

# S.O. 3403

## FULFILLING THE TRUST RESPONSIBILITY TO INDIAN TRIBES IN THE STEWARDSHIP OF FEDERAL LANDS AND WATERS



# OVERVIEW



## Order No. 3403

**Subject:** Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters

**Section 1. Purpose.** This Secretary's Order is issued by the Secretary of Agriculture and the Secretary of the Interior (Secretaries) to ensure that the Department of Agriculture and the Department of the Interior (Departments) and their component Bureaus and Offices are managing Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes including the Native Hawaiian Community; that such management is consistent with the nation-to-nation relationship between the United States and federally recognized Indian Tribes; and, that such management fulfills the United States' unique trust obligation to federally recognized Indian Tribes and their citizens.

The Departments are responsible for the management of millions of acres of Federal lands and waters that were previously owned and managed by Indian Tribes. Those lands and waters contain cultural and natural resources of significance and value to Indian Tribes and their citizens, including sacred religious sites, burial sites, wildlife, and sources of indigenous foods and medicines. In addition, many of those lands and waters lie within areas where Indian Tribes have reserved the right to hunt, fish, gather, and pray pursuant to ratified treaties and agreements with the United States.

In managing Federal lands and waters, the Departments are charged with the highest trust responsibility to protect Tribal interests and further the nation-to-nation relationship with Tribes. The Departments recognize and affirm that the United States' trust and treaty obligations are an integral part of each Department's responsibilities in managing Federal lands. Tribal consultation and collaboration must be implemented as components of, or in addition to, Federal land management priorities and direction for recreation, range, timber, energy production, and other uses, and conservation of wilderness, refuges, watersheds, wildlife habitat, and other values. Further, in honoring these obligations, the Departments will benefit by incorporating Tribal expertise and Indigenous knowledge into Federal land and resources management.

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## Purposes & Goals

- Consider Tribal Interests
- Use Collab. Agreements
- Track Progress via Annual Reports

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## Purposes & Goals

- **Three Main Components:**
  - Tribal Stewardship
  - Federal Stewardship
  - Federal-Tribal Co-stewardship

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**TRIBAL  
STEWARDSHIP**

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## Tribal Stewardship

- To support consolidating Tribal landholdings and facilitating trust-acquisition requests.
- Rule revision to aid trust acquisitions that protect sites of cultural/historical importance.

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**FEDERAL  
STEWARDSHIP**

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## Federal Stewardship

- For bureau land-management decisions that impact Tribal treaty or religious rights
- Decisions must employ 3403's Principles of Implementation



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## Federal Stewardship

- Principles of Implementation:
  - Collaborate, Consult, & Engage
  - Institutionalize Means to Implement
  - Consider ITEK & Tribal Land Plans
  - Employ Dispute Resolution Procedures

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CO-STEWARDSHIP

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## Co-Stewardship

- **Key takeaway:**

Use collaborative agreements or land-management plans to protect Tribal treaty, reserved, subsistence, and religious rights on federal lands.

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## Co-Stewardship

- If not permitted by law:  
Bureaus must still consider and defer to Tribal proposals, recommendations, and knowledge that affect federal management decisions when possible.

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## Co-Stewardship

- Applies to federal lands within/adjacent to a reservation, or affected by subsistence or other rights.
- Or upon Tribal request.

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## Co-Stewardship

- Land-management bureaus must identify affected Tribes:
  - Treaty Database
  - BIA Tribal Land Locator
  - USFS Tribal Connections Map Viewer

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## Co-Stewardship

- **Step-Down Requirements:**
  - Establish employee performance review standards.
  - Update Departmental Manual chapters, handbooks, & guidance.

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## Co-Stewardship

- Next Steps
  - Additional Bureau policy/guidance.
  - ISDEAA training for non-BIA bureaus.
  - Office of Strategic Partnerships to identify common interests.



