (2017 November). Policy basics: Taxes in Indian Country, Part 2—Tribal governments. *Montana Budget & Policy Center*. www.montanabudget.org/report/policy-basics-taxes-in-indian-country-part-2-Tribal-governments



Guzman, A. (2021, April 30). A Call to return land to Tribal Nations grows stronger. *Mother Jones*. www.motherjones.com/environment/2021/04/land-back-Tribal-nations-sovereignty-treaties-white-supremacy/

National Academies of Sciences, Engineering, and Medicine. (2013). *Legal Aspects of Conservation Easements: A Primer for Transportation Agencies*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/22513>

NDN Collective. (2023). Let's get the land back. Retrieved from www.ndncollective.org/land-back/

Native Land Conservancy. (2023). Cultural respect easement. *Native Land Conservancy*. www.nativelandconservancy.org/cultural-respect-easements

Justo. (2023, December 9). Discover the count of federally recognized tribes in the U.S.: A complete guide. *Native Tribe Info*. www.nativetribe.info/discover-the-count-of-federally-recognized-tribes-in-the-us-a-complete-guide/

Justo. (2023, June 26). Discover the exact count: How many federally recognized tribes are there in the United States? *Native Tribe Info*. www.nativetribe.info/discover-the-exact-count-how-many-federally-recognized-tribes-are-there-in-the-united-states/

Justo. (2023, June 21). Tribal intergovernmental relations and diplomacy: Building strong partnerships for the future. *Native Tribe Info*. www.nativetribe.info/Tribal-intergovernmental-relations-and-diplomacy-building-strong-partnerships-for-the-future/

Northeast Wilderness Trust. (2023). Northeast Wilderness Trust and Native Land Conservancy announce collaboration. *Northeast Wilderness Trust*. www.newildernesstrust.org/native-land-conservancy-partnership/

Openlands. (2020, June 18). The power of land: Race, equity, and justice. *Openlands*. www.openlands.org/2020/06/18/the-power-of-land-race-equity-and-justice/

McLean, K.G. (2012, October 8). Land use, climate change adaptation and Indigenous peoples. *Our World UNU*. <https://ourworld.unu.edu/en/land-use-climate-change-adaptation-and-indigenous-peoples>

National Marine Sanctuarie. (n.d.). Tribal landscapes and cultural resources. *National Marine Sanctuaries*. www.sanctuaries.noaa.gov/Tribal-landscapes/cultural-resources.html

Secret Lives of Real Estate. (2023, September 14). What is an encumbrance in real estate. *Secret Lives of Real Estate*. www.secretlivesofrealestate.com/what-is-an-encumbrance-in-real-estate/



Sogorea Te' Land Trust. (2021, July 12). Rematriation resource guide. *Sogorea Te' Land Trust*. www.sogoreate-landtrust.org/rematriation-resource-guide/

St. Cloud Downtown Council. (n.d.). Easement in gross. *St. Cloud Downtown Council*. www.stclouddowntown.com/easement-in-gross/

Sustainable Economies Law Center, & Sogorea Te' Land Trust. (2023). Seeds of land return. www.theselc.org/seeds_of_land_return

The Enlightenment Journey. (n.d.). Indigenous land rights: Legal protections. *The Enlightenment Journey*. www.theenlightenmentjourney.com/indigenous-land-rights-legal-protections/

Wallowa Land Trust. (n.d.). What we do: Conservation easements. *Wallowa Land Trust*. <https://www.wallowalandtrust.org/conservation/easements>

Center for Agriculture & Food Systems. (n.d.). Conservation easements. *Center for Agriculture & Food Systems*. www.farmlandaccess.org/conservation-easements/

Brannon, R.A. (n.d.). Conservation easements and agreements: Obligations, modification, and termination. *NC State Extension*. www.content.ces.ncsu.edu/conservation-easements-and-agreements-obligations-modification-and-termination

Bartoo-Smith, N. (2023, November 8). Are land trusts part of the Land Back movement? *Next City*. www.nextcity.org/urbanist-news/are-land-trusts-part-of-the-land-back-movement

Gamblin, R. (n.d.). Land back! What do we mean? *4Rs Youth Movement*. www.4rsyouth.ca/land-back-what-do-we-mean/



Further Readings

About These Resources

This document is intended for Tribal Nations and Tribal Organizations seeking information on Land Back, partnerships with conservation organizations, and legal options for land reclamation. It is also for non-Native conservation organizations interested in learning more about Land Back, Indigenous histories, and how they can support the goals of Tribal Nations and Tribal Organizations related to land reclamation.

This resource was developed in response to increasing interest and educational requests from land trusts and Tribal Nations and Tribal Organizations received by the Land Trust Alliance and the Native Land Conservancy. The Land Trust Alliance is a national organization that supports land trusts throughout the United States protecting land and water through advocacy, training and much more. The Native Land Conservancy is an Indigenous-led land conservation nonprofit that provides cultural programming, initiatives and cultural respect easements to preserve and restore healthy landscapes for all living things whenever possible.

Typically, educating non-Indigenous people and organizations falls on Indigenous people and groups, which can be a taxing and often unpaid burden for those already carrying many responsibilities within their communities. Additionally, Western society has a long history of erasing or presenting inaccurate information about Indigenous people. This document, developed in collaboration with many Indigenous leaders, aims to provide accurate information on land reclamation to help ease the burden of educating non-Indigenous allies as well as be a resource to Indigenous Nations and organizations to learn more about their options for land access and return—with the broader goal of increasing land access and return to Indigenous people.

Recognizing the diverse histories, positionality and knowledge each reader brings to this work, this document aims to provide practical information on the Land Back movement, available legal mechanisms and allyship. It also situates this work within the broader context of colonization and emphasizes the importance of centering Indigenous leadership, investing in long-term relationships, understanding the implications of legal options within an Indigenous context, and reflecting on the roles and responsibilities of non-Indigenous allies in these efforts.



Indigenous History and the Land Back Movement

Fix Solutions Lab (2020) Returning the Land: Four Indigenous leaders share insights about the landback movement and what it means for the planet

This article provides an overview of the Land Back movement, offering historical context and recent examples to frame the discussion. Through interviews with four Indigenous organizers and community leaders, the piece explores diverse perspectives on what Land Back means, how it is being implemented and its increasing presence in mainstream discourse.

Nickita Longman (Saulteaux), a writer and community organizer, discusses the movement's growing accessibility and visibility. She emphasizes that land return is not just an act of restitution but also a means of restoring and evolving Indigenous identities. Longman highlights the fusion of traditional Indigenous values with "Indigenous futurisms," a concept that envisions Indigenous futures firmly grounded in ancestral land connections. She encourages non-Indigenous climate activists to look to Indigenous-led movements for guidance.

Marcus Briggs-Cloud (Maskoke), co-director of Ekvv-Yefolecv Maskoke ecovillage, situates Land Back within broader cultural revitalization efforts. He critiques colonial land ownership frameworks, arguing that true land return extends beyond the legal transfer of land to encompass the decolonization of relationships with land itself. Using examples from his community, he illustrates how Indigenous stewardship differs fundamentally from Western notions of property.

Krystal Two Bulls (Oglala Lakota and Northern Cheyenne), director of the LANDBACK Campaign with NDN Collective, explains that the campaign is part of a long-standing Indigenous movement to return land to Indigenous peoples. While recognizing that this struggle spans generations and predates NDN Collective's involvement, the campaign aims to unify, amplify, and coordinate land reclamation efforts across Indigenous communities. The LANDBACK Campaign is built around four central demands: dismantling white supremacy and the institutions that uphold it; defunding systems of enforcement such as the military-industrial complex, police, ICE, and border patrol; returning public lands to their original Indigenous stewards; and centering Indigenous consent by affirming the right to refuse decisions made without Indigenous input. The Black Hills serve as the campaign's starting point, with a focused demand to close Mount Rushmore and return all public lands in the region to a consortium of tribes.



Nick Tilsen (Oglala Lakota Nation), president and CEO of NDN Collective, acknowledges the longstanding efforts of Indigenous activists before NDN's involvement. He contrasts past decentralized efforts with the current potential for a more coordinated movement. Tilsen outlines NDN's Land Back campaign, particularly its advocacy within the Black Hills, where they push for a paradigm shift in U.S. policy toward free, prior and informed consent. He argues that Land Back should not exist within white supremacist structures but should instead establish systems founded on Indigenous values.

This article is a critical contribution to discussions on Land Back, centering Indigenous voices and perspectives. It underscores the necessity of Indigenous leadership in these efforts and cautions against replicating settler-colonial structures within the movement itself. Effective allyship requires not only supporting the ultimate goal of land return but also ensuring that the processes used to achieve it align with decolonial principles.

NDN Collective (2023) Let's Get the Land Back: A Toolkit to Restore our Relations

This toolkit serves as a practical guide to Land Back efforts, offering strategies, case studies and resources for individuals and organizations engaged in this work. It provides a structured approach to land return, Indigenous land stewardship and community-driven advocacy.

Chapter one introduces Indigenous land relationships, detailing governmental policies that have historically disrupted them. It contextualizes the significance of the Land Back movement within settler colonialism and concludes with an overview of various legal avenues for land return. This chapter also features community stories highlighting specific Land Back projects, followed by resources on funding, advocacy, partnerships, land trusts and guidance for non-Indigenous allies.

Chapter two explores Indigenous land management practices, incorporating community narratives and practical resources. It includes general references, defense support and bioremediation strategies, emphasizing the importance of sustainable stewardship.

Chapter three examines the role of trust land in Land Back efforts. It integrates community stories and concludes with a glossary of terms and reflection questions designed to help users develop their own vision and strategy for land return.

This toolkit is a valuable and accessible resource for those involved in Land Back work, offering both foundational knowledge and actionable steps. While concise, it provides a comprehensive introduction to key aspects of land return. The toolkit is available for purchase through the NDN Collective website, which also offers additional resources on Indigenous activism, organizing and capacity-building.



Sogorea Te'Land Trust (2021) Rematriation Resource Guide

This resource provides foundational context for the Land Back movement within the histories of settler colonialism. It outlines clear action steps to increase awareness of Indigenous histories, foster engagement in decolonization efforts, and deepen understanding of Native land and sovereignty. Additionally, it offers resources on reparations and healing, both within the United States and globally, across multiple populations.

A key feature of this resource is its introduction to rematriation, framing Land Back as both a historical and contemporary movement for Indigenous self-determination. It includes definitions of relevant terms, a curated reading list for further study, and recommendations for engaging in learning individually or collectively.

This is a useful resource for those beginning their work with Indigenous Nations, offering a high-level overview of settler colonialism, Land Back and decolonization. While introductory in nature, it provides valuable direction for further exploration, making it an effective starting point for deeper engagement with Indigenous-led movements.

Land Reparations and Indigenous Solidarity Toolkit (2018) Resource Generation

This widely cited resource provides a concise introduction to the Land Back movement, offering foundational knowledge on colonization and decolonization. It includes additional articles for further exploration, self-reflection and discussion questions for those seeking to partner with Indigenous communities, and case studies showcasing real-world Land Back efforts.

The resource also outlines legal pathways for land transfers and concludes with clear, actionable steps individuals can take to support Land Back initiatives. Written for a general audience, it serves as an accessible entry point for understanding settler colonialism, decolonization, and Indigenous land return. While brief, it provides valuable direction for those looking to expand their knowledge and engage more deeply with Land Back efforts.



Partnerships and Frameworks

4 Rivers Consulting, LLC. (2021) UnFencing the Future: Voices on how Indigenous and non-Indigenous people and organizations can work together toward environmental and conservation goals

This resource compiles interviews on environmental and conservation partnerships between Indigenous and non-Indigenous collaborators. Designed to support non-Indigenous conservation and environmental funders, staff and boards working with Indigenous communities in the United States and Canada, the guide provides insight into both perspectives of these partnerships.

Key themes from the interviews include the importance of relationships, inclusivity and respect; the dynamics of decision-making and access to decision-makers; and the need to rethink funding structures and flexibility. The guide explores how these partnerships were formed, the attributes essential for their success, and strategies for fostering healing and effective collaboration. An appendix offers additional resources on settler colonialism in the United States.

This is a valuable resource for those seeking to build meaningful partnerships with Indigenous communities. While focused on conservation and environmental projects, it provides real-world examples of relationship-building and collaboration that can be applied more broadly across sectors.

Sogorea Te'Land Trust (Unknown) How to Come Correct: Protocols, Guidelines, and Invitations

This resource is a practical guide outlining culturally sensitive interpersonal skills for building relationships with Indigenous Nations. It provides specific strategies for individuals and organizations seeking to engage respectfully and effectively with Indigenous colleagues and communities.

The guide begins with preparation steps, emphasizing the importance of research and self-reflection on privilege. It includes recommended readings and supporting websites to build foundational knowledge. It then introduces the concept of rematriation and offers guidance on being a respectful guest, including self-reflection questions. The resource also addresses how to support Indigenous-led work while acknowledging the burden placed on Indigenous individuals when responding to requests for information, providing strategies to mitigate these asks.

Additional sections discuss appropriate engagement with Indigenous staff, including amplifying their work without extracting or tokenizing. The guide also explores consultation processes, offering reflection questions to support meaningful collaboration. It highlights the role of fundraising in allyship, providing suggestions for financial support, and discusses the significance of land acknowledgments. It offers actionable steps and resources, beyond verbal recognition, to move toward meaningful engagement.



This is a highly practical resource for those beginning to build relationships with Indigenous colleagues or organizations. It offers concrete guidance to ensure that individuals enter these partnerships educated, thoughtful and prepared, fostering respectful and healing relationships from the outset.

The Nature Conservancy (2022) The Voice, Choice, and Action Framework: A Conservation Practitioner's Guide to Indigenous and Community-Led Conservation, Version 2.0. Arlington, VA

This toolkit provides a structured framework for building supportive partnerships with Indigenous communities in conservation efforts. It begins by identifying the attributes of practitioners for whom the framework is most applicable and acknowledges key distinctions within Indigenous communities. The resource then introduces the Voice, Choice, and Action (VCA) Framework, emphasizing the interconnected relationships between people and nature.

The VCA Framework is structured around four critical pillars: (1) securing rights over land, water and resources, (2) fostering strong leadership, governance and management capacity, (3) facilitating effective multi-stakeholder dialogue and decision-making, and (4) creating sustainable livelihood opportunities. In addition, the framework highlights foundational elements essential for successful implementation, including equitable benefits and inclusion, strong connections to knowledge and place, and durable outcomes for both people and nature. The toolkit provides clear indicators for monitoring and evaluating each of these elements.

Each pillar is explored in depth, offering key insights, definitions, targeted resources, case studies and suggested activities for strengthening implementation. While the framework takes a global perspective, it includes examples relevant to Indigenous-led conservation efforts in the United States.

This resource is a valuable tool for conservation practitioners seeking to develop the foundational skills necessary for working with Indigenous communities. Although it does not focus exclusively on Indigenous populations in the U.S., it offers universally applicable strategies for culturally sustaining and revitalizing partnerships. A key strength of this framework is its structured approach to evaluation, ensuring that efforts can be assessed and refined over time. Many organizations may be eager to move directly into action, but this guide reinforces the necessity of investing in knowledge and skill-building before engaging with Indigenous communities. By doing so, conservation efforts can be not only effective but also restorative—promoting healing rather than perpetuating harm from settler colonialism.



The Nature Conservancy Maine (2022) The Nature Conservancy in Maine's Commitment to Collaborating with Indigenous Peoples

This resource outlines The Nature Conservancy's approach to working with Indigenous nations, specifically focusing on its efforts in Maine with the Wabanaki people. It begins with an introduction that contextualizes Indigenous relationships to land and the impact of colonization, along with key legislation shaping Tribal-state relations.

The second section details the Conservancy's guiding principles, which emphasize trust-building, respecting Indigenous rights and self-determination, elevating Indigenous voices rather than speaking for them, strengthening rather than burdening Indigenous capacity, restoring reciprocal relationships with nature, and committing to the long-term process of collaboration. Their approach includes increasing Wabanaki access to lands and waters, reinforcing Tribal authority and self-determination, transforming conservation by integrating Indigenous knowledge, and building organizational competency to partner effectively with Indigenous communities. Each principle is accompanied by concrete examples of its application.

The third section provides brief considerations for fundraising and relationships with supporters, highlighting five key points. The resource concludes with two case studies illustrating partnerships between The Nature Conservancy and different Tribal Nations in Maine.

This is a valuable and specific resource for land trusts seeking to partner with Indigenous nations in the U.S. While focused on Maine, its principles and approaches are broadly applicable. The Maine-specific examples serve as a model for organizations to consider the unique histories, needs and priorities of the Indigenous communities they aim to work with. By providing clear frameworks, practical applications and case studies, this resource is particularly useful for those in the land trust sector looking to build respectful and effective partnerships in support of Land Back initiatives.

Legal Considerations

First Light (2022) Frequently Asked Questions: Supporting Indigenous Land Relationships: A legal Analysis

This document serves as a practical resource addressing the most frequently asked questions regarding legal mechanisms related to Land Back work. It focuses specifically on land trusts, perceived barriers and legal explanations of the policies that impact or could hinder land trust involvement in Land Back efforts.



This resource is particularly valuable for land trusts navigating the complexities of legal frameworks in their Land Back work. It is hosted on the First Light website, which offers extensive materials related to their Land Back efforts, particularly in collaboration with the Wabanaki people. While some resources are regionally specific, many provide broadly applicable insights and guidance.

Beyond this document, First Light offers a range of educational opportunities, including year-long hybrid courses designed for non-Native organizations working in Land Back efforts. These courses help leadership and staff deepen their understanding of and engagement with Land Back initiatives. Additionally, they provide self-guided online courses and other independent learning resources to support organizations in expanding their knowledge and approach to Land Back work.

Owley, J. (2016). Tribes as conservation easement holders: Is a partial property interest better than none? Tribes, Land, and the Environment, 171–191. <https://doi.org/10.4324/9781315549668-9>

Owley’s article explores the role of Indigenous nations as holders of conservation easements, a legal mechanism allowing Tribes to manage land through partial property interests. The author critically examines whether conservation easements effectively empower Tribes and promote long-term environmental protection, particularly in the context of historical land dispossession. She considers the legal, cultural and environmental dimensions of these easements, acknowledging that while they provide Tribes with some level of stewardship, they may also limit broader sovereignty aspirations.

A key strength of this article is its in-depth analysis of conservation easements as a legal tool for Indigenous land stewardship. Owley’s discussion is particularly valuable for land trust professionals navigating the intersection of environmental law and Indigenous sovereignty. The article includes case studies and statutory analyses, helping organizations understand the implications of forming partnerships with Tribes. Additionally, it highlights the cultural and historical significance of land to Indigenous communities, offering an essential perspective often overlooked in conservation law.

While the article is rich in legal theory, it could benefit from more concrete examples of successful, long-term partnerships between Tribes and land trusts. For professionals seeking actionable steps or guidelines, the discussion may feel abstract. Additionally, while Owley critiques the limitations of conservation easements, she does not fully explore alternative legal mechanisms that may better align with Indigenous sovereignty and full land return efforts.



For land trust professionals interested in supporting Indigenous land return, this article provides an important legal framework and ethical considerations. While it does not offer a direct roadmap for implementing these partnerships, it serves as a foundational resource for understanding conservation easements within the broader context of Indigenous land rights. It also reinforces the necessity of collaboration with Tribes in ways that respect their sovereignty and long-term goals beyond environmental preservation. Organizations can use this analysis to refine their conservation strategies and engage in more equitable, culturally-informed partnerships with Indigenous communities.

Racehorse, V. & Hohag, A. (2023) Achieving Climate Justice Through Land Back: An Overview of Tribal Dispossession, Land Return Efforts, and Practical Mechanisms for #LandBack. 34 COLO. ENV'T L.J. 175, UNM School of Law Research Paper No. 2023-09.

This article offers a comprehensive exploration of the Land Back movement, linking it with climate justice and the ongoing dispossession of Indigenous lands. Racehorse and Hohag analyze the historical context of land loss, current efforts to return land to Indigenous nations and successful case studies of land return initiatives. The authors also present practical legal and policy mechanisms to facilitate broader land reclamation, including conservation easements, tax incentives and governmental partnerships.

For land trusts, this article provides both theoretical insights and actionable strategies, particularly in its focus on the legal and policy tools available to support land return to Indigenous nations. It emphasizes the potential for collaboration between land trusts and Tribal communities to address historical injustices and to promote climate resilience through Indigenous land stewardship. The policy recommendations outlined in the article, such as conservation easements and tax incentives, are valuable resources for organizations seeking to incorporate Indigenous land return into their conservation efforts. The article also effectively links climate justice with Indigenous sovereignty, offering a compelling case for land trusts to broaden their focus beyond traditional conservation to include restorative justice.

The article's broad scope may be overwhelming for readers seeking more region-specific strategies or guidelines. While it includes concrete examples, some case studies may not be directly applicable to smaller land trusts with limited resources. Additionally, while legal mechanisms are discussed in detail, the article could benefit from a deeper exploration of how land trusts can navigate the complexities of local, state and federal regulations in land return efforts.



For land trusts dedicated to supporting Indigenous land return, this article is an essential resource. It not only clarifies the moral and ecological imperatives behind the Land Back movement but also provides a practical roadmap for integrating these efforts into their operations. By utilizing the mechanisms outlined—such as conservation easements and partnerships with Tribal entities—land trusts can take direct action to return land and foster long-term, equitable relationships with Indigenous communities. Additionally, the article’s focus on climate justice aligns with the priorities of many environmental organizations, making it a strategic guide for advancing both ecological and social outcomes.

Sustainable Economies Law Center and Sogorea Te’Land Trust (2023) Seeds of Land Return

The Seeds of Land Return begins by providing brief historical context on land return within the broader framework of settler colonialism in the United States. It then offers an overview of various legal mechanisms available for land return, including specific methods and tools that can be applied. The resource also includes suggestions on how individuals and organizations can actively support land stewards and their efforts in the present. The guide concludes with a discussion of legal considerations that impact land return, offering a practical understanding of how these dynamics operate.

This resource serves as a concise, user-friendly introduction to the Land Back movement, offering both an accessible overview and clear strategies for engaging in land return work. The inclusion of practical resources and links further enhances the reader’s ability to apply these methods and deepen their understanding of the topic. For those new to the movement or seeking a foundational guide, this resource provides a solid starting point for supporting Indigenous land stewards and engaging in effective land return efforts.

Additional Resources

Anderson, D. (2019, April 30). *These Indigenous women are reclaiming stolen land in the Bay Area*. YES! Magazine. www.yesmagazine.org/social-justice/2019/04/30/indigenous-women-reclaim-stolen-land-california-bay-area

Middleton Manning, B. R., Gould, C., LaRose, J., Nelson, M. K., Barker, J., Houck, D. L., & Steinberg, M. G. (2023). *A place to belong: Creating an urban, Indian, women-led land trust in the San Francisco Bay Area*. *Ecology and Society*, 28(1), Article 8. <https://doi.org/10.5751/ES-13707-280108>

Cannon, S. (n.d.). *Decolonizing conservation: A reading list*. Retrieved from www.saracannon.notion.site/c175fb8fa923469d840dda6555fc355a?v=bc65c3cc59ac4a4194e6c6f62365a612



Chang, A., Donevan, C., Isackson, A., & Kesler, S. Y. (2021, April 15). *National parks should be controlled by Indigenous Tribes, one writer argues*. NPR. www.npr.org/2021/04/15/987787685/national-parks-should-be-controlled-by-indigenous-Tribes-one-writer-argues

Wabanaki Commission on Land and Stewardship (n.d.). *Wolankeyutomone kisi apaciyewik*. Retrieved from www.dawnlandreturn.org/wabanaki-commission/enacting-culture/wolankeyutomone-kisi-apaciyewik

Dawnland Environmental Justice. (n.d.). *First light: Resources*. Retrieved from www.dawnlandreturn.org/first-light/resources

Hopkins, R. (2021, October 12). *What is the Land Back movement? A call for Native sovereignty and reclamation*. Teen Vogue. www.teenvogue.com/story/what-is-the-land-back-movement

Land Trust Alliance. (n.d.). *Framework and resources for change*. Retrieved from www.landtrustalliance.org/resources/framework-for-change

Land Trust Alliance. (n.d.). *Communities and land: Introduction and systems thinking*. Retrieved from www.landtrustalliance.org/resources/learn/explore/intro-and-systems-thinking

Owley, J. (2012). Tribes as conservation easement holders: Is a partial property interest better than none? In S. Krakoff & E. Rosser (Eds.), *Tribes, land, and the environment*. Ashgate.

Blondell, M., & Taylor, D. (2023). *Examining disparities in environmental grantmaking: Where the money goes*. Retrieved from www.researchgate.net/publication/369261149_Examining_Disparities_in_Environmental_Grantmaking_Where_the_Money_Goes

Redbud Resource Group. (2024, May 22). *GBLA resource tool: The Land Back spider graph*. Retrieved from www.redbudresourcegroup.org/post/gbla-resource-tool-the-land-back-spider-graph

Sogorea Te' Land Trust. (n.d.). *Resource library*. Retrieved from www.sogoreate-landtrust.org/resources/

Fraleigh, B. (2023, February 16). *Indian Country 101 training*. Retrieved from www.nature.org/en-us/about-us/who-we-are/how-we-work/community-led-conservation/indian-country-101/

The Nature Conservancy. (n.d.). *The voice, choice, and action framework*. Retrieved from www.nature.org/content/dam/tnc/nature/en/documents/TNC-VCAFramework.pdf

The Nature Conservancy. (n.d.). *Partnering with Indigenous Peoples and Local Communities*. <https://www.nature.org/en-us/about-us/who-we-are/how-we-work/community-led-conservation/>



The Nature Conservancy. (2016 May). *Long-term stewardship calculator*. Retrieved from www.conservationgateway.org/ConservationPlanning/ToolsData/Pages/stewardshipcalculator.aspx

Treuer, D. (2021, April 12). *Return the national parks to the Tribes*. The Atlantic. www.theatlantic.com/magazine/archive/2021/05/return-the-national-parks-to-the-Tribes/618395/

U.S. Department of the Interior. (n.d.). *Native American ownership and governance of natural resources*. Natural Resources Revenue Data. <https://revenuedata.doi.gov/how-revenue-works/native-american-ownership-governance/>



