Indigenous Co-Management of Public Lands

a framework for
equitable collaboration

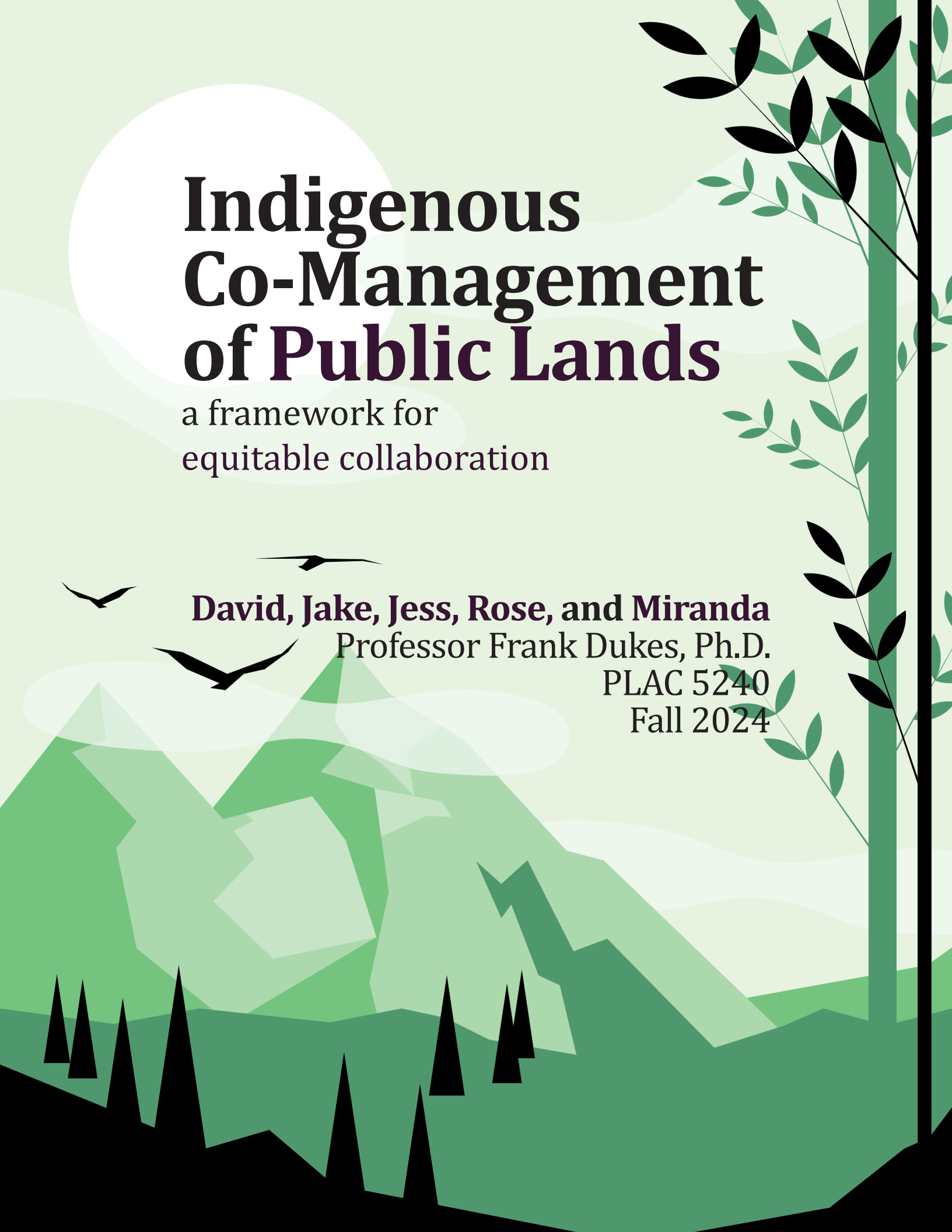

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Table of Contents

Executive Summary

We want to begin by acknowledging that the Monacan Nation is the traditional custodian of the land where we live and work today. We pay our respect to their elders past and present.

The goal of this report is to establish a participatory framework that enables Virginia Indigenous tribes, government entities, or other stakeholders to engage in a collaborative dialogue regarding the co-management of public lands. Acknowledging the historical and cultural significance of these lands to Indigenous tribes, the framework integrates tribal cultural values, environmental stewardship, and governmental regulations to promote equitable collaboration without co-opting Indigenous knowledge.

Case studies, involving the Grand Portage National Monument and the Miccosukee Tribe's co-stewardship of the Everglades, illustrate the potential for successful co-management. These case studies informed this framework's construction, since potential Virginia stakeholders were not approached or consulted. This was intentional and care should be taken by those who wish to move forward. This framework is meant to support stakeholders as they conduct their own assessment to determine if pursuing dialogue is appropriate and, if determined appropriate, how to design a dialogue that supports the interests of all participants. However, the report emphasizes that Virginia-specific considerations—such as the state's unique history, ecology, and governance structure—necessitate a tailored approach. Stakeholders identified include federally and state-recognized tribes, government agencies, cultural organizations, the broader public, and the natural world - aspects of which have been given personhood status (Berge 2022).

This report's sections act as a model for the framework, beginning with establishing an explicit purpose; identifying and introducing all stakeholders; and creating a group covenant to clearly outline expectations for the dialogue and participants. The proposed framework then unfolds in three phases: Conceiving, focusing on planning and assessment; Conducting, emphasizing inclusive and deliberative dialogue; and Completing, ensuring continued relationship-building and adaptation. These phases are underpinned by six principles of equitable collaboration: trauma-informed, inclusive, responsive, truth-seeking, deliberative, and adaptive (Institute for Engagement and Negotiation, n.d.). Recommendations also address challenges like historical trauma, inter-tribal collaboration, and stakeholder goal alignment.

Group Covenant

At our best, we communicate effectively, utilizing an established group text to communicate intentions, set meetings, and ask for help with enough time for group members to provide it; we're upfront regarding availability changes, our strengths, and our limitations; expectations are explicit and each individual knows what is expected of them; our individual contributions reflect the respect we hold for each other and this project and are made with a commitment to engage with each other's work; group inputs are made with the goal of providing the best possible product; and we engage in the work with a sense of joy and mindfulness.

At our worst we demonstrate a lack of respect for the team and/or the project; we don't communicate or communicate poorly; we don't prepare for meetings or attempt to provide meaningful contributions; and we assume we know best or have nothing to learn.

Communication

Our primary communication method, outside of class and scheduled in-person meetings, is an SMS group text. This chat is to ask for help, set group meetings, and coordinate workflow processes. We will leverage in-person check-ins after class for the final four classes to keep individual group members accountable to their assigned sections. By engaging in this work and with each other, we will make this an enjoyable and successful project together.

Workflow

As a group, we commit to the following workflow process:

- We will use a shared Google Drive folder to work collaboratively on the report and contributing documents.
- Group drafts will be crafted in the Google Drive, with each individual group member working on an initial draft of their selected section(s).
- Draft due dates are agreed upon at the conclusion of each meeting.
- Once an individual finishes their section, they will alert the group via the group text thread to inform the group their section is ready for review.
- Each member of the group will then review, provide recommended edits, and contribute to the initial draft. After each class for the four weeks prior to the final presentation due date, the group will meet to review completed work and provide due dates for the next section.
- The completed first draft of the project is due the Monday before Thanksgiving so the team can review the document and provide final edits to the presentation by the Tuesday before Thanksgiving break. At that meeting, a designated team member will download the document, verify formatting, include references, and submit on the team's behalf.
- Links to all resources will be stored in a Google Sheets document.

Background

To orient our research, we started with some definitional questions. There are many ways to answer these questions, but for our understanding, it was useful to start with "standard" answers, provided by institutions and organizations with some expertise or authority.

Why do we manage land?

According to the Bureau of Land Management (BLM), housed in the US Department of the Interior, its mission is to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations." The BLM administers more public land – over 245 million surface acres – than any other Federal agency in the United States.

> ***"The BLM's multiple-use mission, set forth in the Federal Land Policy and Management Act of 1976, mandates that we manage public land resources for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting, while protecting a wide array of natural, cultural, and historical resources."***

What are public lands?

The Wilderness Society, a nonprofit whose mission is "uniting people to protect America's wild places," defines public lands this way:

> ***"Public lands are areas of land and water that today are owned collectively by U.S. citizens and managed by government agencies (2024)." They acknowledge that the public lands we consider owned by U.S. citizens were ancestral homelands, migration routes, ceremonial grounds, and hunting and harvesting places for Indigenous Peoples who have been forcibly removed.***

What is co-management?

The following comes again from the Bureau of Land Management:

> ***"Co-stewardship broadly refers to cooperative and collaborative engagements of Bureau land managers and Tribes related to shared interests in managing, conserving, and preserving natural and cultural resources under the primary responsibility of Federal land managers. Such cooperative and collaborative engagements can take a wide variety of forms based on the circumstances and applicable authorities in each case. Forms of co-stewardship may include, among other forms, sharing of technical expertise; combining Tribal and Bureau capabilities to improve resource management and advance the***

responsibilities and interests of each; and making Tribal knowledge, experience, and perspectives integral to the public's experience of Federal lands."

"Co-management refers to co-stewardship activities undertaken pursuant to Federal authority allowing for the delegation of some aspect of Federal decision-making or that makes co-management otherwise legally necessary."

What is Indigenous management?

Traditional Ecological Knowledge (TEK) refers to "the accumulative body of knowledge, including skills, practices, innovations, and technology, which is often derived from Indigenous peoples' intimate interactions with their traditional environment" (Huambachano 2019).

Another definition from the Traditional Ecological Knowledge Lab at Oregon State University describes in greater detail:

"TEK (also known as Indigenous Local Knowledge—ILK, and Indigenous Traditional Knowledge, ITK) is defined as knowledge and practices passed from generation to generation informed by cultural memories, sensitivity to change, and values that include reciprocity. TEK observations are qualitative and long-term, often made by persons who hunt, fish, and gather for subsistence. Most importantly, TEK is inseparable from a culture's spiritual and social fabric, offering irreplaceable ecocultural knowledge that can be thousands of years old and incorporates values, such as kinship with nature and reciprocity, that can help restore ecosystems."

How might Indigenous management differ from the "standard" idea of land management?

Indigenous planning is premised on a spatial culture that lies in fundamental opposition to that of settler-state planning, with the spatial culture of settler-state planning defined as one of "disaggregated economic return from private property associated with the settler-state", and the spatial culture of Indigenous planning defined as one of "aggregated interrelationship between use and stewardship of land, culture, economy, society, and environment" (Prusak et. al 2015). Indigenous planning, then, articulates a departure from the capitalist understanding of built environment, and thus a departure from prior conceptions of what constitutes the space that comes as a result of public production.

The settler state planning project is one that instrumentalizes and disaggregates land along with what resides and exists on it into elements that can be conceived of socially as private property, such that it can be entered into an economic system in which profit can be accumulated from it.

Prusak et. al use sea ice as an example. In a settler planning framework, sea ice falls under the jurisdiction of federal governments rather than provincial governments, as it exists in a property-relation boundary drawn between land and water; in other words, the privatization of the resources and the sea ice itself must go through the overseeing entity of the nation-state which claims it. Once privatized—that is, once an ownership relation is established, these disaggregated elements enter the capitalist economy as exchangeable commodities, interchangeable through the value-form of money. Land (or sea ice), resources, and labor can be bought and sold separately, such as they are understood by capitalist markets, by individual and distinct private interests. Berries are disaggregated from the animals that eat them, fish are disaggregated from the water they swim in, trees are disaggregated from the homes they construct, and homes are disaggregated from the land on which they are constructed. In an Indigenous planning framework, sea ice is seen as a continuation of space which facilitates activities such as harvesting, hunting, constructing, and setting up residence; thus, jurisdiction and the interests of planning are likewise continuous. Berries are inextricable from the animals that eat them and distribute their seeds, so removing all the berry bushes from an area is also removing the animals that depend on them and removing the planning jurisdiction called for by the harvesting and hunting processes. On the other hand, berry seeds which are distributed to new areas by animals, attracting animals to new areas, would then expand the planning jurisdiction as required by following the harvesting and hunting processes. Fish are inextricable from the specific waters they swim in and thus depleting the fish from the water changes the water in a fundamental way, too, such that the specific of location of water is no longer of interest to the planning jurisdiction; on the other hand, if the fish migrate or expand into different waters, the planning jurisdiction called for by the fishing process would expand there.

What historical and ecological context is particular to the Virginia landscape?

Historical

Virginia is an important state in the mythos of United States national identity. It was the landing spot of some of the first European colonies, such as Jamestown, in what is now the mainland of the United States, meaning it is the site of some of the earliest encounters between settlers and Indigenous people in what is considered the history of this country. It is also the state that saw a great proliferation of plantation slavery, including by those considered the founding fathers of the United States, famously including the plantations of early presidents such as Thomas Jefferson and James Madison. It is the state siting many major battles from during the American Civil War, and housed the capital of the Confederate states. In more recent times, it abuts the nation's capital and houses the headquarters of its Department of Defense (Arlington), Central Intelligence Agency (Mclean), and Federal Bureau of Investigations (Quantico), three of the most intensively funded federal agencies of the past 50 years - this, too, could be said an integral part of what defines a nation.

In other words, as the site of many traditional tribal lands that have some of the longest shared histories with the United States nation-building project, Virginia is a contested land with contested historical narratives.

Ecological

The following description of Virginia's ecoregions comes from **bplant.org**:

> ***"Broadly, Virginia can be divided into three large-scale ecoregions: the Appalachians along the northwest border of the state, the Southeastern USA Plains running through the central portion of the state and covering most of the state, and the Middle Atlantic Coastal Plain in the southeastern corner of the state as well as the portion of the state on the Delmarva peninsula. The border of the coastal plain is well-defined and marked by a fall line. The large, central part of the state can be further divided into the large and interior Piedmont region, the Northern Piedmont in the north, and the Southeastern Plains to the east."***

Why is a deliberate, collaborative approach necessary?

Historical Context

Virginia's Indigenous tribes have a complex relationship with public lands due to forced removals, land cessions, and cultural heritage loss. Co-management could help address these historical injustices and promote environmental stewardship based on Indigenous knowledge.

Legal and Regulatory Constraints

Land management by the Department of the Interior, Bureau of Land Management, Virginia Department of Conservation and Recreation, and federal statutes like the National Environmental Policy Act (NEPA) and Antiquities Act impact co-management feasibility. We found that most prior examples of Indigenous co-management agreements have mostly occured within federal agencies rather than state ones, as federally-recognized tribes are considered nations; thus, we believe it is important to consider how federal statues especially impact the viability of co-management agreements. Of course, exploring other existing models, such as those in place for tribal co-management in other states, may provide insight and offer a basis for Virginia.

Cultural Significance

Many public lands in Virginia hold sacred sites and resources significant to Indigenous communities that are often unprotected under current management practices. Archival activism, such as building an oral or written history atlas that stores significant cultural factors in each tribe can help to identify points of collaboration for inter-tribal discourse, as well as outwards with government organizations. Such activism can also increase the visibility of Indigenous interests.

Three Case Studies

To better our understanding of Indigenous co-management of public land, we looked to three existing co-management agreements to learn about the parties involved, the structure of the co-management agreements, and the outcomes of co-management.

Uluṟu-Kata Tjuṯa National Park
Petermann, Australia

"Joint management" of public land was successfully achieved at the Uluṟu-Kata Tjuṯa National Park in Petermann, Australia where, in 1985, park administrators transferred ownership of the land to the Aṉangu native peoples who, along with other Aboriginal peoples, have resided there for tens of thousands of years. The land that was later designated as the national park was once set aside, in 1920, as a reserve for Aboriginal people. However, beginning the 1940s, this reserve along with others were reduced in size to allow for mineral exploration of the land located there. Kata Tjuṯa became a national park in 1958 and the Aṉangu were discouraged from visiting the area, although many still did to hunt, gather food, visit kin, and participate in ceremonies. Later in 1964, pastoral subsidies, which many Aṉangu relied on, were revoked, resulting in many leaving Kata Tjuṯa for Uluṟu. Tour operators working there disliked this and pressured the Australian government to establish a settlement at Kaltukatjara to draw the Aṉangu away from Uluṟu. Over the next decade, Uluṟu's traditional communities lobbied the government for rights to the land over concerns of mining, tourism, pastoralism, and the desecration of sacred sites. However, it was not until 1985 that the Governor-General of Australia returned the title deeds of the park to the Aṉangu. In response, the Aṉangu leased the land to the Australian National Parks and Wildlife Service (later known as Parks Australia) for 99 years. The other principal outcome of this agreement was the establishment of a park board of management comprised of 12 members:

- Eight members are Aboriginal members nominated by "Traditional Owners"
- One member nominated by the federal minister responsible for tourism and approved by the Aṉangu
- One member nominated by the federal minister responsible for the environment and approved by the Aṉangu
- One member nominated by the Northern Territory Government and approved by the Aṉangu
- The Director of National Parks

The park continues to be jointly-managed by the Aṉangu and Parks Australia. The board of management determines major policy and management

decisions for the park while Parks Australia is responsible for implementing board decisions and handling the day-to-day management of the park. According the park's website, "All management policies and programs aim to maintain Aṉangu culture, conserve the integrity of the ecological systems in and around the park, and provide for visitor enjoyment and learning opportunities in the park. Tjukurpa – Aṉangu traditional law, knowledge and religious philosophy – guides everything that happens in the park, just as it has for tens of thousands of years. This includes using traditional methods to conserve the park's plants, animals, culture and landscapes" (Parks Australia 2024).

Our group used this Australian case study to inform our ideas of what negotiation considerations may look like, including the consideration of non-negotiables such as the ecological, recreational. educational, and cultural motivations behind co-management. We also used this study to recognize some of the different avenues for achieving these goals, including a land lease agreement and tribal board. Through this research, we posed several questions such as, "Who has the administrative burden in a case like this?" and "Who funds the required projects for park maintenance, upkeep, etc." These questions are critical to consider when evaluating, or in our case, envisioning a dialogue on Indigenous co-management of public land, and the success of precedents such as the Uluṟu-Kata Tjuṯa National Park does not necessarily mean its outcomes are free of error or harm, perhaps in discrete ways, which is why we have posed the questions previously stated and have kept them in mind throughout our work.

Grand Portage National Monument
Minnesota, USA

The co-management approach at Grand Portage National Monument is widely considered a model for co-management processes in general. The Grand Portage Band includes the Minnesota and Lake Superior Chippewa and Anishinaabe tribes, who donated land and facilitated legislation in the late 1950s to create the Grand Portage National Monument. These efforts ensured that their presence would be upheld; protections under the National Park Service would prevent the development of the area. Of course, these tribes were involved in the monument area's management long before the land donations. The National Monument itself are remaining structures from the trading posts of colonial settlers, who traded pelts with each other and the local native tribes. These posts functioned until the early 1800s when other trade routes were discovered, although the native groups did maintain the buildings and used them for their own internal trading networks. In 1994, the Self-Governance Act enabled tribes to take over federal programs that serve or intend to benefit the tribes. This act also provided funding opportunities for these efforts. By 1999, the Grand Portage Band made a formal co-management agreement, which formalized the Band's leadership. There had been numerous restoration efforts led by tribespeople before the agreement was made, but the formalized co-management gave the Reservation Tribal Council hiring

power of maintenance position, but has since expanded to other positions like resource management and interpretation. Recent Band activities have been centered on natural restoration projects. The Grand Portage Band Conservation Corps was established in 2018 and has made major leaps into sustainability and climate crisis mitigation. One of these tracts that has already been quite impactful is the Corps' efforts in ethnobotanical restoration, in which they strive to achieve meaningful reconnection between people and native plant species. The National Park Service highlights this co-management agreement as a model for relationships between federal agencies and Tribal Nations.

The success of the co-management agreement between the National Park Service and the Grand Portage Band illuminates possibilities regarding collaboration with the Virginia Indigenous Tribes. However, it is important to recognize the individuality of native tribes across the United States; not all tribes have the same history, culture, or geography. Therefore, there can be no standard to indigenous collaboration. There are still some significant takeaways from the Grand Portage case. Firstly, it illustrates the common sense in promoting tribal leadership in land management efforts. These native communities have existed in these lands for far longer than colonizers and their descendants. If we are serious about developing a sustainable society, we must yield decision-making to those who are fluent in the land which we have separated ourselves from via our Western, commodified perspectives. This must not be a superficial effort nor one that solely uses these indigenous knowledge systems to satisfy regulations or capital interests. (Being wary of ideas of "use," we should not be "using" this Native knowledge, but recognize it as an important step in equity, environmental justice, and sustainability.

Everglades & Biscayne National Parks
Florida, USA

An agreement between the Miccosuke Tribe (Florida) and the National Park Service was just made this year regarding stewardship of the Everglades and Biscayne National Parks. The Miccosuke and the Seminole Tribes had previously shown interest in making formalized agreements, however only the Miccosuke have entered a co-stewardship Agreement with the NPS. The Miccosuke seek to utilize this formalized agreement to prevent construction and oil/gas exploitation of the land. The NPS made another significant decision this year in favor of tribal access to historically significant lands by refusing to designate Big Cypress National Reserve as wilderness. This wilderness designation would have prevented any human access, so the refusal from the NPS occurred to ensure that tribal people would still be able to visit the area that holds sacred, ceremonial importance for many native groups. Overall, these agreements have brought excitement to tribal leaders who look forward to formalizing their roles in managing and protecting the lands, while recognizing the historical connections between the tribes and the land. It is worth noting that the head of the National Park Service is Native American (Chuck Sams, Cayuse and Walla Walla tribes), which provides rich

opportunities for the federal government and tribes across the United States to work together. In fact, in 2022, the House Committee on Natural Resources invited Sams to speak about the role of native tribes in land and water management. Miccosuke tribal officials look forward to this agreement playing a role in big-picture landback movements. Overall, this co-stewardship seeks to formalize tribal roles in resource management, conservation, and visitation services (Martinez 2024; Scott 2022; Farrell 2024; National Park Service 2024).

These case studies provide inspiration to collaboration between government entities and tribal organizations, but there is one caveat: the collaboration occurs between federal institutions and nationally recognized tribes. For us, they also prompt the following question to carry forward into co-management dialogues:

> ***How do we bring Indigenous planning into the mainstream without requiring the Indigenous perspectives to assimilate into state or federal government management?***

Situation Assessment

Purpose Statement

To establish a participatory framework that enables Virginia Indigenous tribes, government entities, or other stakeholders to engage in a collaborative dialogue regarding Indigenous co-management of public lands. This framework should ensure that tribal cultural, environmental, and economic interests are prioritized in the dialogue such that any subsequent co-management agreement integrates these priorities into public land management in a way that discourages cooptation of tribal knowledges and resources.

Assessment Process

To begin our assessment, we identified the following questions to structure the process:

- Who are the participants or stakeholders for the dialogue?
- What is their involvement in land management?
- Are they interested in dialogue?
- What should their role or involvement be in the dialogue?
- What are each of the participant's or stakeholder's goal(s)?
- How do these goals align or conflict with other stakeholders' goals?

Because we did not engage with potential stakeholders through this process, it is possible additional stakeholders may be identified through an actual situational assessment. It's important to ask identified stakeholders questions like: "Who else do you think cares about this process, would have input, and/or should be present if a dialogue were to take place?" We leveraged case studies to inform our process and identified stakeholders, goals, and challenges noted below.

Steps a dialogue process might include are:

1. Conducting a situation assessment
2. Establishing shared purposes and goals and developing an agreed upon structure and process
3. Outreach and public engagement
4. Review and deliberation of options
5. Building a suite of effective and legitimate solutions

We did not attach any specific time constraints to the steps listed above, as the process and associated deadlines will likely be situationally contingent on the parties involved.

Participants and Stakeholders

We have identified the following potential participants and stakeholders, but there are likely others. When reaching out to identified participants and stakeholders, assessors should ask if there are participants not yet engaged with. Not all identified stakeholders may be relevant participants for a dialogue. For example, initial dialogues might function primarily to build connections and resolve potential disputes, in consideration of the various Indigenous tribes and nations who might share interest or contested historical territory in an area of public land.

Indigenous Tribes and Nations

Federal recognition means that the United States federal government recognizes an Indigenous tribe as a sovereign government. It is worth noting that many tribes in Virginia are not recognized by state or federal governments, but may have ancestral or traditional territory within public lands of co-management interest. The dialogue process can serve to increase visibility for these people and acknowledge the processes that have denied them traditional cultural and social ties to the land. There are 11 state-recognized tribes in Virginia, 7 of which are also federally recognized:

- Chickahominy
- Eastern Chickahominy
- Mattaponi*
- Upper Mattaponi
- Nansemond
- Rappahannock
- Monacan
- Pamunkey
- Cheroenhaka (Nottoway)*
- Nottoway of Virginia*
- Patowomeck*

** indicates state-recognition only*

State and Federal Agencies

Some examples of state and federal agencies that might be stakeholders and participants in the dialogue include, among others:

- United States Department of the Interior
- Bureau of Land Management
- National Park Service
- Virginia Department of Conservation and Recreation
- Virginia Department of Forestry
- Virginia Department of Environmental Quality

Local Governments

Local county and city administrations that oversee public lands and interact with community groups may also be relevant stakeholders and dialogue participants.

Environmental and Cultural Organizations

Groups like The Nature Conservancy, Virginia Conservation Network, Cultural Heritage Partners and other cultural preservation nonprofits are often important actors, advocates, and facilitators in the management of public land.

General Public

Local residents and communities in the area, tourists and visitors such as hikers, park-goers, and recreational fishers and hunters, as well as other interest groups such as youth and educational organizations may also be relevant stakeholders or participants, depending on the public land in question.

Natural World

In the stakeholder and participant identification process, taking a non-anthropocentric view may be particularly relevant regarding public lands. This could look like designating a human representative in a dialogue or setting the goal of conferring legal rights and recognitions upon a tree, forest, species of animal, ecological community, watershed, river, or any other non-human entity. The specifics of the inclusion of the natural world will likely depend on the specifics of the governance structures, public land, and other participants involved.

Identify Goals and Interests

Because we have not engaged with the potential stakeholders, the goals, interests, and involvement outlined here are speculations on participant interests in a potential dialogue based on what we have learned from our case studies and background research. Generally, goals and interests might include authority over or access to resources, lands, profits, and agency. Concrete goal identification for each participant within the group is potentially a desired outcome of conducting a dialogue.

Indigenous Tribes and Nations

- Attaining self-determination
- Establishing record of historical injustices
- Reasserting land sovereignty
- Strengthening or revitalizing ecological and environmental relationships

Here, we want to emphasize awareness of the dangers of "using" indigenous knowledge solely for the sake of profit/meeting environmental/ diversity and inclusion goals or tokenizing their involvement through a dialogue.

Government Entities

- Legal obligations
- Fulfilling mission statements
- Addressing and repairing historical injustices

General Public

- Enjoyment
- Education

Identify Conflicts and Barriers

The purpose of conducting a dialogue is to increase mutual understanding of the goals of all parties interested in engaging in a co-management agreement; as well as to identify any conflicts or barriers that exist between the goals of each party.

As mentioned previously, engaging in a dialogue between governmental or public entities and/or Indigenous communities depends largely on the desire of Indigenous communities to enter into discussion with external parties and should begin with their desire to pursue co-management. The timeline for conceiving, conducting, and completing such a dialogue should not be based on government's motivations for co-management. Therefore, envisioning a timeline for engaging in dialogue is situational: it may be urgent for some Indigenous tribes, less important for others, or strictly unwanted. Indigenous communities determine the urgency of a dialogue for co-management of land.

Virginia-specific considerations or challenges to holding a dialogue include consideration of the current governance structure and governmental relationships with the specific Indigenous tribes involved. These considerations should also recall Virginia-specific historical context that has shaped the involved tribes' populations and identity, and recognize how bureaucracy has been historically used as a weapon against Indigenous people across the state, including the erasure of native names from the Virginia record with the Racial Integrity Act of 1924 (National Park Service, n.d.). Differences in governance between federally recognized tribes, state recognized tribes, and tribes that have not currently received state recognition are also important to incorporate in dialogue considerations. Please check with your local historian and tribal liason to assess all tribes with potential interests in the dialogue.

In addition to these considerations, the following questions may also provide important background knowledge for facilitators and participants in the dialogue:

- How are Virginia's resources different from other states?
- How are Virginia resources unique in the current gubernatorial administration?
- How could they change with the next Presidential administration?

Expected Outcomes

Expected outcomes of a dialogue depend on the unique needs and desires of Indigenous communities, but through precedent cases our group studied, some expected outcomes could include co-management, consultancy, or land-back or lease-back agreements. Co-management of public land can encompass a range of practices, including the creation of advisory boards assembled of Indigenous members, the introduction of Indigenous knowledge or consultation in land management decision-making, or land leasing between governmental/public entities and Indigenous communities for set periods

of time. It is also possible the the outcome of a dialogue may result in the mutual understanding between participants of why co-management is not appropriate or why it will not be further pursued at this time, or before other steps are taken first. Each and any outcome agreed upon should explicitly outline the conferred authority to Indigenous communities and should be agreed upon and clearly understood by all involved parties.

In our background research, we looked to find existing collaborations between Indigenous tribes and nations in Virginia. We found that federally recognized tribes have more collaborations in place than the state recognition-only tribes do. These collaborations include the **Virginia Tribal Education Consortium**, which is partnerned with the Virginia Department of Education. We also include the **re-congregation hosted by the Cheroenhaka-Nottaway**, which offers perspectives on a dialogue at an Indigenous homecoming.

Evaluation of Success

We define a successful dialogue as one in which its purpose and desired outcomes of each participant are clearly defined and understood by all participants. Further, the dialogue should clearly define and establish expectations and responsibilities for all participants. Finally, a successful dialogue will increase the mutual understanding of all participants of interests, motivations, benefits, and drawbacks to entering a co-management agreement. More granular evaluation criteria could include the following:

Supportive

- Did all participants feel safe and supported during the dialogue?
- Were historical traumas acknowledged?
- Was the dialogue conducted in a respectful and considerate manner?

Inclusive

- Were all relevant stakeholders included in the dialogue?
- Were additional stakeholders identified? If so, was a plan established to provide access for future sessions?
- Were efforts made to build consensus?
- Were all goals identified at the beginning of the dialogue achieved? If not, has a process been established for continued efforts towards achieving identified goals?

Flexible

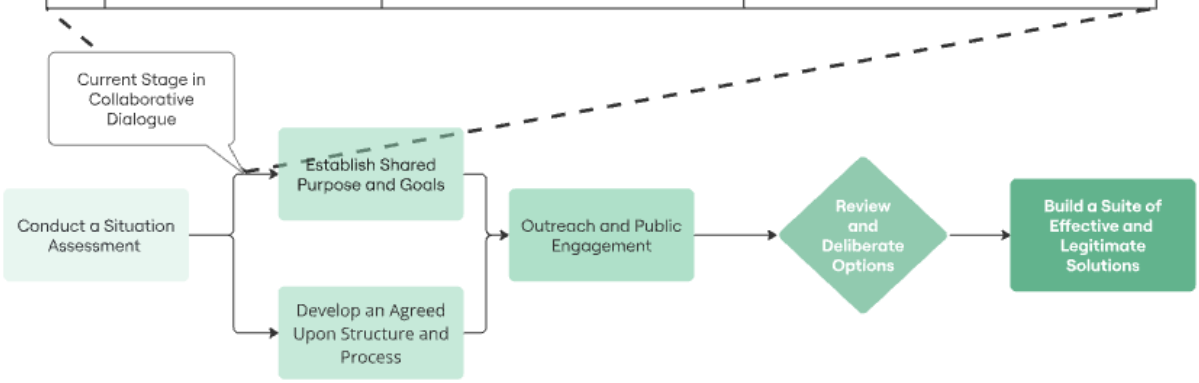
- Was the dialogue process adaptable and responsive to inputs and feedback?
- Was a process established for ongoing engagement?

Fact-based

- Were any decisions made based on accurate and comprehensive information?
- Was a process established for transparent sharing?

Process Map

	Conceiving	Conducting	Completing
Deliberative	What do we need to feel safe, seen and valued here?	How do I maintain integrity with my values while recognizing other values?	How did we uphold the group norms? Has everyone been able to express what they wished to give to the conversation?
Inclusive	Who needs to be here? How can we facilitate their presence?	How do we foster cultural humility?	Do final outcomes reflect inputs provided by all stakeholders? Were any perspectives not included in this dialogue that should be present in future dialogues? Are there others that need to be brought in?
Trauma Informed	What known or unknown histories are here?	How do we leverage what we learned in the conceiving phase to minimize harm to those populations that may be vulnerable during this process?	Do all participants feel heard and respected? Did we create space for processing trauma during this dialogue? Were there any unintended consequences?
Truth Seeking	What's at stake? What do you stand to gain or lose? Why is this relevant to you	How can I communicate my values and what feels important to me? How do we ensure all values are considered in this process? Are values aligned?	What have we learned, and what insights/takeaways are we leaving with? What are the next steps?
Adaptive	How can we be flexible? Will we commit to changing as we learn more?	Are we committed to remaining curious and shifting our path forward as new information becomes available? What helpful reminders/practices can we incorporate to foster flexibility?	Have we established processes that are malleable and applicable to future dialogues? Were there available resources regarding subject-specific expertise?
Responsive	How can we respond to the community in timely or meaningful ways?	What is our process for responding to the community in timely/meaningful ways as we engage in this dialog? Who is responsible for keeping the community informed?	What further resources can we provide? How will we ensure further participation? How will we use the results of this process, and who will use them?



Our process map situates a dialogue within the a larger co-management agreement collaborative framework. The specific stage at whcih dialogue occurs in the proces comes after the situation assessment and before establishing a shared purpose and goals of co-management. We recommend that a dialogue occurs in the three stages: conceiving, conducting and completing. Each stage should incorporate the six principles of equitable collaboration: deliberative, inclusive, trauma-informed, truth seeking, adaptive and responsive. The specific questions detailed in the table of our process map will be expanded upon in the recommendations section and appendix.

Recommendations

We recommend approaching this process in three phases: conceiving, conducting, and completing. In each of the phases, leveraging the principles of equitable collaboration can help facilitate meaningful dialog and lead to better outcomes. The six principles are: trauma-informed, inclusive, responsive, truth-seeking, deliberative, and adaptive (Institute for Engagement and Negotiation, n.d.). We'll provide some example questions to consider in each phase in the sections that follow. In general, the six principles have the following goals:

Trauma-informed collaboration focuses on relations to prepare and support people in ways that prevent, minimize, or mitigate trauma. In this context, there is a considerable amount of historical and ongoing trauma. It's important to acknowledge the history of colonization, displacement, and harm.

Inclusive collaboration reaches all segments of a community, accounting for racial, ethnic, gender, class and other dynamics as integral for meaningful participation. While there are 11 state-recognized tribes and seven federally-recognized tribes, there are other tribes in the state that may have valuable input to this dialogue. It's important to consider all the stakeholders and ensure their voices have the opportunity to be heard.

Responsive collaboration acknowledges and responds to community questions, needs, concerns, and ideas in timely and meaningful ways. Public lands might be dear to many different members in the community for a variety of different reasons. Since public lands are considered to be 'owned collectively' by all US citizens, it is possible there will be strong opinions and questions regarding the dialogue.

Truth-seeking collaboration invites honest, complete histories. This invitation is extended even when such histories are painful to hear and understand. There is a considerable amount of history, both widely known and unknown. It's important to seek the truth so that the dialogue is well and accurately informed.

Deliberative collaboration fosters brave spaces in which all participants feel able to honestly and openly confront the past and present to facilitate learning, growing, and shared civic thinking. Brave spaces allow for the discovery of new ways forward - reaching beyond common ground to achieve new heights (Dukes 2009).

Adaptive collaboration develops appropriate goals and processes for each situation, while adjusting as circumstances change.

Conceiving

The conceiving phase begins well before the dialog begins and is focused on planning and dialogue design. It's important to consider why initiating a dialogue around co-management is important and how this may be different for the various stakeholders involved in the dialogue. Mills and Nie outlined six core attributes for successful co-management, which include: the recognition of tribes as sovereign governments, incorporation of the federal government's trust responsibilities to tribes, legitimation structures for tribal involvement, meaningful integration of tribes early and often in the decision-making process, recognition and incorporation of tribal expertise, and dispute resolution mechanisms (Mills and Nie 2021). It's important to consider if the willingness to include these six core attributes is present or not. Without them, it's unlikely that co-management will be successful and it may be an indicator that the existing land managers are not yet ready to engage in dialogue with the tribes. If the willingness exists, consider also: Are there appropriate ways to initiate this process? Specific people or appropriate ways to initiate dialog?

Appendix A1 contains suggested questions to consider to incorporate the six principles of equitable collaboration into this phase of the process.

Conducting

In this phase, the focus is on dialogue facilitation. In the first meeting, it's important to set expectations, outline roles, identify goals, and establish ground rules. A facilitator or mediator should ensure the dialogue remains aligned with the six principles and that all stakeholders are engaged and considered in the process. It's important to first create a covenant and establish the expectations for how the group will be together. This is a good time to acknowledge past harms and center the importance of storytelling in this process. We recommend the following be included in the first-meeting agenda:

- Identify and introduce all stakeholders.
- Outline an agenda.
- Establish ground rules and identify roles, if needed. Some considerations:
  - *Do you need someone to record meeting minutes?*
  - *Will that same person disseminate the notes or will someone else carry that responsibility?*
- Establish a group covenant. Some considerations:
  - *What behavior do we expect to see when we're at our best? Our worst?*
  - *How do we plan to communicate?*
  - *What group norms are important to establish for the dialogue sessions?*
- Establish goals for the dialogue. Some considerations:
  - *What desired outcomes are present?*
  - *What learning needs to happen? How will such learning occur?*
  - *Who can help facilitate learning?*

- *What is the meta-goal of the dialogue: what do we want to accomplish through the dialogue?*

- Introduce discussion of non-negotiables, participant concerns, and barriers. These could be ecological, recreational, educational, economic, or cultural in focus. Some additional considerations:
  - *Are there reservations about coming to the table?*
  - *Is there a way to involve the community and diverse representatives in designing our engagement process? That early involvement may lead to a more robust, responsive, and legitimate process, and begin to develop working relationships across potentially divided sectors of the community/institution.*
  - *Are concerns responded to in a timely, respectful, and meaningful way in the dialogue?*
  - *What is it we need to understand about the issues to make effective decisions? About one another? About our history? Note that this is a question to ask throughout the process, and that community members will have many questions that they will want answered.*
  - *What resources (e.g. skills, financial support, accessible spaces) in our community/institution may be helpful for our process? Where may we find those resources?*
- Identify next steps. Some considerations:
  - *What was not resolved in this meeting and what's our process for ensuring those items get necessary attention in the next meeting?*

Appendix A2 contains even more suggested questions to consider that incorporate the six principles of equitable collaboration into this phase of the process.

Completing

In this phase, the focus is on ending the dialogue well, and setting up success for subsequent steps. In this context, completing dialogue should not mean the conclusion of all discussions. Continuous conversations and relationship-building should occur. Furthermore, it is important to recognize that any outcome of this dialogue is a celebrated one. New relationships, knowledge, and understanding between the thoughts and expectations of all stakeholders provide valuable guidance for the next steps. Facilitators or mediators should be open-minded to feedback from stakeholders, as this can help guide continued dialogue.

Appendix A3 contains suggested questions to consider to incorporate the six principles of equitable collaboration into this phase of the process.

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Appendix A: Questions to Incorporate the Six Principles of Equitable Collaboration in Three Phases of Dialogue

Appendix A1: Conceiving

The following are suggested questions to consider to incorporate the six principles of equitable collaboration into the conceiving phase of the process; this list is not all-inclusive and is instead meant to generate additional questions.

Trauma-Informed

- What is the known history of the relationships between participants?
- Is there unknown history?
- What is the participants' relationship to the land?
- Who are the populations that may be vulnerable to additional harm during this process?
- How can we ensure brave, honest participation while minimizing harm?

Inclusive

- Who needs to be at the dialogue?
- How do we know we've included everyone we need to?
- How can we facilitate their presence?
- Are there ways of engaging the larger community in this dialogue?
- What interests and groups are without voices or representation among participants?

Responsive

- How can we honor the work that's already been done?
- How are we responsive to the needs of the participants?

Truth-Seeking

- What values are present among participants?
- What's at stake for each participant - what do each stand to gain and lose?
- What parties have the knowledge and credibility to help support this search for truths?
- How do the Indigenous participants feel about the missions and values of the governmental management entities?

Deliberative

- What do we need to feel safe, seen, and valued?

Adaptive

- How can we be flexible in the dialogue's facilitation?
- Will we commit to adjusting as we learn more?

Appendix A2: Conducting

The following are suggested questions to consider to incorporate the six principles of equitable collaboration into the conducting phase of the process; this list is not all-inclusive and is instead meant to generate additional questions.

Trauma-Informed

- How do we leverage what we learned in the conceiving phase to minimize harm to those populations that may be vulnerable during this process?

Inclusive

- How do we foster cultural humility?

Responsive

- What is our process for responding to the community in timely/ meaningful ways as we engage in this dialogue?
- Who is responsible for keeping the community informed?

Truth-Seeking

- How can I communicate my values and what feels important to me?
- How do we ensure all values are considered in this process?
- Are values aligned?

Deliberative

- How do I maintain integrity with my values while recognizing other values?

Adaptive

- Are we committed to remaining curious and shifting our path forward as new information becomes available?
- What helpful reminders or practices can we incorporate to foster flexibility?

Appendix A3: Completing

The following are suggested questions to consider to incorporate the six principles of equitable collaboration into the completing phase of the process; this list is not all-inclusive and is instead meant to generate additional questions.

Trauma-Informed

- Do all participants feel heard and respected?
- Did we create space for processing trauma during this dialogue?
- Were there any unintended consequences?

Inclusive

- Do final outcomes reflect inputs provided by all stakeholders?
- Were any perspectives not included in this dialogue that should be present in future dialogues?
- Are there others that need to be brought in?

Responsive

- What further resources can we provide?
- How will we ensure further participation?
- How will we use the results of this process, and who will use them?

Truth-Seeking

- What have we learned, and what insights/takeaways are we leaving with?
- What are the next steps?

Deliberative

- How did we uphold the group norms?
- Has everyone been able to express what they wished to give to the conversation?

Adaptive

- Have we established processes that are malleable and applicable to future dialogues?
- Were there available resources regarding subject-specific expertise?