



## USDA Forest Service, Office of Tribal Relations

### Quarterly Report, February 2006

This quarterly report has been developed to keep the tribal governments, inter-tribal organizations, and individuals apprised of important Tribal Relations issues and proceedings within the USDA Forest Service. The information contained within this report is public information and may be shared with members of the public and other interested parties.

Current issues include:

#### National Tribal Leaders Committee

In FY 2000, the National Tribal Relations Task Force and Implementation Team made recommendations to the Chief of the Forest Service on strengthening the working relationships between the Forest Service and Indian Tribes. A formal process was recommended for the direct exchange of ideas and information between the Forest Service and American Indian and Alaska Native tribes. This committee, National Tribal Leaders Committee (NTLC), will allow Tribes to collaborate with Forest Service leadership on issues of mutual concern. There is a compelling need for a more formal means of collaboration between the Forest Service and federally recognized Tribes. The size and shape of the NTLC is under discussion. An initial proposal went out for tribal consultation in the fall of 2005. The Office of Tribal Relations (OTR) is currently processing tribal comments and is considering additional mechanisms to receive further tribal feedback, including further consultation, before the final proposal is designed.

#### Tribal Forest Protection Act

The Forest Service and Indian Tribes share approximately 2,100 miles of contiguous boundary. In the summer of 2003, nearly 20 Indian reservations were devastated by wildfires that originated on adjacent Federal lands. In July 2004, the Tribal Forest Protection Act (TFPA) was passed. The Act provides a tool for Tribes to propose work and enter into contracts and agreements with the Forest Service or Bureau of Land Management (BLM) to reduce threats from adjacent Federal lands. The Forest Service is currently discussing proposals with Tribes. In August 2005, the Forest Service approved the first stewardship contract project under TFPA with the Hoopa Valley Indian Tribe in northern California. Additionally, an interim final directive for the agency has been issued and a notice will be published in the Federal Register soon. The interim final directive may be revised during the next 18 months.

### Special Forest Products

Historically, special forest products have been sold under timber sale regulations, however, these regulations are inadequate today. Forest botanical products are a subset of special forest products but have special requirements for their disposal as set forth by the 2004 Appropriations Act. Those requirements have precedent over the rules for special forest products. Both special forest products and botanical forest products include many culturally important materials such as medicinal and subsistence plants, basketry materials and other traditional materials. OTR is working closely with the Forest Management staff on a draft of the special forest products policy. This policy outlines the Forest Service authority to regulate and conserve native plant materials on National Forest System (NFS) lands. A proposed special forest products regulation and accompanying handbook policy were sent to Tribes for review and comment in June 2004. Comments were received and significant changes have been made. The revised regulation will be published in the Federal Register in the spring of 2006, giving the public and Tribes an additional opportunity to comment.

### Sacred Sites

Executive Order No. 13007, "Indian Sacred Sites," was signed to specifically "protect and preserve Indian religious practices" and directs Federal agencies to report on procedures taken to implement the order. In September 2002, a Forest Service Sacred Sites Policy Development Team was appointed. The team held listening sessions throughout Indian Country with tribal elders, traditional practitioners, and other tribal representatives to develop a legal framework for managing sacred sites. Once the team completes its work, OTR can move forward with revision and consultation.

### Forest Service Tribal Relations Enhancement Act

The USFS National Tribal Relations Program Implementation Team report dated June 2003 recommended actions that cannot be fully implemented without new or clarified authorities. A legislative proposal has been drafted that would authorize reburial and non-disclosure of reburial information, forest products for traditional and cultural purposes, and confidentiality of information. The proposal is currently being considered by the Administration.

### Indian Fire Crews

The Society of American Foresters (SAF) and the Forest Service entered into a participating agreement in September 2005, jointly committing resources to build the capacity of American Indians and Alaska Natives for forest restoration activities. Two pilot workshops will take place in March 2006. The training workshops will be held in Warm Springs, OR at the Kah-Nee-Ta Resort on March 14-16, 2006 and Pinetop, AZ at the Hon-Dah Resort on March 28-30. Sixty participants have been selected from over 20 different tribal entities for the three-day workshops to help participants build the necessary technical skills to successfully perform forest restoration work. These workshops will include classroom and field work and are designed to provide the participants with the basics of forest management work and to prime them for further learning and skill building.

In addition, OTR will host a pre-conference workshop at the annual ITC Symposium in Fairbanks, AK on June 5<sup>th</sup>. The workshop will provide small business training to a variety of emerging forestry small businesses in tribal communities.

### Energy Bill

Pursuant to the Energy Policy Act of 2005, an interagency planning team co-led by Department of Energy and Bureau of Land Management with the Forest Service and Department of Defense as Cooperating Agencies, has initiated the preparation of a Programmatic Environmental Impact Statement (PEIS). The PEIS will serve as the instrument to amend existing BLM and Forest Service land use plans to designate energy corridors on public lands without further administrative actions. Subsequently, specific project proposals will serve to designate actual rights-of-way and project-level compliance will be needed when this occurs. OTR is actively following these developments considering the potential impacts and effects on tribal cultural and historical resources. A strategy to conduct tribal consultation is being developed collaboratively with the BLM.

For further questions and inquiries, please contact Bryan Mercier at [bmercier@fs.fed.us](mailto:bmercier@fs.fed.us), and at (202) 205-0980