

Additional Actions Would Strengthen Agreements with Tribes

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A report to the Ranking Member, Committee on Natural Resources, House of Representatives

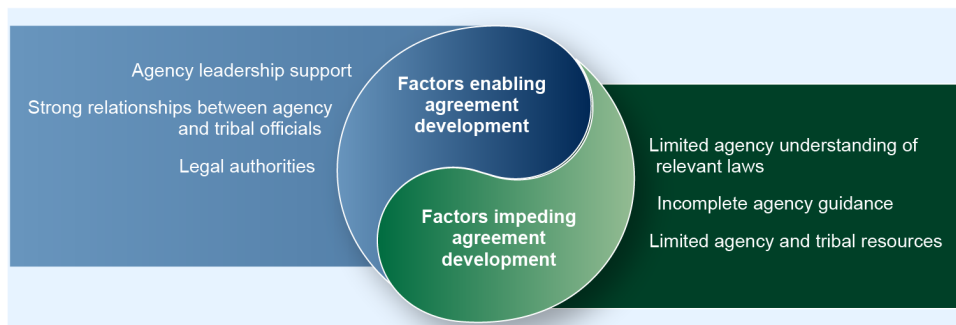
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What GAO Found

Shared decision-making agreements with federal agencies enable Tribes to provide substantive, long-term input into natural and cultural resource management decisions for public lands. In treaties, Tribes ceded millions of acres of their territories to the federal government in exchange for certain commitments. Many of these areas are now public lands. Agencies committed in 2022 to ensure Tribes play an integral role in deciding how to manage federal natural resources. These agencies include the Departments of Agriculture, Commerce, and the Interior and their components, such as Agriculture's Forest Service and Commerce's National Oceanic and Atmospheric Administration (NOAA). GAO identified 11 features that strengthen shared decision-making agreements, including a commitment to seeking consensus and a clearly outlined dispute resolution process. Fully incorporating these 11 features into policies would better position agencies to strengthen shared decision-making.

Agency and tribal officials GAO interviewed identified factors that facilitated agreement development, including having certain legal authorities. For example, the Indian Self-Determination and Education Assistance Act, as amended, authorizes eligible Tribes to assume administration of certain Interior programs through a self-governance agreement. However, the Forest Service and NOAA's Office of National Marine Sanctuaries are not authorized to enter into this type of agreement, even though they manage natural resources similar to Interior. Providing these agencies a similar authority would allow for increased tribal input into management decisions, consistent with current administration priorities.

Factors That Agency and Tribal Officials Said Facilitated or Impeded Development of Shared Decision-Making Agreements



Source: GAO analysis of federal agency and tribal information. | GAO-26-106626

Agency and tribal officials also identified factors that impeded development of agreements, including limited agency understanding of legal authorities and incomplete guidance. Agencies have taken steps to address these factors, such as training staff working with Tribes. However, in light of significant federal workforce reductions that began in 2025, agencies have not conducted workforce planning to assess their capacity related to developing agreements. Doing so could enable better understanding of how to allocate agencies' limited resources, address any skill gaps, and make strategic use of partnerships with Tribes.

Why GAO Did This Study

Federal agencies manage public lands, including national forests and parks, that are Tribes' ancestral territories. Public lands retain special significance and importance to Tribes. Agencies collaborate with Tribes when meeting their missions and to fulfill unique federal trust and treaty responsibilities.

GAO was asked to examine issues related to agencies developing shared decision-making agreements with Tribes. This report identifies features that strengthen shared decision-making agreements and examines factors that facilitated or impeded their development, as well as agency actions to address impediments.

GAO reviewed agreements between federal agencies and Tribes, as well as federal laws, academic reports, and agency documents. GAO selected five shared decision-making agreements for in-depth analysis and interviewed the federal and tribal officials involved.

What GAO Recommends

GAO recommends that Congress consider three matters, including authorizing mechanisms for the Forest Service and NOAA's Office of National Marine Sanctuaries to enter self-governance type agreements with Tribes. GAO is also making eight recommendations, including for departments to fully incorporate the 11 features into existing policies and agencies to assess staffing capacity and address any skill gaps related to developing agreements. Interior and NOAA generally agreed with our recommendations. Forest Service generally agreed with the report, but did not explicitly state whether it agreed with the recommendations. Commerce did not provide comments.