



SCIENCE

# Natural Resource Management: Historical and Contemporary

## ESSENTIAL UNDERSTANDINGS

- Since Time Immemorial
- Tribal Government
- Sovereignty
- Treaties with the United States
- History
- Lifeways
- Genocide, Federal Policy and Laws

## LEARNING OUTCOMES

- Students will understand the concept of trust relationships between tribes in Oregon and the U.S. government.
- Students will be able to contextualize the concept of the trust relationship between tribes in Oregon and the historical connection between that relationship and dispossession of land and natural resources.
- Students will understand that the nine federally recognized tribes in Oregon are responsibly and sustainably managing their tribal natural resources as their citizens want them to.
- Students will understand the continuity of the tribes' relationship to their ancestral lands and their current natural resource management practices.

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## Overview

This lesson examines tribal stewardship of natural resources and the concept of a federal trust relationship between tribes and the U.S. government. More than a century of federal policy denied tribes the rights to control and manage the lands that were set aside for them as part of treaty negotiations. These lands are legally owned by tribes and Native American individuals but are held in trust by the U.S. government. In recent decades, tribes have fought and won many legal battles to establish the right to manage the natural resources on tribal land, as well as the right to hunt, fish, and use those resources in accordance with their traditions. Today, tribal agencies frequently collaborate with both state and federal government agencies, such as the Oregon Department of Fish and Wildlife and the U.S. Forest Service, to manage and protect the land.

In the first activity, students will explore the concept of a federal trust relationship between the U.S. government and Native American tribes, as established in treaties. This concept is important for understanding the complex history of how natural resources have been managed on tribal land and how Native land use rights have often been undermined. In negotiating treaties with Native American tribes, taking vast tracks of their ancestral territory, forcibly removing them to reserva-



## ESSENTIAL QUESTIONS

- What is the federal trust responsibility and what impact does it have on tribal sovereignty and management of tribal natural resources?
- What impact has this federal trust relationship had on Oregon's Indigenous people in terms of their relationship with land and natural resources, historically and currently?
- How are the nine federally recognized tribes in Oregon managing their tribal natural resources?
- What are the connections between tribal natural resource management and restoration plans and their historical relationship to their ancestral lands?

## LOGISTICS

- Where does the activity take place?  
Classroom
- How are the students organized?
  - ☑ Whole class    ☑ Teams: 2 – 4
  - ☑ Pairs    ☑ Individually

## TIME REQUIRED

Two hours

tions, and holding those lands in trust, the federal government assumed an obligation to protect and care for the land. The federal government has not always acted in good faith, however, and tribes in Oregon and across the United States have fought for more control over how the land and natural resources are managed.

## STANDARDS

### Oregon Science Standards (NGSS)

**HS-LS2-6** – Evaluate the claims, evidence, and reasoning that the complex interactions in ecosystems maintain relatively consistent numbers and types of organisms in stable conditions, but changing conditions may result in a new ecosystem.

**HS-LS2-8** – Evaluate the evidence for the role of group behavior on individual and species' chances to survive and reproduce.

### Oregon English Language Arts Standards

**WHST.9-12.2** – Write informative/explanatory texts, including the narration of historical events, scientific procedures/ experiments, or technical processes.

**WHST.9-12.5** – Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

**WHST.9-12.9** – Draw evidence from informational texts to support analysis, reflection, and research.

**SL.11-12.5** – Make strategic use of digital media (e.g., textual, graphical, audio, visual, and interactive elements) in presentations to enhance understanding of findings, reasoning, and evidence and to add interest. (HS-LS1-2),(HS-LS1-4)



In the second activity, students will examine case studies of selected resources management projects being conducted by Native American tribes in Oregon. The optional extension activity gives students the opportunity to explore one tribal resource management effort in more depth.

## Background for teachers

To understand the complicated history of tribal natural resource management, teachers must first understand the legal principle of “trust responsibility.” In signing treaties with Native American tribes in Oregon in the mid-1800s, the U.S. government assumed a trust responsibility to those tribes in perpetuity. Trust responsibility is a legal principle that the U.S. Supreme Court noted in *United States v. Mitchell* (1983), which acknowledged “the undisputed existence of a general trust relationship between the United States and the Indian people.” This relationship is one of the most significant and motivating concepts in federal Native American law.

The Supreme Court first recognized the existence of a federal-Native American trust relationship in its early cases interpreting Native American treaties. Between 1787 and 1871, the United States entered into nearly 400 treaties with tribes. Generally, in these treaties, the U.S. government obtained the land it wanted from the tribes, and in return it set aside other reservation lands for those tribes and guaranteed that the federal government would respect the sovereignty of the tribes, would protect them, and would provide for their well-being.

The Supreme Court has held that treaties created a

## MATERIALS

### What materials are needed for students to engage in this activity?

- Laptop for showing PowerPoint presentation with projector
- Graphic organizer for small-group discussion
- STEP program handout

## VOCABULARY

**Federal trust relationship** – The federal Indian trust responsibility is a legal and financial obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes (*Seminole Nation v. United States*, 1942). The federal Indian trust responsibility is also a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages.

**Natural resources** – Materials or substances such as minerals, forests, water, and fertile land that occur in nature and can be used for economic gain.

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special relationship between tribes and the federal government that obligates the government to keep its end of the bargain given that tribes have kept theirs. This principle—that the government has a duty to keep its word and fulfill its treaty commitments—is the foundation of the trust responsibility doctrine and has been upheld in multiple Supreme Court cases, such as *Seminole Nation v. U.S.* (1942), *U.S. v. Mason* (1973), and *Morton v. Mancari* (1974).

In 1977, the Senate report of the American Indian Policy Review Commission expressed the trust relationship as follows:

*The purpose behind the trust doctrine is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance tribal lands, resources, and self-government, and also includes those economic and social programs which are necessary to raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society (AIAN-HHS. (2018).*

Retrieved from: <https://www.acf.hhs.gov/ana-resource/american-indians-and-alaska-natives-the-trust-responsibility>

Another aspect of the trust responsibility arises from the fact that Congress, primarily through legislation, has placed most tribal land and other property under the control of federal agencies to the extent that the federal government must approve virtually everything a tribe may wish to do with its land. Courts have recognized that when

### VOCABULARY (Continued)

**Domestic-dependent nation** – For the U.S. government, tribal sovereignty means that Native American tribes are “domestic dependent nations” that exist within the boundaries of the United States and are wards of the federal government, even though they may operate and manage some internal tribal affairs.

Tribes interact independently in government-to-government relationships with other tribes, the federal government, states, and counties. Tribes also interact with school districts, cities, municipalities, businesses, nonprofits, higher education institutions, and other nongovernmental organizations. It is important to note, however, that not all tribes choose to exercise all powers as a sovereign government. For example, a tribe might choose to not operate its own judicial system/court system due to capacity or financial restraints and would instead choose to work with the county or state to provide those services in their area. It is also important to note that the federal government still retains the ultimate authority or ‘trustee’ over all federally recognized tribes and, more importantly, oversees and directs the necessary funding for key areas for tribes.

**Tribal sovereignty** – The inherent authority of Indigenous tribes to govern themselves. Tribal sovereignty predates the existence of the U.S. government and the state of Oregon. Tribal governments are separate and unique sovereign nations with powers to protect the health, safety, and welfare of their citizens and to govern their lands, air and waters.

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Congress delegates to federal officials the power to control or manage tribal land, their actions with respect to those resources must be “judged by the most exacting fiduciary standards.” *Seminole Nation v. U.S.* (1942).

The Western Oregon Indian Termination Act (or Public Law 588), was passed in August 1954 as part of the U.S. government’s Indian termination policy. The law called for termination of federal supervision over the trust and restricted property of numerous Native American bands and small tribes, all located west of the Cascade Mountains in Oregon. The act also called for disposition of federally owned property that had been bought for the administration of Native American affairs and for the termination of federal services that these Native people received under federal recognition. One of the U.S. government’s arguments for this termination policy was that tribally owned and administered lands would be forfeited and the federal government would be absolved of its trust responsibility to Native people.

Twenty years later, the U.S. government began to reconsider its termination policies. This reversal has come to be known as the “restoration” period, in which tribes that had previously been “terminated” were given the opportunity to appeal for the restoration of their treaty rights. Restoration essentially reestablished the trust responsibility of the U.S. government to Native American tribes.

In June 1974, Oregon Representative Wendell Wyatt introduced the first restoration bill, but it did not pass. On December 17, 1975, Oregon Senator Mark Hatfield introduced restoration bill S. 2801. At the time Senator Hatfield was quoted as saying

### VOCABULARY (Continued)

**Indigenous land rights** – The rights of Indigenous peoples to land, either individually or collectively. Land and resource-related rights are of fundamental importance to Indigenous people for cultural, spiritual, political, and economic reasons.



that members of the Confederated Tribes of Siletz Indians, for example, were “ill-prepared to cope with the realities of American society” when the Termination Act went into effect and that they had been “tossed abruptly from a state of almost total dependency to a state of total independence ... [forcing them] to leave the only way of life they had known.” The bill included wording to grant or restore hunting and fishing rights. This bill also did not pass.

Senator Hatfield and Senator Bob Packwood introduced a new bill, S. 1560, in May 1977. Unlike its 1975 predecessor, it did not include the restoration of tribal hunting and fishing rights. (A companion bill that did call for the restoration of these rights was sent by Rep. Les AuCoin to the U.S. House of Representatives, but the Oregon Fish and Wildlife Commission fought the bill and helped kill it.) The U.S. Senate finally passed the restoration bill and President Jimmy Carter approved it on November 18, 1977.

Today, many tribes still control vast areas of land and water, although they represent only a fraction of their ancestral territories. Some tribal lands contain extractable resources such as oil, gas, and timber. Other lands are used for hunting, fishing, livestock grazing, and agriculture. The political and economic self-determination and self-sufficiency of most tribes depend on maintaining their land and natural resources. Organizations such as the Native American Rights Fund (<https://www.narf.org/>) help tribes safeguard their land rights; water rights; hunting, fishing, and gathering rights; resource rights; and environmental rights.

## Resources

- For basic questions about the trust relationship between federally recognized tribes and the U.S. government: <https://www.bia.gov/frequently-asked-questions>
- For a list of the nine federally recognized tribes in Oregon: <https://www.oregon.gov/DHS/ABOUTDHS/TRIBES/Pages/Tribes.aspx>
- For information on protecting tribal natural resources: <https://www.narf.org/our-work/protection-tribal-natural-resources/>
- For a fact sheet on treaties, the federal trust responsibility, and related issues, created by the U.S. Department of Health and Human Services,



Office of the Administration for Children & Families, Administration for Native Americans: <https://www.acf.hhs.gov/ana/resource-library/search?type%5B2968%5D=2968>

For additional context, teachers may want to watch the Oregon Public Broadcasting documentary, "**Broken Treaties, An Oregon Experience**," which discusses the relationship between broken treaty obligations, land dispossession, and the trust relationship between the U.S. government and the nine federally recognized tribes in Oregon. <https://www.opb.org/television/programs/oregonexperience/segment/broken-treaties-oregon-native-americans/>

## Considerations for teachers

### Check for Student Understanding

- Students will engage in discussion with partners and groups. The teacher should actively monitor student discussion for correct understanding and should intervene when there are misconceptions or bias.
- Students should be assessed both formatively and summatively. The formative assessment will be teacher observation of student participation in class and group discussions. Summative assessment will be teacher review of each student's graphic organizer of the case study discussion to confirm understanding of important concepts related to tribal natural resource management.

### Practices

- The teacher should understand the concepts of treaty rights and should understand the legal basis of the trust responsibility relationship between the U.S. government and the nine federally recognized tribes in Oregon. The teacher should also be able to lead a large-group discussion on the topic.
- The teacher should read the natural resource project case study from the Columbia River Inter-Tribal Fish Commission prior to the lesson and should be able to help students answer discussion questions and lead the share-out after the activity.

## Learning targets

- I understand the historically treaty-based trust responsibility relationship between the U.S. government and the nine federally recognized tribes in Oregon and understand how this relationship has impacted tribal control of land and natural resources.
- I can assess the relationship between degree of change and stability in ecosystems based on the concept of land rights and how it relates to tribal natural resource management.
- I can provide an explanation that is supported by the claims, evidence, and reasoning to be evaluated on how Columbia River tribes (Nez Perce, Umatilla, Warm Springs, and Yakama tribes in Oregon) worked together to create the Spirit of the Salmon Plan (<https://plan.critfc.org/>) to manage their natural resources.

## Options/extensions

For activity 2, consider working with students to conduct a tribally specific case study of a natural resource management project near your location. For example, if your school is in the Willamette Valley, you could present a case study from the Confederated Tribes of Siletz Indians, similar to the one described below.

### **Activity 2 Extension: Confederated Tribes of Siletz Indians Natural Resource Management Case Study**

The case study should be introduced by reviewing the discussion of termination and restoration from Activity 1. Explain that students will now examine how termination and restoration impacted natural resource management for a specific tribe in Oregon [in this case, the Confederated Tribes of Siletz Indians].

#### **Say:**

*As a result of legislation passed in 1954 as part of the U.S. government's Native American termination policy, several bands and small tribes west of the Cascade Mountains in Oregon lost their federally protected status. The legislation also*

*called for disposition of federally owned property, which had been bought for the administration of Indian affairs, and for the termination of federal services which these tribes had received under federal recognition. One of the arguments for terminating tribes in Oregon was so that the lands that were tribally owned and administered were forfeited to the U.S. government. These lands, particularly the lands that belonged to the Confederated Tribes of Siletz Indians and the Confederated Tribes of Grand Ronde, were rich in timber and natural resources.*

*All the remaining tribal lands were sold except for the 39 acres called Government Hill. The proceeds of the sale of the timberland property were distributed to enrolled tribal members in two installments: \$250 per person in December 1954, and a final payment of \$542.50 per person in August 1956. Other inherited allotments were held in trusts but were also sold off at the request of the owners.*

*After the tribe's federally recognized status was restored, only 3,000 acres of reservation land were returned to the Siletz people. Today, the Confederated Tribes of Siletz Indians own a checkerboard of land surrounding the reservation, which totals about 15,000 acres.*

*The Confederated Tribes of Siletz Indians Planning Department created the Siletz Tribal Energy Program (STEP) through a grant from the Administration for Native Americans in 2009. Since then, STEP has secured funding through sources as diverse as the U.S. Department of Energy (through a partnership with the state of Oregon), the Bonneville Power Administration, the U.S. Environmental Protection Agency, and the U.S. Department of Health and Human Services. STEP's goals are to promote and increase energy efficiency and conservation of natural resources in the tribal community and to reduce the tribe's energy consumption and greenhouse gas emissions. The tribe has focused its efforts on increasing the livability of tribal members' homes and in improving tribal buildings. Many STEP programs focus on providing direct training to tribal members to increase their capacity to carry out conservation efforts. Additionally, STEP holds many public events to educate the community about energy efficiency and conservation, renewable power, and the importance of reducing, reusing, and recycling waste.*

Pass out the STEP program handout to students. Take some time to allow students to read about the current tribal programs.

Ask students to share out in a large group, popcorn style (see discussion handout), the types of programs the Confederated Tribes of Siletz Indians

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## Options/extensions continued

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is administering. Ask them to identify any entities the tribe is collaborating with on its natural resource management projects. Lead a whole-class discussion on how these partnerships reflect the restoration and continuation of the federal trust relationship.

## Reflection/closure

**Say:**

*The future well-being of Native American tribes in Oregon lies with the sustainable management of their natural resources, which includes those under direct tribal control and sovereignty, those to which they have legally protected rights, and those with which they share common interests with other stakeholders. As part of this vision, there is recognition that tribal management of natural resources will not only enhance the well-being of Native people in Oregon but all Oregonians.*

## Appendix

Materials included in the electronic folder that support this lesson are:

- PowerPoint
- Discussion Guidelines Handout
- Termination and Restoration Handout
- Website Activity Worksheet
- STEP program handout

## Activity 1

# Treaty Rights and the Federal Trust Relationship: A Discussion

### **Say:**

*What is the federal trust responsibility and what impact does it have on tribal sovereignty and the management of tribal natural resources?*

*In the 1983 U.S. Supreme Court case, *United States v. Mitchell*, the court acknowledge “the undisputed existence of a general trust relationship between the United States and the Indian people.” This relationship is one of the most significant and motivating concepts in federal Native American law.*

*The Supreme Court first recognized the existence of this trust relationship in its early cases interpreting treaties between the U.S. government and Native American tribes. Between 1787 and 1871, the U.S. government entered into nearly 400 treaties with tribes. Generally, in these treaties, the United States obtained the land it wanted from the tribes, and in return, set aside other reservation lands for those tribes. In addition, the federal government guaranteed that it would respect the sovereignty of the tribes, protect them, and provide for their well-being in perpetuity, which means forever—that is, not just for the tribal members who were living at the time the treaty was signed, but also for their descendants.*

*As a result of these treaties, many tribes still control vast areas of land and water, although these lands are only a fraction of their ancestral territories. Some tribal lands contain extractable resources such as oil, gas, and timber. Other lands are used for hunting, fishing, livestock grazing, and agriculture. The political and economic self-determination and self-sufficiency of most tribes depend on maintaining their land and natural resources. The nine federally recognized tribes in Oregon are working hard to safeguard their land rights; water rights; hunting, fishing, and gathering rights; resource rights; and environmental rights.*



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## Activity 1 (Continued)

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*Some tribes lost their federal recognition as sovereign nations during a period that is referred to as “termination.” During this time, which began in the 1950s and lasted until the late 1970s, the federal government sought to end some of the treaty agreements with Native American tribes, including many tribes in Oregon. As a result, many tribes lost the land that had been set aside for them as part of their treaty agreement. The federal government also relinquished its trust responsibility to tribes, meaning it no longer had to provide certain services.*

*Some of these terminations were later reversed, beginning in 1970, in what is known as acts of restoration. Many tribes are still struggling to have their federal recognition—and their rights to land and natural resources—restored, however. We’re going to read about this and then answer some questions together.*

Distribute the Oregon Encyclopedia handout and have students take as much time as needed to read it. Using a Socratic Seminar approach, ask students to discuss the handout. Have them fill out their graphic organizer with key points about restoration and termination. This will help them understand the context for Oregon tribal restoration and natural resource conservation and management.

**Say:**

*What are the key ideas about termination and restoration with regard to natural resource management?*

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## Activity 2

# Tribal Natural Resource Management:

## An Exploration

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### Say:

*A relationship to the land is central to the lifeways of all Indigenous people in Oregon. In the next activity we're going to examine how the nine federally recognized tribes in Oregon manage their lands and natural resources in a respectful way.*

Explore the websites of the nine federally recognized tribes in Oregon with students.

- Does the tribe have a natural resources department?
- What resource management projects are tribes involved with?
- Are they collaborating with outside partners?

<https://www.oregon.gov/ode/students-and-family/equity/NativeAmerican-Education/Pages/default.aspx>

Pass out the Website Activity worksheet and ask students to provide written answers to the following questions:

1. What federally recognized tribes in Oregon are involved in the project?
2. What is the project?
3. What kind of ecosystem is the project working to restore?
4. What are the impacts on the tribe?
5. What outside partners, if any, are helping with the project?

### Say:

*Thinking back to the trust responsibility of the U.S. government, how do you think this is reflected in the partnerships tribes have with nongovernmental and governmental entities on some of these natural resource management projects?*

Lead a whole-class discussion in which you ask students to use specific examples from their worksheet.