

traditional homelands. While Federal agencies should remain receptive to engaging with Tribes and Indigenous Peoples on Indigenous Knowledge across all missions, developing a list of key issue areas will help Federal agencies to most effectively deploy resources to train staff, identify actions that should be subject to the practices described below, and recognize opportunities to collaborate with Tribes. Where resources are available, Federal agencies should provide staff in these project areas with training to develop and maintain skills and practices relevant to working with Indigenous Knowledge, Tribal Nations, and Indigenous Peoples. Several Tribal organizations and other external Indigenous-led groups have developed guidance documents and trainings for decisionmakers<sup>42</sup> and agencies should look for opportunities for Tribes and Indigenous Peoples to lead and participate in training for Federal agencies.

*2. Plan Ahead and Consider Developing an Indigenous Knowledge Plan.* Where an agency identifies a decision-making process or research project in which Indigenous Knowledge is likely to arise, a plan should be developed as early as possible. The plan should describe engagement between the Federal agency and Tribes and Indigenous Peoples starting early in decision-making processes and ensure that Indigenous Knowledge shared with the agency is considered throughout. Federal agencies should also plan to devote adequate time and resources to support each phase as well as assigning staff with the appropriate qualifications, experience, and training to the project. Additionally, Federal agencies should communicate the plan for engagement so that agency staff understand expectations. Planning should also be sensitive to culturally appropriate norms, including meaningful inclusion of youth and Elders, honoring and respecting Indigenous languages, and meeting on Tribes' or Indigenous Peoples' lands. For Federally recognized Tribes, government-to-government consultation may be the most appropriate venue for engagement.

In developing Indigenous Knowledge plans, agencies should also be aware that Tribes and Indigenous Peoples may possess Indigenous Knowledge that is sensitive, sacred, or belongs to certain families or clans. To the extent possible, agencies should identify and adopt mechanisms to address concerns Tribes and Indigenous Peoples may have about privacy or potential threats to natural or cultural resources, or they may fear loss of access to or desecration of lands and waters if certain information is shared with others.<sup>43</sup> Indigenous Knowledge holders are best positioned to identify what types of Indigenous Knowledge are sensitive or sacred, and types of Indigenous Knowledge freely shared by one community may be closely guarded by another.

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<sup>42</sup> E.g., Ellam yua et al., *A Framework for Co-production of Knowledge in the Context of Arctic Research*, 27 *ECOLOGY AND SOC'Y* 34 (2022), <https://doi.org/10.5751/ES-12960-270134>; *Tribal-State Relations Training*, MINN. DEP'T OF TRANSPORTATION, <http://www.dot.state.mn.us/tribaltraining>.

<sup>43</sup> "For Native American communities, the public release of or access to specialized information or knowledge—gathered with and without informed consent—can cause irreparable harm. . . Each community will understand and use the term 'culturally sensitive' differently, although there are broad areas of common agreement for Native Americans about this issue." *Protocols for Native American Archival Materials*, FIRST ARCHIVIST CIRCLE, (Apr. 9, 2007), <https://www2.nau.edu/libnap-p/protocols.html>. Indigenous Knowledge may need to be protected to prevent against unauthorized use, commercial misuse, cultural misappropriation, or inadvertent disclosure. There have been many cases of misrepresentation and exploitation of sacred and secret information.