

Pathways Alliance for Change and Transformation (PACT)¹



Land Return Strategies by Selected Tribal Nations in the United States:

Case Studies for International Audiences²

May 2025

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The report was commissioned by PACT and prepared in collaboration with members of The Fond du Lac Band of Lake Superior Chippewa, The Confederated Salish & Kootenai Tribes, Former members of Utah Diné Bikéyah, and The Bois Forte Band of Chippewa Tribal Nations. The work was supervised by Drs Andy White and Kyle Whyte and conducted with financial support from the University of Michigan School for the Environment and Sustainability and the Rights and Resources Initiative. Its purpose is to inform international Indigenous and community advocates and allies of pathbreaking land return recently achieved by US-based Tribal Nations. The four case studies featured in this report are: (1) Bois Forte Band of Chippewa; (2) Fond du Lac Band of Lake Superior Chippewa; (3) Confederated Salish & Kootenai Tribes; (4) Utah Diné Bikéyah. These case studies show how U.S. Tribal Nations are securing land rights through coordinated efforts involving combinations of land purchasing, legal strategy, and coalition building,

This report accompanies a separate report that provides an introduction to the land history of Tribal Nation land rights and sovereignty in what is now the United States, and an overview of the strategies Tribal Nations are now deploying to regain their lands. This introduction is entitled: Key Strategies for Securing Land Rights Employed by Tribal Nations in the United States: An Overview for International Indigenous Audiences

¹ [The Pathways Alliance for Change and Transformation](#) (PACT) is a small, strategic coalition of Indigenous Peoples and local community led research and activist institutions and academic allies in the Global South and North. PACT's vision is to catalyze the transformation of international systems of priority to Indigenous Peoples and local communities and their organizations. The core strategy to achieve PACT's vision is to strengthen the capacity of emerging Indigenous and community scholar-activists, strengthen Indigenous and community-led research institutions, and deepen the relationships between them within and across regions.

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1. Land Purchase by Bois Forte Band of Chippewa

Authors: Deanna Geelhoed and Savannah Whaley

Strategy for securing land rights: Land purchase The Tribe purchased 11,367ha through an intermediary—the largest one-time land reacquisition in the country to date.

Tribe's Name: Bois Forte Band of Chippewa⁴

Website: <https://boisforte.com/>

Number of members: 3,600.

Total Reservation size and location: 51697ha in Northeastern Minnesota

Background on the Tribe

Zagaakwaandagowiniwag (The Bois Forte Band of Chippewa) are a federally recognized Tribe of Ojibwe, and part of the larger Minnesota Chippewa Tribe. The Ojibwe (Chippewa), along with the Odawa and Potawatomi, are together referred to as the Anishinaabek and include hundreds of thousands of members generally found in the Upper Midwest of the so-called United States.



Map data © 2024 Google.

The Anishinaabe Peoples' story in this region began when they were given a prophecy telling them to travel to "the [place](#) where food grows on water." They [followed](#) the St Lawrence River west from the East Coast to find *manoomin*, or wild rice, growing on lakes in what is currently the states of Minnesota, Michigan, and Wisconsin, and the provinces of Canada adjoining those states. [Manoomin](#) has been a cultural cornerstone for Indigenous Peoples of the Great Lakes region for thousands of years, among other important plants.

In the early 1800s, the United States wanted access to the natural resources within the Minnesota Anishinaabe homelands, including those of the Bois Forte Band. Under pressure, the Band signed treaties in 1854 and 1866. The 1854 Treaty created the Bois Forte Reservation, and an 1881 executive order adjusted the boundaries to their current placement. Importantly, Bois Forte members maintained usufruct rights to continue their lifeways of hunting and fishing on the ceded lands.

The 1887 Dawes Act broke up the communal Reservation land into individual properties. Some of the properties went to Band members, but the government, contradicting the 1854 Treaty, opened up the "surplus land" for sale to non-Native people and entities. The US Congress then passed the 1889 Nelson Act in an attempt to move all Anishinaabe Peoples in Minnesota to the White Earth Reservation. In response, some Bois Forte members resisted the government officials in the surrounding forest and were not relocated.⁵

Settler industries in Minnesota in the [20th century](#)—including timber and mining—flooded the [wild rice](#) beds and clear-cut white pine forests. The land is much different than it was, and there are no longer huge forests and the same degree of wildlife abundance. However, members of the Bois Forte Band remain on their ancestral land and continue to practice the continuance of their ancient traditions, including harvesting wild rice, tapping maple trees, and picking berries. The Band has revenue from various enterprises, as well as federal grants, and is exploring options to consolidate fractionated land allotments on the Reservation.

Land Return Process

Bois Forte members do not own the majority of the Bois Forte Reservation, due to the legacy of the treaty and allotment era described above. Landowners include timber companies, private landholders, and Federal and State interests. The PotlatchDeltic timber company was one such landowner. They wanted to leave the area to explore growing opportunities further south and offered to sell their overlapping Reservation land to the Tribe first. Bois Forte Band could not afford to buy the land outright, but had plans to purchase the land in chunks, prioritizing access to roads, hunting and gathering areas, rivers, and boundaries. The Conservation Fund purchased the 29,127ha before the Band could purchase any of the land, with the intent to restore to the Bois Forte Band the 11,367ha that overlapped with the Reservation.

⁴ Methods: Deanna and Savannah met with Chairwoman Cathy Chavers at the Fortune Bay Casino and Golf Course near Vermillion Lake. Later that week in Nett Lake, they met with the Director of Natural Resources, Chris Holm, the current and former Executive Directors of the tribe, Luke Warnscholtz and Robby Goggleye, and various other tribal members and employees. They had the opportunity to see wild rice growing on Nett Lake, tour the village of Nett Lake, and view the recently completed, environmentally friendly dam that is used to control water levels in ricing lakes. This information is sourced from those conversations and outside research, including materials that the tribe has put out. A source list can be found at the end of this document.

⁵ Conversation June 7, 2024

The Band worked with the [Indian Land Tenure Foundation](#) to get a low-interest loan to purchase the land. In 2016, PotlatchDeltic had enrolled the area in the [Minnesota Sustainable Forest Incentive Act](#), which provides financial incentives for landowners to adopt sustainable forest management practices. This requires a commitment to not develop on the land for 50 years and generates ~\$5USD per hectare, or approximately \$500,000 a year in revenue. The Band is continuing this designation, using the revenue to pay off the loan. Once it is paid off, the funds will be used for community priorities. Ongoing conversations are determining where to spend the funds; options include energy and decarbonization projects and community development.

The 11,367ha are currently fee simple, or private, land that is owned by the Band. Unlike federal trust lands, the Bois Forte Band is responsible for paying taxes on the private land. To raise this revenue, the Bois Forte Band has completed a carbon offset deal with the non-profit [Verra](#). The Band has committed to not develop the land and will ensure that it maintains its carbon sequestration abilities.

Enabling Conditions for this Strategy

- The Minnesota Sustainable Forest Incentive Act created a revenue generation opportunity on the land that made it possible for the Bois Forte Band to obtain a loan to purchase it. The Act also prohibits development and limits the Band to certain land uses.
- Selling carbon offsets pays the taxes on the land and is compatible with the Sustainable Forest Incentive Act.
- What is unusual about this deal is that the Band purchased this land with no direct financial cost to themselves. The purchase was completely financed by the income from the Minnesota Sustainable Forest Incentive Act and the carbon offset project.

Current Impact

Bois Forte Band now owns 26,305ha (58%) of land in the Nett Lake section of the Reservation. With this purchase, the 11,367ha returned accounts for 21% of the total land of the Reservation. This land transfer is the largest one-time land reacquisition in the country to date, and the purchase structure provides a model that other Tribes can potentially use. Regaining Bois Forte homelands is hugely important for cultural sovereignty. Cultural continuance is one of the Band's priorities.

Future Plans

Through the Minnesota Sustainable Forest Incentive Act, no development on the land is permitted until 2066, though the Band is able to maintain access roads. Any changes in development must be proposed by the Culture, Conservation, and Biodiversity community working group, and then approved by Verra, the carbon offsets manager. This process ensures that the community has input and Verra is able to fund Culture, Conservation, and Biodiversity community working group projects.

Economic and workforce development is a priority for Bois Forte Band, and a challenge given how rural the area is. The Band is looking to buy back more parcels of land on and off the Reservation and explore new ways to secure revenue and promote cultural practices.

Further Information

- Bois Forte Band in [TRUTH report](#)
- Article: [Announcement Native News Online](#)
- Article: Announcement [Minnesota Public Radio](#)
- [General Information about Tribes in the United States](#)

2. Combination of Strategies by Fond du Lac Band of Lake Superior Chippewa

Authors: Savannah Whaley and Deanna Geelhoed

Strategies used to secure land rights: Multiple.

The focus of this case study is the 8,903ha of land secured by the Fond du Lac Tribe in the last 20 years. The Tribe did so in increments rather than one large sale or transfer.⁶ Strategies included buying back land from private stakeholders, consolidating fractionated allotments, and negotiating with counties.

Tribe's Name: Fond du Lac Band of Lake Superior Chippewa⁷

Website: <https://www.fdlrez.com/>

Number of Tribal members:

- 4,200 enrolled members
- 1,800 members live on or near the Fond du Lac Reservation, and 1,500 live in surrounding nearby areas.

Land size and location: The Fond du Lac Reservation covers 40,873ha in northeastern Minnesota, near the western edge of Lake Superior. As of 2024, the Band owns [18,975ha](#) on the Reservation.

Background on Tribe

[Nagaajiwanaang](#) (The Fond du Lac Band of Lake Superior Chippewa) is a federally recognized Tribe of Ojibwe and part of the larger Minnesota Chippewa Tribe. The Ojibwe, along with the Odawa and Potawatomi, are together referred to as the Anishinaabek and include hundreds of thousands of members generally found in the Upper Midwest of the so-called United States.



Map data © 2024 Google

Native Peoples have lived at *Waikwakitchigami*, the edge of Lake Superior, or Fond du Lac in French, for at least [14,000 years](#). The Fond du Lac Reservation was [established](#) in the 1854 La Pointe Treaty. In this and other treaties, Tribal members reserved the right to hunt, fish, and gather on the ceded lands of northern Minnesota. These rights have been contested by governments and individuals ever since, but the courts have affirmed them numerous times.

The 1887 Dawes Act and the 1889 Nelson Act allowed for non-Indigenous people to buy “surplus” reservation land, directly contradicting the guarantee in the 1854 Treaty that the land would be reserved for the [Fond du Lac Band](#). As a result, the Band lost two thirds of the Reservation land between 1889-1934. This period is known as the allotment era.

The Fond du Lac Band, like many Tribes, is now in the position of having to buy back their own land. Nearly [55%](#) of the Reservation is owned by non-Indigenous individuals or entities, including private landowners, County governments, and the University of Minnesota.

Process of Securing Land Rights

The Fond du Lac Band has employed various strategies to secure land rights. During the period of 2000–2024, the Band's landholdings increased by 22,077 acres to reach the current total of [18,975ha](#).

The following are selected examples of land return:

- The Band [bought back](#) 1,214ha of forest land on their Reservation from timber company Potlatch Corp. This was beneficial for both parties: Potlatch had recently logged the land, which meant they would have to wait 25 years to harvest again, and the Band did not have to pay timber taxes on the logged property.⁸
- The Band has purchased slightly under 809ha of [tax forfeit land](#) from St. Louis County, in several different transactions. Tax forfeit land means that the land was once privately owned but went back to the County for nonpayment of taxes. A [1985 State of Minnesota law](#) gives the Band the “right of first refusal” to purchase tax-forfeited land for sale within the Reservation. They still faced [opposition](#) from County Commissioners worried about the loss of tax revenue, despite the fact that St. Louis County has nearly 364,217ha of tax-forfeited land.

⁶ Conversation with Tim Krohn, July 1, 2024

⁷ Methods: Deanna Geelhoed and Savannah Whaley visited the Cloquet Forestry Center to meet with Karen Diver, former Chairperson and current University of Minnesota Senior Advisor to the President on Native American Affairs on August 16, 2023. They followed up with a draft and further questions, met with Karen again on June 19, 2024, and met with Timothy Krohn, the Band's GIS specialist, on July 1, 2024. This information is sourced from those conversations and outside research, including materials that the tribe has put out. All sources are linked or footnoted, and further resources can be found at the end of this document.

⁸ Conversation with former Chairperson Karen Diver, June 19, 2024

- The Band’s Land Information Manager found a few parcels of Reservation land, totaling 809ha, that had passed out of Band care and into tax-forfeit status, but were not claimed by anyone. The Band was able to claim this land at no cost, in a process known as a quiet title action.⁹
- Like many other Tribes, the Band took advantage of [Cobell Settlement](#) money from the federal government to consolidate fractionated allotments. Of the 3,237ha privately owned by tribal members or their heirs, the Band was able to [consolidate](#) ~1,335 of them using Cobell money.
- The Band bought private land in southern Carlton County and [traded it](#) for County land within the Reservation boundary in a land swap.¹⁰ The Band received about 1,295ha within Reservation boundaries and the County received 587ha outside the Reservation. This process was authorized by a 2013 State of Minnesota bill.
- The Band regained 5.2ha on Wisconsin Point from the US Department of the Interior (DOI), after a decade of [“bureaucratic snarl,”](#) They also [regained](#), from the City of Superior, a burial ground that was desecrated a century ago and the mass grave site that the remains were moved to. The land was transferred from the Army Corps of Engineers to the DOI in a process known as a “secretarial transfer,” or a transfer of land from one federal secretary to another. The land is now held in trust by the DOI on behalf of the Fond du Lac Band, and the Band can exercise self-governance there.¹¹
- The Band’s Land Information Manager identified two 32ha parcels of land owned by Minnesota Power, contiguous to the land the Band had regained from Potlatch Corp, using the land use and planning map. Minnesota Power agreed to sell the Band these parcels of transition land as part of a larger strategic discussion.¹²

Enabling Conditions for these Strategies

- The Band has been actively and strategically seeking opportunities for land return in many ways, from private property purchase to trading with the County.
- There’s strong leadership from Band leadership, Fond du Lac Reservation Business Committee (Tribal Council), and realty staff.
- Access to funding:
 - Federal dollars from the Land Buy-Back Program ([Cobell Settlement](#))
 - Funds from the [Lessard-Sams Outdoor Heritage Council](#), which is a portion of the State sales tax allocated for outdoor projects; this was probably a one-time occurrence
 - The Band allocated funds from Tribal enterprises so they could be ready to buy when lands became available.
 - The Band used [Housing and Urban Development Block Grant](#) funds to purchase homes for Tribal members and the associated lands they were located on.
- The Band has effectively utilized GIS. The Band now has a [detailed land-use and zoning map](#) of the Reservation that allows for long-term planning in parcel acquisition and usage and effective allocation of resources. Mapping the Reservation allowed for the recovery of 809ha, above, at no cost to the Band.

Current Impact

The land use and zoning map has allowed the Band to be thoughtful about the land they acquire. Regaining land rights allows for better and more strategic governance of the Reservation area. Increased access to land facilitates practice of traditional lifeways. Some of the regained land is used for family housing and other infrastructure, and a significant portion is devoted to wildlife habitat and conservation.

Future Plans

The Band is continuing to work towards sovereignty and ownership of additional Reservation land. After years of negotiation, the University of Minnesota has committed to returning the 1,376ha [Cloquet Forestry Center](#) on the Fond du Lac Reservation. The University acquired this land during the allotment era, against the wishes of the Band. Band members have not been allowed to exercise treaty rights there. The Band and the University are working together to develop a plan for transferring the land and determining the University’s involvement going forward.

Further information:

1. [Fond du Lac 2021-2026 Community Economic Development Strategy](#)
2. Fond du Lac in the [TRUTH report](#)
3. Article: [St. Louis County selling 607ha to Fond du Lac Band](#)
4. [Need for Trust Land at Fond du Lac](#)

⁹ Ibid.

¹⁰ Conversation with former Chairperson Karen Diver, August 16, 2023

¹¹ Conversation with former Chairperson Karen Diver, June 19, 2024

¹² Ibid.

5. [Duluth Stories: Fond du Lac History](#)
6. [General Information about Tribes in the United States](#)

3. Land Purchasing Court and Settlement by the Confederated Salish & Kootenai Tribes

Authors: Deanna Geelhoed, Savannah Whaley, Jim Durglo¹³

Strategies used: Multiple

The Confederated Salish and Kootenai Tribes (CSKT) have made multiple land purchases and employed many other strategies to regain land tenure over the past 30 years.

One notable example is the Federal and State court settlement (CSKT Water Compact) over water rights that provided the opportunity for the CSKT to regain management of the ~7,284ha Bison Range, now a protected area on the Flathead Reservation focused on bison conservation.

Tribal Organization's Name: Confederated Salish and Kootenai Tribes (CSKT)¹⁴

Website: <https://csktribes.org/>

Number of members: 7,753 enrolled members, of which approximately 5,000 live on or near the Reservation.

Land size and location: 526,091ha in Northwestern Montana

Background on Tribes

Three distinct Tribes—the Bitterroot Salish, Upper Pend d'Oreille, and Kootenai (also known as the Séliš, Qlispé, and Ksanka)—are included in the shared entity of the Confederated Salish and Kootenai Tribes (referred to in this document as the CSKT). The Flathead Reservation is home to all three Tribes. The ancestral territories of these three Tribes covered all of what is now western Montana and extended into parts of current Idaho, British Columbia and Wyoming.



Representatives from the Upper Pend d'Oreille and Kootenai Tribes signed the Hellgate Treaty of 1855, relinquishing over 890,308ha of land (while retaining certain rights on federal non-private land, outside Reservation boundaries) and establishing the 526,091ha Flathead Reservation and the Bitterroot Reservation. The area of the Flathead Reservation is one of the primary homelands of the Pend d'Oreille. The Kootenai were included in the treaty because they were present in the area at the time. Later, after [36 years of resisting relocation](#), the Bitterroot Salish were forcibly moved to the Flathead Reservation in 1891.

In the treaty, Tribal members retained treaty rights to hunt, fish, and gather plants in their ancestral territories. However, at different points in history, they have been barred from exercising those rights.

In 1904, Congress passed the Allotment Act, which extended the Dawes Act to cover the Flathead Reservation, in breach of the Hellgate Treaty. In 1910, the US government [began offering](#) Reservation land deemed as “surplus” to non-Indigenous homesteaders. As a result, over 202,343ha of Reservation land passed out of Tribal ownership. Today, about two-thirds of the Flathead Reservation's population is [non-Indigenous](#), and 39% of the land is privately owned. Additionally, federal, state, and municipal governments own Reservation land.

Process of Securing Land Rights

The CSKT have been intentional about regaining land that was taken from Tribal care since the 1934 Tribal Reorganization Act ended the allotment era. Jim Durglo, CSKT member and fire expert, estimates that since 1995 alone, roughly 97,125ha of the Flathead Reservation have been conveyed back into Tribal trust land.¹⁵

The CSKT have purchased fractionated land directly from Tribal member allottees, using the federally-administered Land Buy-Back Program funded through the [Cobell Settlement](#). Funds from Tribal enterprises and other Tribal funds have been used to purchase simple fee properties within the Reservation.¹⁶ The CSKT sets aside money every year for buying back land.¹⁷

¹³ Member of the Confederated Salish and Kootenai Tribes

¹⁴ Methods: Deanna and Savannah met with Jim Durglo, a CSKT member who is an Intertribal Timber Council Fire Technical Specialist and serves on the Salish Kootenai College Board of Directors, over Zoom on August 16, 2023 and February 6, 2024. This information is sourced from that conversation and outside research from the period of August 2023- June 2024, including materials that the tribe has released. All sources are linked or footnoted, and further resources can be found at the end of this document.

¹⁵ Conversation with Mr. Durglo on August 16, 2023

¹⁶ Ibid.

¹⁷ Ibid.

The CSKT have also engaged in trading for State land within the Reservation boundaries. In one notable case, the CSKT oversaw a 4-way trade between the Bureau of Land Management, the Nature Conservancy, and the Montana Department of Natural Resources, to convey State lands into Reservation lands.¹⁸

Court settlements are another way that the CKST has acquired funding for environmental projects and regained land rights. A [lawsuit](#) over the environmental damage caused by the operation of the Kerr Dam resulted in \$35 million going to the CSKT for mitigation projects, including fish and wildlife enhancement. The settlement resulting in the return of the National Bison Range is described in the following sections.

National Bison Range History

Bison have a history on the land now known as the United States that is as robust as humans' history. Tribal Nations all over the continent, including the ancestors of the Confederated Salish and Kootenai Tribes, have had deep reciprocal relationships with bison for millennia. European colonizers who settled the Americas, and the governments they created, engaged in a [concentrated genocide](#) of bison in order to [sever](#) Indigenous Peoples' connections to land and culture.

In the 1870s, Bison were facing imminent extinction at the hands of non-Indigenous settlers. At the time, a Pend d'Oreille person named [Ataticé](#) dreamed of bringing a bison herd to the Flathead Reservation. His son Łatati realized this vision by bringing orphan calves over the Continental Divide to begin the herd. After Łatati's stepfather sold the bison without his consent, it became known as the Pablo-Allard herd. The US government opened the Reservation for non-Indigenous settlement in the early 1900s, in breach of the Hellgate Treaty. At that time, the herd was sold to non-Reservation interests over the stringent objections of the CSKT. Just a few years later, the State of Montana took 7,594ha of Reservation land without Tribal consent or compensation. Ironically, the state's goal was to establish the National Bison Range for the purpose of restoring the bison population. The bison used to populate the herd were descendants of the Pablo-Allard herd that had been taken from the Tribes.

For decades, CSKT leaders have worked to right this historic wrong. The Bison Range was loosely managed as a conservation area by the US Fish and Wildlife Service (FWS) for much of the 20th century. In 1994, the CSKT began an effort to partner with the FWS to co-manage the Bison Range, through the 638-contracting authority.¹⁹ CSKT hired employees to work on this, but despite the Tribes' best efforts, the agreements fell through or were terminated by FWS. The effort to turn the Bison Range into federal trust land began in 2016.

Water Rights Settlement

The loss of the Bison Range is far from the only land rights issue that CSKT has been working on. CKST's struggle to secure access to the water rights they were promised in the Hellgate Treaty, which extend past the Reservation boundaries, has been a central rights issue for decades. The legal battle over these water rights began in 1979. Due to the complexity of the Montana water rights situation, the CSKT [chose to negotiate](#) over water rights and settle instead of going to court. CSKT scholars were able to prove their historical occupation of ceded lands as part of the settlement. This proven information bolstered their argument that their treaty rights included the rights to healthy fisheries and stream flows in Montana.

The CSKT were very persistent in their advocacy in the face of various opposing contingents, and their efforts were finally rewarded by the [Montana Water Rights Protection Act](#) signed in 2020. The \$1.9 billion settlement confirms CSKT's water rights within the Flathead Reservation and ceded lands and authorizes funding for irrigation and habitat restoration projects. The CSKT agreed to relinquish water rights outside the Reservation, and as part of the settlement, in exchange, the 7,594ha of the National Bison range was transferred to the CSKT. The settlement also included funding for deferred maintenance on irrigation projects elsewhere on the Reservation to become more water efficient and provide better water delivery. The settlement that resulted is the largest ever in a US Tribal water rights case.

Current Impact

The CSKT are conducting deferred maintenance on the Bison Range and the Flathead Indian Irrigation Project.²⁰ This includes fire management, funded through Department of the Interior/ Bureau of Indian Affairs fuel reduction initiatives. The CSKT are also placing great emphasis on a visitor center as a site of education. Today the herd contains up to 500 descendants of the Pablo-Allard bison at any one time on their Reservation lands.

¹⁸ Ibid.

¹⁹ Conversation with Mr. Durglo on August 16, 2023

²⁰ Conversation with Mr. Durglo on August 16, 2023.

The CSKT now have ownership rights of over 283,280ha of the 526,091ha Flathead Reservation.²¹ They also have regained management control of the [Seli's Ksanka Qlispe' Dam](#) (SKQ Dam, formerly known as Kerr Dam), which is on the Flathead Reservation, making them among the first Tribal nations in the US to [own](#) a major hydroelectric facility. CSKT members are very active in gathering traditional foods and medicines on Reservation and adjacent Federal and State lands.²² They also participate in annual buffalo harvesting as specified in the CSKT's treaty rights. CSKT works well with adjacent land managers to ensure Tribal members have access to the land.²³

Future Plans

In general, the CSKT are focusing on building capacity to manage all the acreage that they have regained. In particular, the CSKT are working to more effectively manage the Bison Range, the water management program and irrigation project, and the natural resources program in general.²⁴ Salish Kootenai College, the only Tribal college in the country with a four-year forestry degree, is a partner in this effort, training students on range-type management, wildlife, hydrology, fisheries, and forestry and fire. The Tribal College also recently established a [Master of Science program in Natural Resources Management](#). Of the approximately 100 Indigenous students in forestry programs in the entire US, 40 of them are at Salish Kootenai College.²⁵

CSKT's primary focuses are on building capacity and re-establishing relationships with the land through more deliberate Tribal cultural burning and other methods.²⁶ The CSKT's forest management plan includes plans for cultural burning on the Flathead Reservation and ceded territory. Fleshing out that plan's details is one next step for the CSKT.

Further Information

[CSKT Website](#)

[Bison Range Website](#)

[Historical timeline of the Séliš, Qlispé, and related nations](#)

[Confederated Salish and Kootenai Tribes Secure "Remarkable" \\$1.9 Billion Water Rights Settlement](#)

[In the Spirit of Ataticé Documentary](#)

[Montana Tribal Nations Directory](#)

["The Buffalo Killers" Atlantic article](#)

[The Confederated Salish and Kootenai Tribes Fight for Water Rights in Montana: A Contentious History](#)

[Consultations on Cobell Land Trust Considerations](#)

[Buffalo Slaughter Left Lasting Impact on Indigenous Peoples](#)

[General Information about Tribes in the United States](#)

²¹ Ibid.

²² Ibid.

²³ Conversation with Mr. Durglo February 6, 2024

²⁴ Conversation with Mr. Durglo on August 16, 2023

²⁵ Ibid.

²⁶ Ibid.

4. Securing Sacred Lands through Creation of a National Monument: Utah Diné Bikéyah

Authors: Savannah Whaley and Deanna Geelhoed

Strategy used: Coalition

Activists within Tribes came together to create a non-profit that would exert influence for Tribal Nations to come together as a coalition, leading to the creation of Bears Ears National Monument.

Indigenous Organization's Name: Utah Diné Bikéyah (UDB) a native-led non-profit²⁷

Website: <https://www.bearscoalition.org/>

Total conservation area size and location: The Bears Ears landscape is in southeastern Utah. Bears Ears National Monument was designated to protect 526,091ha (768,903ha was originally proposed).

Background on Indigenous Peoples and Region

The Bears Ears landscape, part of the larger Colorado Plateau or Four Corners region in the southwestern United States, is deeply sacred to a number of modern Indigenous Nations. Tribes have inhabited the Bears Ears region since time immemorial. The region is home to over 100,000 archaeological and cultural sites. Protection of these sites from desecration, as well as having access to the land for ceremonial, sustenance, and other traditional uses, are essential for the Tribes of the area.



Map data © 2024 Google, INEGI

The history of the Bears Ears region is complex, with many Indigenous Peoples over time calling the area home. There is archaeological evidence of inhabitation dating back 13,000 years by the group most commonly referred to as the [Clovis people](#), who are ancestors to many living Indigenous Peoples. The Utes controlled the Bears Ears landscape after the departure of the Pueblo Peoples around 1300 years ago and until 1923. During that year, the Utes were forcibly moved onto allotted lands inside of Bears Ears. The [Navajo](#) or Diné (used interchangeably in this document), have been in the region at least 1000 years. The [Hopi](#), [Navajo \(Diné\)](#), [Ute Indian Tribe](#), [Ute Mountain Ute](#), and [Pueblo of Zuni](#) all consider the Bears Ears region their home. They have all been involved in the Bears Ears National Monument creation.

U.S. land dispossession of Indigenous Peoples, starting in the 19th century, had a major impact on Indigenous Peoples' capacity to take care of Bears Ears. Many Diné and Mescalero Apaches in the Four Corners region were driven off the land in the [1860s](#), in what became known as the Long Walk to Fort Sumner. In 1868, surviving Diné signed a treaty establishing the [Navajo Reservation](#) and relinquishing claims to 75-90% of their original homelands. Some Utes in Colorado also signed a treaty in [1868](#) relinquishing the central Rockies. Mormons were the first settler colonists who arrived in the Bears Ears area in the 1880s. However, Indigenous Peoples remained the primary occupants and stewards of the region.

The Ute, also known as Avikanuche, resisted settler encroachment in the Bears Ears region for millennia. In the 1923 Avikanuche Incarceration (previously called the Posey War), settlers from Blanding Utah imprisoned Ute members, forcing them to relinquish nearly 1,618,743ha of communal land and accept 65ha individual allotments.²⁸ One hundred years after the incident, descendants of the Ute and Avikanuche are healing through art and storytelling in the "[100 Years of Silence Project.](#)" Eventually, the United States General Land Office took over much of the land that was not protected by the US Forest Service or privatized, intending to encourage settler homesteading. When the [Bureau of Land Management](#) was created in 1946, the management of most of Bears Ears passed to that agency. Even with these efforts, the Bears Ears landscape was never fully occupied or altered by white settlement, nor was it subjected to intensive industrial uses such as logging, mining, and grazing.

Beginnings of Advocacy Process

Indigenous Peoples in the region have long been intent on getting Bears Ears back into Tribal care. But conditions were not favorable for this type of advocacy until recently. In [2010](#), former Senator Bob Bennett initiated a process—the Public Lands Initiative (PLI)—to resolve the debate over public lands and wilderness in the area. Kenneth Maryboy, Mark Maryboy, Gavin Noyes, and other leaders began working on a [plan](#) to represent Utah Diné interests in creation of the Bears Ears National Monument.

After receiving approval to conduct ancestral mapping and develop a Bears Ears management proposal from all seven Navajo Chapter Houses (units of Navajo Nation government) in the region, Round River Conservation Studies and the nascent [Utah Diné Bikéyah \(UDB\)](#) conducted two rounds of interviews with 79 Diné elders in the area.

²⁷ Methods: Deanna and Savannah met with Gavin Noyes, former Executive Director of UDB, over Zoom on September 6, 2023, and Mark Maryboy, former Navajo Nation Council Delegate and San Juan County politician, on October 2, 2023, as part of his presentation to a University of Michigan class. This information is sourced from those conversations and our outside research, including materials that the coalition has put out.

²⁸ Conversation with Gavin Noyes, Sept. 6, 2023

UDB incorporated as a nonprofit in 2012, with the intent of representing Diné and Ute people in this congressional debate and becoming a model of off-Reservation public land conservation. Organization leaders created the [Diné Bikéyah book](#) to gauge public support for Indigenous Peoples' involvement in off-Reservation land management.

The following are the five interrelated principles that determined their strategy:

1. Federal agencies will respond to scientific data;
2. Utah politicians will respond to "local" advocates (citizens who were born in Utah);
3. Religious freedoms of all people are an important value held by the dominant religion in Utah, the Church of Jesus Christ of the Latter-day Saints;
4. Political alliances would be formed to win approval of the Utah delegation (i.e. Navajo Nation & San Juan County governments joint land-use proposal) knowing that a Utah bill sponsor would eventually be important; and
5. Sovereign Tribes (not UDB) must eventually champion any designation effort in Washington D.C.²⁹

National Monument Creation

The [Antiquities Act](#), passed in 1906, is intended to "preserv[e] and protect[] the nation's archaeological heritage." It gives the President authority to designate spaces as National Monuments, and it has been used almost 300 times since then. With so many competing claims to the Bears Ears region, and the fact that it was mostly unprotected (although Wilderness Study Areas and Areas of Critical Environmental Concern did exist), prior to 2016, advocating for the National Monument structure allowed Tribes to collaborate effectively toward shared and divergent goals.

[Utah Diné Bikéyah's](#) first proposal of a co-managed National Conservation Area in 2013 to stakeholders in San Juan County was mostly [ignored](#) and undermined by San Juan County officials. After 2 subsequent years of targeted organizing, and frustrations and failures of the governmental PLI process, UDB asked five Tribes to come together in 2015 to form the Bears Ears Inter-Tribal Coalition. The Tribes created a [Memorandum of Understanding](#) to formalize their working relationships and take over the leadership of the effort as sovereign nations.

In 2016, after eight [years of organizing](#), President Obama established the Bears Ears National Monument, using the Antiquities Act. In 2017, President Trump reduced it in size by 85%, and the Coalition sued. In 2021, President Biden restored the original land area and increased it slightly to 550,372ha.

Enabling Conditions for this Strategy:

1. [Tribally-led, strategic, and collaborative effort](#): [Utah Diné Bikéyah](#) (UDB) developed the boundaries of the Bears Ears proposal, which were selected by the Navajo Nation division of Natural Resources and the UDB Board based on data collection from 79 elder interviews, a literature review, and extensive research reports.³⁰ The Inter-Tribal Coalition, and the degree to which the five Tribes work extensively together, has been crucial to the Monument's success.³¹
2. [Powerful leadership](#): UDB and Bears Ears Inter-Tribal Coalition benefited from strong leadership and collaboration, including Navajo leaders who first began to work together in the 1970s to protest oil wells and over time won seven lawsuits in a row against the State of Utah.³² UDB and later Bears Ears Inter-Tribal Coalition leaders were intentional about who they involved in the process, ensuring that the ensuing national monument was correctly bounded and supported by key Tribes who had ancestral connections to the land.³³
3. [Antiquities Act](#): This was the first time the Antiquities Act was used by Tribes to petition for a presidentially-designated [national monument](#). Presidential approval is quicker to get than congressional approval, but questions have arisen due to President Trump's actions about durability of Presidential national monuments, as demonstrated by the whiplash of 2016-2021. There are many questions that have yet to be answered, through litigation or otherwise, about this process.³⁴ The case may end up going to the Supreme Court.

Impact to Date

[Utah Diné Bikéyah](#) (UDB) published a [10-year](#) update to the original Diné Bikéyah book in 2022, detailing 30 successes from the first 10 years of UDB. Accomplishments over this period include defending Bears Ears from various legal challenges, as well as promoting local initiatives within San Juan County. UDB's conceptual model started with protection of this sacred land through creation of a National Conservation Area/National Monument. Since 2015, Bears Ears Inter-Tribal Coalition has taken over the

²⁹ Ibid.

³⁰ Conversation with Gavin Noyes, Sept. 6, 2023

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Conversation with Gavin Noyes, Sept. 6, 2023

primary leadership role in determining the future conservation and management of Bears Ears National Monument in partnership with the federal government.

UDB's original proposal was for 768,903ha of protected land, and Bears Ears Inter-Tribal Coalition remains committed to securing protection for the entire area, not just the 550,372ha currently protected. The USFS and BLM expedited planning process during President Trump's term initially did not leave room for [Tribal engagement](#). Bears Ears Inter-Tribal Coalition developed their own [management plan](#), focused on the National Monument. that is intended to be applicable to regions outside as well.

In [2022](#) and 2023, the federal government and Bears Ears Inter-Tribal Coalition have committed to [co-management](#) of the National Monument, a historic milestone for Tribes. Bears Ears Inter-Tribal Coalition and the federal government have been working to develop a [Resource Management Plan](#) (RMP) for the Bears Ears National Monument, and for the first time, five Tribes and two federal agencies advanced the same "preferred alternative" plan that would maximize the consideration of Tribal perspectives. The RMP completed a 90-day public comment period that closed in June 2024 and is expected to be finalized with a decision in Fall 2024. Other Tribes and coalitions are engaged in their own strategies of creating national monuments, protected areas, and co-management agreements as a means of securing Indigenous interests on public lands, especially when returning land to an individual Tribe is not the preferred solution.

Looking to the Future

The future of the Bears Ears National Monument is not guaranteed. The Utah delegation is seeking to overturn the [Antiquities Act](#). The State of Utah has [withdrawn](#) from negotiations with the Trust Land Exchange to swap State lands within the National Monument area for Federal lands outside its borders.

Regarding landback, Bears Ears National Monument is a complicated landscape that dozens of Tribes, in addition to the five tribes that make up Bears Ears Inter-Tribal Coalition, have shared interests in, and Indigenous Peoples have recognized that the traditional stewardship activities of Tribes and the strengthening of these relationships across Bears Ears and Indigenous grassroots communities will be necessary to ensure these complex Indigenous interests are represented.

The next step will be to increase the capacity of Tribal governments (and/or Indigenous-led nonprofits) to engage their own grassroots elders and communities that rely on the Bears Ears landscape every day. More than 10,000 local community members rely upon hands-on spiritual, ceremonial, food, firewood, language, archaeological, and other cultural resources that must be carefully understood for the right policies to be written at the Federal, State, and Tribal levels. This broader focus will allow Tribes to access varied sources of funding and partner with a variety of entities.³⁵ [Other goals](#) include permanently protecting and expanding Bears Ears to 1.9 million acres. Indigenous Peoples would co-manage the lands with Federal agencies. They would have secure access to traditional practices on land, including building a Cultural Center. The decision to begin with a Tribal coalition and co-management designation was deliberate. However, the Tribes in Bears Ears Inter-Tribal Coalition hope to also return parcels of land to full Tribal ownership over the next decades.

Further Information

[General Information about Tribes in the United States](#)

[Washington Post: Native American Tribes to Co-Manage National Monument for the First Time](#)

[Bears Ears Inter-Tribal Coalition website](#)

[Utah Diné Bikéyah Website](#)

[UDB 10-Year History Booklet](#)

[Proposal to President Barack Obama for the Creation of Bears Ears National Monument](#)

[2022 Co-Management Agreement](#) (Between Tribal Nations and US Federal Agencies)

[100 Years of Silence History Project](#)

Other Sources

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³⁵ *ibid.*

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