

Tribal Stewardship Policy—Glossary of Terms

Ancestral Land and Ancestral Territory

In this policy, the terms “ancestral lands,” “ancestral territory,” and “ancestral tribal lands” refer to the geographic areas associated with a particular California Native American tribe as defined by that tribe and may be rooted in tribal connection to land pre-contact or to lands currently held by the tribe (such as present-day reservations). Ancestral lands include surface and subsurface soils and minerals, surface and ground waters, coast and ocean waters, and air associated with a geographic area.

Examples of tribal land connections may include sacred, ceremonial, or religious connections, or may be related to sites of ancestral living, traveling, hunting, fishing, gathering, economies, or trading.

Multiple tribes may share connections to ancestral lands and may have unique connections with those lands and each other. Ancestral lands and the mode of connection to that land are unique and best defined by tribes themselves. Tribes have the responsibility to communicate to agencies their ancestral connection to lands.

All land in California is ancestral land to at least one, and sometimes many, California Native American tribe(s).

California Native American Tribe

In this Policy, California Native American tribes are those that are either recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. § 5131) in the Federal Register or non-federally recognized tribes with ancestral lands located in what is now known as California.

The use of “tribe” and “tribal,” and “tribal community” throughout this policy, unless otherwise stated, specifically refers to California Native American tribes as provided for in this definition. When a particular section is limited to only federally recognized tribes, the Policy will use the term “federally recognized California Native American tribe” or “federally recognized tribe.”

California Native American Tribally Owned Non-Profit

A “California Native American tribally owned non-profit” (sometimes referred to as a tribally owned non-profit for the purposes of this Policy) refers to an organization exempt from taxation under Internal Revenue Code 501 (c)(3) (26 U.S.C. § 501(c)(3)), non-profit organization incorporated under tribal law, California nonprofit public benefit corporation (Corp. Code, § [5110 et seq.](#)), or equivalent that is fully controlled and operated by a California Native American tribe(s) and serve to advance the goals and priorities of a California Native American tribe(s). This term may include non-profit organizations fully controlled and operated by a consortium of tribes, if the mission of the organization is to advance the priorities of one or more California Native American tribes. This term does not include non-profit organizations owned or controlled by individuals who are Native American or individual member(s) of a

California Native American tribe when the organization is not associated with a California Native American tribe.

Co-governance

Co-Governance is defined by the Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act as a government-to-government relationship between a federally recognized tribe and a public agency. It is a relationship that emphasizes collaboration and shared decision making on a government-to-government level.¹

Co-governance occurs between a federally recognized tribe and a public agency for the shared responsibilities and authorities for governing ancestral lands. These relationships acknowledge tribes' inherent right of jurisdictional and regulatory authority over their tribal members and cultural practices.

Some critical components to meaningful co-governance relationships include, but not limited to, recognition of federally recognized tribes as sovereign nations, legitimate communication and governance structures for tribes to be fully involved and active participants in early management decisions, recognition and incorporation of tribal expertise throughout the decision and management process, accountability between all parties of the relationship, and clear dispute resolution processes.

Co-management

Co-management is defined by the Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act as a specific relationship between a federally recognized tribe and other sovereign governments. As defined by California law, co-management "means a collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area, or set of natural resources."²

Some critical components to meaningful co-management relationships include, but not limited to, recognition of federally recognized tribes as sovereign nations, legitimate communication and governance structures for tribes to be fully involved and active participants in early management decisions, recognition and incorporation of tribal expertise throughout the decision and management process, accountability between all parties of the relationship, and clear dispute resolution processes.

Co-stewardship

Co-Stewardship, as defined by the U.S. Department of the Interior and U.S. Department of Agriculture,³ broadly refers to collaborative or cooperative arrangements between federal departments, bureaus, and offices and tribes related to shared interests in managing, conserving, and preserving federal lands and waters. The co-stewardship tools used depend on desired activity and authority of the relevant agency.

¹ (Gov. Code § [11019.82](#), subd. (b) (2).)

² (Gov. Code § [11019.82](#), subd. (b) (3).)

³ (U.S. Dept. of the Interior, U.S. Dept. Of Agriculture, Joint Secretarial Order No. 3403 (Nov. 15, 2021))

Federal agencies are able to enter into co-stewardship agreements with federally recognized tribes as well as non-federally recognized tribes where authorized.⁴

Co-stewardship agreements between federal agencies and California Native American tribes are considered “collaborative agreements” for the purposes of the Tribal Stewardship Policy, and co-stewardship arrangements fall under the “Collaboration” stewardship pathway.

Federally Recognized Tribe

Tribes that are recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994⁵ in the Federal Register are federally recognized tribes. Per the [Bureau of Indian Affairs](#), “a federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation.”⁶

Government to Government

Government-to-government consultation is a formal consultation process that occurs between federally recognized tribes and state or federal governments. This process recognizes the sovereign-to-sovereign relationship and unique responsibilities that exist between federally recognized tribes and the United States and the states within it.

"Land" in Ancestral Land Return

Land, as used when referring to Ancestral Land Return, for the purposes of this policy includes parcels of land, fresh surface or ground water, minerals, and/or air.

Memorandum of Agreement and Memorandum of Understanding

A **memorandum of understanding (MOU)** and **memorandum of agreement** are written agreements describing a relationship and actions to be taken by the signing parties. California law does not distinguish the difference between an MOU or MOA and typically the term is used interchangeably. Both an MOU and an MOA are typically not legally binding or enforceable but serve as an important tool to clearly communicate commitments between parties. MOAs and MOUs, like any other partnerships, collaborations, and agreements established pursuant to the Tribal Stewardship Policy, should adhere to the Policy guidance that these agreements be durable. As described in the policy, durable agreements should include one of the following (1) robust dispute resolution clauses, (2) commitments between parties that would require a public process to be undone, or (3) legally binding and enforceable terms.

Non-Tribal Entities

⁴ (U.S. Dept. of the Interior, U.S. Dept. Of Agriculture, Joint Secretarial Order No. 3403 (Nov. 15, 2021) p.4.)

⁵ (Pub. L. 103-454, 108 Stat. 4791, 4792, enacted November 2, 1994, 25 U.S.C. § 5131)

⁶ (Bureau of Indian Affairs, *What is a federally recognized tribe?* (Oct. 2, 2020) <<https://www.bia.gov/faqs/what-federally-recognized-tribe>> [as of Sept. 10, 2025].)

Non-tribal entities, as referred to in this Policy, include other state agencies, the federal government, local governments, non-profit organizations, conservancies, land trusts, colleges and universities, philanthropy, other states, and private landowners.

Traditional Ecological Knowledge/Tribal Ecological Knowledge/Indigenous Knowledge

This policy uses the term Traditional Ecological Knowledge (“TEK”), which is commonly used interchangeably with the terms Indigenous Knowledge (“IK”) and Tribal Ecological Knowledge. Agency’s use of this term follows the directives outlined in Governor Newsom’s Executive Order N-82-20 to incorporate TEK into our work. Use of the term TEK in this policy refers to the knowledge systems that California Native American tribes have developed since time immemorial. TEK is a blend of hunting and gathering knowledge, study of biology, and keen attention to environmental cues and microclimate variations with active cultural, ceremonial, religious, and management practices to live in close relation to the lands and waters. “Indigenous knowledge can be both written and oral and contains innovations, technologies, practices and beliefs. [It] is not static or based only in the past, it continues to develop and evolve today.”

TEK is a reliable form of expertise that should be incorporated into decision making, management plans, and other situations when western science and other expertise are informing policies, outcomes, and other key decisions. TEK should be used with tribal consent, with the understanding that tribes and their knowledge holders maintain full control and governance over how any TEK is shared and used.

Tribal Sovereignty

Tribal sovereignty is the inherent right of tribes to govern themselves. Tribal sovereignty for all California Native American tribes, including those without federal recognition, is not granted by any external government, but has existed before colonization and continues to exist.

For tribes with **federal recognition**, the federal government recognizes that sovereignty and agrees to affirm and protect it. Federally recognized tribes “possess all powers of self-government except: (1) those relinquished under treaty with the United States; (2) those that Congress has expressly extinguished; and (3) those that the federal courts have ruled are subject to existing federal law or are inconsistent with overriding national policies. Tribes, therefore, possess the right to form their own governments; to make and enforce laws, both civil and criminal; to tax; to establish and determine membership (i.e., tribal citizenship); to license and regulate activities within their jurisdiction; to zone; and to exclude persons from tribal lands.”⁷

Federal and state law is dependent on the federal recognition process as it pertains to tribal sovereignty. Therefore, some agreements between California and tribes are only available to federally recognized tribes.

Tribal Stewardship

⁷ (State of California Department of Justice, Office of Native American Affairs, *Tribal Sovereignty: What is Tribal Sovereignty?* < <https://oag.ca.gov/nativeamerican/tribal-sovereignty> > [as of Sept. 10, 2025].)

Tribal stewardship is defined by each individual tribe through tribal constitutions, laws, resolution, programming priorities, cultural and religious practices, ceremonies, or other measures. Tribal stewardship can include actions to care for and manage specific areas of land, landscapes or watersheds, plant and animal communities, and natural resources for cultural and ecological objectives. While tribal stewardship may include stewardship over tribal trust and fee lands, it does not need to be limited and can include other public, federal, and private lands across California.

This Policy identifies three key pathways which may be used to advance meaningful and durable tribal stewardship:

- (1) Ancestral Land Return,
- (2) Collaboration, and
- (3) Access.