



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

May 22, 2023

Dear Tribal Leader:

The National Park Service (NPS) invites you to consult on the traditional gathering of plants or plant parts within National Park System units, including input on your experiences with the current [36 CFR § 2.6 – Gathering of Plants or Plant Parts by Federally Recognized Indian Tribes](#).

The intent of the consultation is to collect information from Tribal governments on their experiences or concerns with the NPS's process for allowing traditional gathering of plants or plant parts, including the process outlined in the existing regulations. Tribal comments may be used in considering changes to NPS policies or practices, or to explore potential revisions to the existing regulations. Any changes, in whatever form they ultimately take, are intended to better ensure the protection of Tribal traditional gathering practices and to create more uniform and streamlined implementation standards for park superintendents and managers.

The NPS recognizes that Indian Tribes have practiced traditional harvest of plants and plant parts on or from lands that are now included in areas of the National Park System long before the NPS's establishment. Furthermore, the NPS understands from Tribes that the continuation of traditional plant collection practices is critical for the health and well-being of Tribal members.

In 2016, the NPS issued 36 CFR § 2.6, which established a process for reviewing requests, entering into agreements, and issuing permits for the gathering of plants or plant parts by federally recognized Indian Tribes on lands administered by the NPS. While 36 CFR § 2.6 attempts to set uniform standards that help the NPS review requests for plant gathering agreements in System units, Tribal governments have made the NPS aware of their concerns with the process currently outlined in the regulations.

In response to these concerns, the NPS has identified the need to obtain additional input from Tribal governments before considering updates or clarifications to the process associated with traditional plant gathering.

The NPS welcomes all comments as the agency reviews the existing process, and we specifically seek input on the following questions:

1. How can the NPS improve its cooperation and coordination with Tribes in respect to the gathering of plants or plant parts on lands managed by the NPS?
2. What experiences or concerns do you have regarding the process outlined for requesting to enter a plant gathering agreement (36 CFR § 2.6(c))?
3. What experiences or concerns do you have regarding the requirements for entering into a plant gathering agreement (36 CFR § 2.6(d))?

4. What experiences or concerns do you have with existing requirements for the content of a plant gathering agreement (36 CFR § 2.6(f))?
5. What experiences or concerns do you have with the implementation, suspension, termination, or appeal process associated with a plant gathering agreement (36 CFR § 2.6 (f-k))?
6. What experiences or concerns do you have with alternative approaches to 36 CFR § 2.6 for the NPS to coordinate or cooperate with Tribes in respect to the gathering of plants or plant parts on lands managed by the NPS?

Attached you will find a briefing sheet with information on the existing process, as well as the public “Tribal Leaders Guide to the NPS Plant Gathering Regulation.” Please send comments to onaa_program@nps.gov, or Plant Gathering Comments, 1849 C Street, NW, Mail Stop 7360, Washington, DC 20240. We request comments be received by July 31, 2023.

Virtual consultation meetings, designed to provide a forum for Tribal governments to relay input in an oral format, will be held on June 23, 2023, as noted below. This consultation will be open to representatives of Native American Tribes.

Date: Friday, June 23, 2023

Consultation on NPS Plant Gathering Regulation - CONUS

Join ZoomGov Meeting

<https://doitalent.zoomgov.com/j/1606839261>

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Sincerely,

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Shawn Benge
Deputy Director, Operations
National Park Service

Enclosures:

Briefing Paper

Tribal Leaders Guide to the NPS Plant Gathering Regulation