



NORTHERN CALIFORNIA TRIBAL COURT COALITION PRESENTS: RESTORING ANCESTRAL LANDS

Tribal Land Trusts: Determining Goals & Deciding Structure

May 20, 2023

Ted Griswold

Procopio, Cory, Hargreaves & Savitch LLP

Our Goal

“Providing tribal communities with skills, knowledge, and strategies to establish, operate, and maintain conservation land trusts.”

May 13th: History and Overview

May 20th: Determining Goals & Deciding Structure

June 3rd: Registration and Legalities

June 10th: Governing and Maintenance

June 17th: Funding Strategies

June 24th: Sourcing and Transferring Land

Determining Goals and deciding a structure

- Why create a Native land trust?
 - What are your goals?
 - Save ancestors' remains
 - Build coalitions
 - Developing youth land stewardship processes
 - Assist Tribal land planning
 - Appropriate land management, water source protection, sacred site protection
 - Facilitate land back transfer

Determining Goals and deciding a structure (cont.)

- Why create a Native land trust?
 - What are your goals?
 - Assist in land and easement acquisition and preservation of resources
 - Restore and revitalize connections to ancestral homelands
 - Bring youth back to ancestral homelands
 - Restore ancestral homelands

Before Developing Land Trust, Determine Your Goals

- To acquire land?
- To hold land then transfer? For whom?
- To manage or oversee land?
- To develop jobs?
- To ensure privacy for Tribal use?
- To create an outdoor education forum?
- Take advantage of funding?

Things to Consider Regarding Land Trust:

Benefits of Land Trusts:

- Ensure preservation of specific areas
 - Regaining control
 - Protecting cultural sites at risk
 - Stemming further damage
 - Maintaining culturally important resources
- Develop and direct TEK in management
- Demonstrate culturally appropriate services
- Tribal community education focus; materials for education
- Influence policy, others through appropriate use
- Developing partnerships
- Fiduciary duty to the land and public

Challenges to Land Trust

- Governance and sustainability
 - Board creation
 - Planning for the future
- Land Management takes time, money, knowledge
- Organization formation can be complicated, new to you
- Responsibility – Fiduciary duty to the land and public
- Liability concerns as land owner and manage the land

Development of a Land Trust Structure

- Recognize that you need to address all of the challenges up front, in structure
- Determine your vision, methods for reaching that vision
- Create a working structure for decision making
- Protect your resources, Board
- Ensure opportunities for Trust to expand services and roles
- Obtain platform that will invite funding sources as a non-profit, Tribal organization
 - Donations, grants and foundations

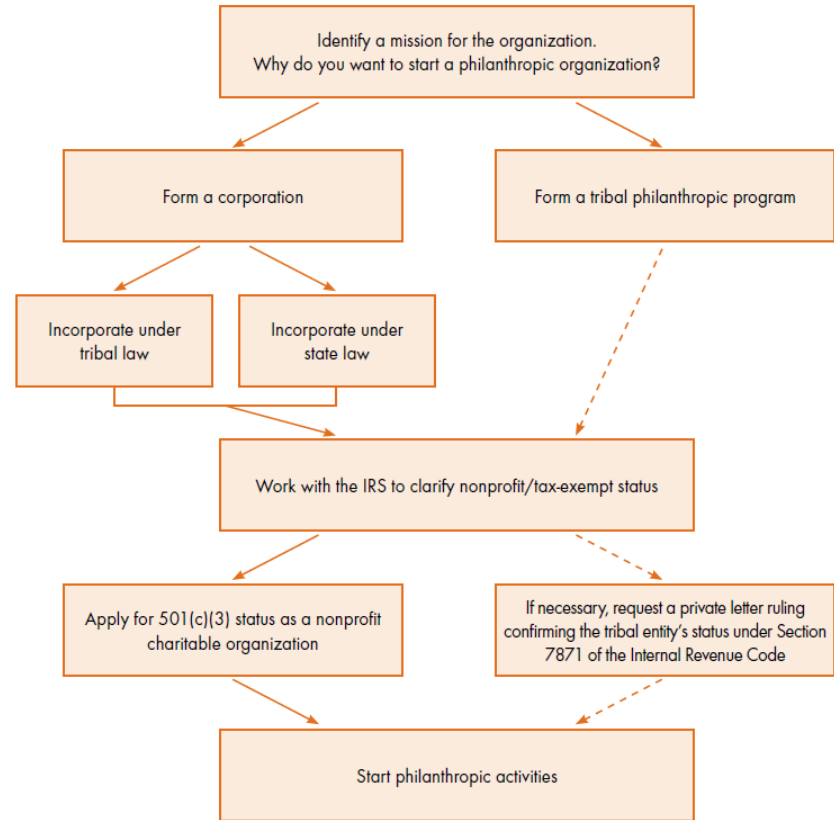
Options for Structure

- Incorporation of entity, then seek nonprofit status as 501(c)(3) through IRS
- Create Political Subdivision of Tribe(s), obtain status as IRC 7871 organization

(Will discuss more later)

Steps to Creating a Tribal Philanthropic Organization

Figure 1: Steps to Creating a Tribal Philanthropic Organization



Talking about structure

- Creation under Tribal Law
 - Benefits
 - Single Tribe or consortium?
 - Unincorporated
 - Incorporation by Tribe

Questions?



Ted Griswold

Partner

Procopio, Cory, Hargreaves & Savitch LLP

ted.griswold@procopio.com

619.515.3277