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National Park Service  
U.S. Department of the Interior



American Indian Liaison Office

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# The National Park Service and American Indians, Alaska Natives and Native Hawaiians

*Excerpts and identified sections  
from*

## Management Policies

The Guide to Managing the National Park System  
2006

The complete policies are available on the National Park Service (NPS) website

<http://www.nps.gov/policy/MP2006.pdf>

Published copies may be purchased for \$18.00 through the U.S. Government  
Printing Office website (refer to document ISBN 8780160768743) at

<http://bookstore.gpo.gov/collections/nparkmgmt.jsp>

***Management Policies: The Guide to Managing the National Park System***, is "the basic policy document of the National Park Service." Rather than have a separately stated policy relating to the concerns specific to American Indians, Alaska Natives and Native Hawaiians, the National Park Service Management Policies address these concerns **throughout** this one primary policy document.

While references to American Indian, Alaska Native, Native Hawaiian, traditionally associated, ancestral, indigenous, tribe, tribal, tribal government, Native American, sacred, traditional use, traditional practices, ceremonial, etc. are found throughout the policies (see last two pages of this material), perhaps the following excerpts from the first chapter, The Foundation, best frame National Park Service policy.

**Excerpt from Chapter 1. The Foundation (pages 19-20)**

**1.11 Relationship with American Indian Tribes**

“The National Park Service has a unique relationship with American Indian tribes, which is founded in law and strengthened by a shared commitment to stewardship of the land and resources. The Service will honor its legal responsibilities to American Indian tribes as required by the Constitution of the United States, treaties, statutes, and court decisions. For the purposes of these policies, “American Indian tribe” means any band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“The formal legal rationale for the relationship between the National Park Service and tribes is augmented by the historical, cultural, and spiritual relationships that American Indian tribes have with park lands and resources. As the ancestral homelands of many American Indian tribes, parks protect resources, sites, and vistas that are highly significant for the tribes. Therefore, the Service will pursue an open, collaborative relationship with American Indian tribes to help tribes maintain their cultural and spiritual practices and enhance the Park Service’s understanding of the history and significance of sites and resources in the parks. Within the constraints of legal authority and its duty to protect park resources, the Service will work with tribal governments to provide access to park resources and places that

are essential for the continuation of traditional American Indian cultural or religious practices.”

### **1.11.1 Government-to-Government Relationship**

“In accordance with the Presidential Memorandum of April 29, 1994, and Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), the Service will maintain a government-to-government relationship with federally recognized tribal governments. This means that NPS officials will work directly with appropriate tribal government officials whenever plans or activities may directly or indirectly affect tribal interests, practices, and/or traditional use areas such as sacred sites.”

### **1.11.2 Consultation**

“Consultations, whether initiated by a tribe or the Park Service, will be respectful of tribal sovereignty. The Federal Advisory Committee Act does not apply to consultation meetings held exclusively between federal officials and elected officials of tribal governments or their designees.

“Tribal needs for privacy and confidentiality of certain kinds of information will be respected. Such information will be deemed confidential when authorized by law, regulation, or policy. Before beginning government-to-government consultations, park managers will consider what information is necessary to record. Culturally sensitive information will be collected and recorded only to the extent necessary to support sound management decisions and only in consultation with tribal representatives.

“Mutually acceptable consultation protocols to guide government-to-government relationships will be developed at the park and program levels with assistance from regional and support offices as needed. The protocols will be developed with an understanding of special circumstances present at individual parks. These protocols and the actual consultation itself will be informed by national, regional, and park-based subject matter experts.

“NPS managers will be open and candid with tribal governments during consultations so that the affected tribes may fully evaluate the potential impact of the proposal and the Service may fully consider tribal views in its decision-making processes. This means that government-to-government consultation should begin at the earliest possible stages of planning.

*“(See Consultation 5.2.1; Ethnographic Resources 5.3.5.3. Also see Director’s Order #66: FOIA and Protected Resource Information)”*

### **1.11.3 Trust Resources**

“Activities carried out on park lands may sometimes affect tribal trust resources. Trust resources are those natural resources reserved by or for Indian tribes through treaties, statutes, judicial decisions, and executive orders, which are protected by a fiduciary obligation on the part of the United States. In accordance with the government-to-government relationship and mutually established protocols, the Service will interact directly with tribal governments regarding the potential impacts of proposed NPS activities on Indian tribes and trust resources.

“In considering a proposed program, project, or action, the Service will ensure that effects on trust resources are explicitly identified and evaluated in consultation with potentially concerned tribes and that they are addressed in planning, decision, and operational documents. With regard to activities that may impact Indian trust resources or tribal health and safety, the Service will consult with the Bureau of Indian Affairs, the Office of the Solicitor, and other offices and agencies, as appropriate.

*“(Also see Secretarial Order 3206, June 5, 1997)”*

### **1.12 Native Hawaiians, Pacific Islanders, and Caribbean Islanders**

“The National Park Service administers parks in Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, Puerto Rico, and the Virgin Islands. The Service will maintain open, collaborative relationships with native peoples for whom these islands are their ancestral homes. The Service will also meet any responsibilities that may have been defined in the enabling legislation of these island parks and to Native Hawaiians in the administration of the Native American Graves Protection and Repatriation Act and the National Historic Preservation Act.”

## **Excerpt from Chapter 8 Use of the Parks (pages 111-112)**

### **8.5 Use by American Indians and Other Traditionally Associated Groups**

“The National Park Service will develop and implement its programs in a manner that reflects knowledge of and respect for the cultures of American Indian tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or anthropological studies, including ethnographic oral history and ethnohistory studies or a combination of these sources. For purposes of these policies, the term American Indian tribe means any tribe,

band, nation, or other organized group or community of Indians, including any Alaska Native Village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Other groups of people with traditional associations to park lands or resources include native peoples of the Caribbean; Native Hawaiians and other native Pacific islanders; and state-recognized tribes and other groups who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

“The Service will regularly and actively consult with American Indian tribal governments and other traditionally associated groups regarding planning, management, and operational decisions that affect subsistence activities, sacred materials or places, or other resources with which they are historically associated. Information about the outcome of these consultations will be made available to those consulted.

“In developing its plans and carrying out its programs, the Service will ensure the following:

- \_ NPS general regulations governing access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner consistent with park purposes that (1) does not unreasonably interfere with American Indian tribal use of traditional areas or sacred resources, and (2) does not violate the criteria listed in section 8.2 for use of the parks.
- \_ Superintendents will establish and maintain consulting relationships with potentially affected American Indian tribes or traditionally associated groups.
- \_ Management decisions will reflect knowledge about and understanding of potentially affected American Indian cultures and people, gained through research and consultations with the potentially affected groups.

“The American Indian Religious Freedom Act (42 USC 1996) states that  
Henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe, express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

“The National Park Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy and in keeping

with the spirit of the law, and provided the criteria listed in section 8.2 for use of the parks are not violated, the Service will be as unrestrictive as possible in permitting Native American tribes access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes. In allowing religious access by other entities, including nonrecognized Indian groups, the Service will consider requests individually, being mindful not to take actions that will either advance or inhibit religion. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

“With regard to consumptive use of park resources, current NPS policy is reflected in regulations published at 36 CFR 2.1 and 36 CFR Part 13. These regulations allow superintendents to designate certain fruits, berries, nuts, or unoccupied seashells that may be gathered by hand for personal use or consumption if it will not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources. The regulations do not authorize the taking, use, or possession of fish, wildlife, or plants for ceremonial or religious purposes, except where specifically authorized by federal statute or treaty rights or where hunting, trapping, or fishing are otherwise allowed.

“When authorized under National Historic Preservation Act, the Archeological Resources Protection Act or other provisions of law, the Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of American Indian tribes or other traditionally associated groups. The location and character of sacred sites will be withheld from public disclosure if disclosure will cause significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners.

“Members of American Indian tribes or traditionally associated groups may enter parks for traditional nonrecreational activities without paying an entrance fee.

“The ceremonial use of peyote will be limited to members of the Native American Church during religious ceremonies, in accordance with regulations of the Department of Justice, Drug Enforcement Administration (“Special Exempt Persons, Native American Church,” 21 CFR 1307. 31).”

*“(See Relationship with American Indian Tribes 1.11; Consultation 5.2.1; Ethnographic Resources 5.3.5.3; first Amendment Activities 8.6.3; Consumptive Uses 8.9. Also see Executive Order 13007 (Indian Sacred Sites); Director’s Orders #71A: Government-to-government Relationships with Tribal Governments, and #71B: Indian Sacred Sites)”*

## **The Management Policies**

The total 2006 policies are in a 180 page booklet, which includes a detailed table of contents for the 10 chapters, 3 appendices, a glossary, and an index.

What follows is a listing of the chapters and the subheadings within those chapters which may express policies of interest to American Indians, Alaska Natives and Native Hawaiians. The number(s) in parentheses refer to page numbers in the policy booklet.

Management Policies: The Guide to Managing the National Park System  
Underlying Principles of Consultation and Cooperation (2)

Introduction: Law, Policy, and Other Guidance

The Directives System and future revisions (4-5); NPS Program Policies (5)

Chapter 1. The Foundation – The National Park Idea (8); Suitability (9); Cooperative Conservation Beyond Park Boundaries (13-14); Information Confidentiality (16); Partnerships (18-19); Relationship with American Indian Tribes (19); Government-to-Government Relationship (19); Consultation (19); Trust Resources (19); Native Hawaiians, Pacific Islanders, and Caribbean Islanders (20)

Chapter 2. Park System Planning – Public Participation (22); General Management Planning (23-24); Public Involvement (24-25)

Chapter 3 Land Protection – Cooperation with tribal governments and others to protect NPS land (29); General - “To fulfill NPS protection responsibilities...” (30); Cooperative Conservation (31); Land Acquisition Funding (32)

Chapter 4 Natural Resource Management – Introduction (36); Partnerships (38); Studies and Collections (39-40); NPS- conducted or – sponsored Inventory, Monitoring, and Research Studies (40); Plant and Animal Population Management Principles outside parks (43); Management of Native Plants and Animals - consultation (44); NPS Actions that Remove Native Plants and Animals - granting of preference to Native Americans (45); Harvest of Plants and Animals by the Public – consultation and cooperation with tribal governments (47); Removal of Exotic Species Already Present – consultation with tribes (48); Fire Management – collaboration with appropriate tribal governments on a fire management plan (50); Geologic Hazards – working with tribal officials to devise management strategies (54)

- Chapter 5 Cultural Resource Management – Respecting peoples traditionally associated with NPS resources (59); NPS Research (60-61); Evaluation and Categorization (62); Planning (63); Consultation (63-64); Agreements (64); Stewardship of Human Remains and Burials (67); Treatment of Cultural Resources (67); Cultural Landscapes (69); Land Use and Ethnographic Value (70); Ethnographic Resources (70-71); Resource Use and Access (71); Sacred Sites (71-72); Research – cultural anthropological/ethnographic (72); Historic and Prehistoric Ruins (73-74); Museum Collections (74); Reproduction (74); Acquisition, Management, Disposition, and Use (74-75)
- Chapter 6 Wilderness Preservation and Management – Cultural Resources (83-84); American Indian Access and Associated Sites (85)
- Chapter 7 Interpretation and Education – Consultation (94)
- Chapter 8 Use of the Parks – Visitor Use – deferring to tribes and others to meet the broader spectrum of recreational needs (99); River Use – river use management plan to be coordinated with interested, appropriate tribes and others (102); Visitor Safety – working with tribes to provide a safe environment (105); Recreation Fees – exemptions for (107); Use by American Indians and Other Traditionally Associated Groups (111- 112)
- Chapter 9 Park Facilities – Integration of Facilities into the Park Environment (125); Transportation Systems and Alternative Transportation – early participation in planning and working with tribal governments (131); Non-NPS Roads – working with tribes on maintaining roads affecting parks (132); Trails and Walks – working with tribes and others in creating a seamless network of parks (133)
- Chapter 10 Commercial Visitor Services – Competition (144); Merchandise (145-146)
- Glossary Definition of “American Indian tribe” inclusive of “Alaska Native Village” (156); “Ethnographic Landscape” (157); “Native American” (158); “Native Hawaiian” (158); Sacred Sites (159); “Traditional” (159); “Traditionally Associated Peoples” (159); and “Traditional Cultural Property” (159)

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[e/Policy-NPS/npsMgmt8.5AILO10-08.doc]

October 2008