



USDA Forest Service, Office of Tribal Relations

Quarterly Report, April 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.

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.

On March 14, 2006, The Chief of the Forest Service sent a letter to tribal leaders providing an update on the NTLC. An *ad hoc* workgroup will be convened on May 17-18, 2006, to provide additional insight and perspective to the proposal. A maximum of five (5) tribal leaders and five (5) inter-tribal representatives will be invited to Washington, D.C. to participate in the workgroup. The Forest Service will select participants based on experience with and knowledge of federal and tribal governmental relationships.

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. 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 agency consideration and tribal consultation.

Forest Service Tribal Relations Enhancement Act

The USFS National Tribal Relations Program Implementation Team report dated June 2003 highlighted 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. Secretary of Agriculture Mike Johanns has transmitted the Forest Service Tribal Relations Enhancement Act (TREA) legislative proposal to Congress. TREA would strengthen the Forest Service's commitment to American Indian and Alaska Native tribes by providing needed legal authority to improve government-to-government relationships. It resulted from recommendations developed by the Forest Service Tribal Relations Implementation team. TREA currently has no sponsors and has not been introduced. OTR has copies of the proposed legislation and briefing materials for all interested parties.

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 took place in March 2006. The training workshops were 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. Nearly 60 participants from over 20 different tribal entities attended the three-day workshops to build the necessary technical skills to successfully perform forest restoration work. These workshops 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 5th. 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 (DOE) and Bureau of Land Management (BLM) 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. National meetings for Tribes are planned for 5 cities: Portland on 5/9, Sacramento on 5/12, Las Vegas on 5/15, Albuquerque on 5/23 and Denver on 5/25. Tribes have the opportunity to request individual consultation at these meetings.

Secure Rural School Reauthorization

The President's FY 2007 Budget for the Forest Service includes a legislative proposal that would reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act) to allow payments under the Act to continue for an additional five years. To provide a funding basis for an extension of the SRS Act, the President's proposal authorizes the sale of certain parcels of National Forest System Lands. Lands that are potentially eligible for this proposal have been identified. The National Forests containing parcels of land on the list of land parcels related to the SRS Act have notified tribes of the opportunity to consult on the proposed list. The 60-day consultation period ends on May 24, 2006.

Outreach

The Office of Tribal Relations has released outreach notices for two permanent positions in Washington, DC. The available positions are Director (GS 14/15) and Administrative Support Assistant (GS 6/7).

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