

**Northwest Forest Plan--The First 15 Years [1994-2008]:  
Effectiveness of the Federal-Tribal Relationship**

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**Objective**

The objective is to examine the state of the Federal-Tribal relationship under implementation of the Northwest Forest Plan. The 1994 Northwest Forest Plan Record of Decision identified key monitoring items related to "American Indians and Their Culture." Key issues addressed in this monitoring effort include:

- Conditions and trends of the trust resources identified in treaties with American Indians;
- Effectiveness of the coordination or liaison to ensure adequate protection of religious or cultural heritage sites; and
- Adequacy of access by American Indians to forest species, resources, and places important for cultural, subsistence, or economic reasons under treaties.

**Method**

A Tribal Monitoring Advisory Group (TMAG) was chartered under the proviso of the Interagency Advisory Council. The initial monitoring report on Effectiveness of the Federal-Tribal Relationship (for period 1994 to 2008) presented the views of fifteen of the seventy-four tribes in the area covered by the NW Forest Plan. TMAG developed recommendations to improve the protocol and techniques used to monitor the federal-tribal relationship and to obtain broader tribal participation. The Senior Managers Group approved the proposed new protocol which chartered two studies, one in California and one in Oregon and Washington. The report examines the state of the Federal-Tribal relationship under the implementation of Northwest Forest Plan through:

- Interviews with thirty-seven of the seventy-four tribes in the area, and
- Seven in-depth case studies focused on consultation experiences of individual tribes within the Northwest Forest Plan area.

**Key results**

While no one tribe or participant speaks for all interests, these recommendations and lessons learned (combined from both reports) generally included observations about the effectiveness of the Plan and consultation, specific interests of the tribes, barriers to consultation, and opportunities to strengthen government-to-government relationships.

**Tribal Observations**

- Federal management is overall compatible with tribal values; some tribes saw that compatibility as situational.
- Between treaty rights and land designations, management plans and management activities conflict can arise.
- Observations across tribes and Regions were variable, sometimes on the same topic.
- Concerns about effects of Northwest Forest plan on access to cultural sites; on hunting and gathering.
- Positive and negative effects to the resources have occurred as a result of resource management under the Plan.
- Land designations, planning processes, management activities and funding shortfalls affect trust resources and treaty rights, and can be in conflict with tribal values.

- Variable efficacy of current approaches to consultation, including whether consultation is taking place at all. It varied, they said, by the use and agency involved, and the frequency of the activity.
- A few tribes were not even aware of Northwest Forest Plan.
- Among those who were aware of the plan and had some experience with consultations, principal concerns included; there are no procedures in place for meaningful use of tribal input; and use of tribal information in future efforts is both an opportunity and a concern.
- Concerns that sensitive information about cultural sites is not adequately protected and depends on staff emerged.
- In conflicts over resources, at least one tribe highlighted that the adequacy of the conflict resolution processes is variable.

### **Tribal Interests**

- To ensure meaningful opportunities for tribes to provide knowledge and input, to provide meaningful results.
- Consultation is desirable for tribes regardless of the size of the tribe's size.
- A preference for "layered" consultation and for more formal protocols.
- Interest in consultation in a variety of ways.
- Access to higher level officials.
- Inclusion of tribal needs and opportunities for consultation in legislative proposals and initiatives.
- Collaborative consultation and co-management.
- Re-establishment of funding for initiatives including the Jobs in the Woods program.
- Returning land to tribes.

### **Barriers Identified by Tribes**

- Confusion, often on the part of agencies, over whether collaboration counts as consultation.
- The effect of staff changes on consultation (on both sides) on relationships.
- The quality of consultation taking place. Ranging from: whether consultation took place; whether it allowed for meaningful input from the tribes; and a deep concern about whether there would be meaningful use of tribal input.
- Tribal interests are not addressed in most Provincial Advisory Groups, in some cases this has led to actual disengagement.

### **Next Steps and Recommendations by Tribes**

- Institute measures for agency accountability for consultation by establishing consultation protocols at tribal, national, and district/local levels.
- Based on consultation itself, develop criteria and performance measures for monitoring agency consultation, project implementation, and effectiveness.
- Incorporate tribal monitoring protocols in new management plans and plan revisions.
- Integrating consultation protocols into federal and regional policies and programs.
- Use memorandums of understanding or agreement, summit meetings, and formal protocols.
- Ongoing education and orientation of staffs about consultation.
- Communication, education for federal agencies, resolving existing conflicts over level of consultation and relationships, and higher level meetings.