

USDA Forest Service
Second National Tribal Conference Call on the National Planning Rule
August 5, 2010 – 1:00 – 4:15 pm EDT

Facilitation and summary preparation: Lucy Moore, Lucy Moore Associates, Inc.

Welcome by Joel Holtrop, Deputy Chief, National Forest System: Holtrop welcomed those who were participating on the call through over 85 phone lines. He appreciated the time that tribal representatives were taking out of very busy schedules to help the Forest Service in this critical task, which is a top priority for both the Department of Agriculture and the Obama administration. This call, he explained, is part of an effort to increase opportunities for meaningful conversation and an information exchange in an informal setting; it does not replace nor does it reduce the formal tribal consultation that is occurring and will continue to occur throughout the rulemaking process. The agency, he said, wants to know the potential impacts of the proposed rule changes on tribes, and if there major flaws or gaps that are not addressed at this planning rule level.

Objectives for the Call, Tony Tooke, Director of our Ecosystem Management Coordination:

Tooke welcomed the callers and said that both he and the Deputy Chief would remain on the call for its duration. He assured callers that he and the planning staff have carefully reviewed the comments and questions from the first call, as well as from letters and other submissions to the office. There will be more opportunities for comment after the draft proposed rule comes out in December 2010.

Lucy Moore, facilitator: Moore introduced herself. She is an independent contractor hired by the Forest Service to facilitate these calls. The US Institute for Environmental Conflict Resolution is the contracting entity. With a long history in Indian Country, she said that she was honored to be asked to facilitate this collaborative conference call between tribes and the Forest Service. Although skeptical about the use of technology in this way, she learned from the first conference call that it could be useful in allowing many tribes from a wide geographical area to exchange ideas and information with a federal agency. Moore explained the mechanics of the call, and asked that participants contact her to offer an evaluation of the call. Her email is lucymoore@nets.com She added that she would be preparing a summary of the points raised on the call, which would be posted on the Forest Service website, hopefully within two weeks.

Tony Tooke: Tooke reviewed the overall framework for the planning rule. The national rule and individual forest plans will be stakeholder driven and science-based, he said. The forest plans must also be able to be revised in a timely manner, and must be affordable and implementable on the ground. The proposed 2011 planning rule is based on a straightforward model of interconnected cycles of 1) assessment, 2) revision or amendment, and 3) monitoring. All three parts are equally important.

Assessments will cover appropriate geographic scales and will be done collaboratively with tribes, other stakeholders, and other agency partners. In most cases assessments can be done using existing information. The assessment will determine the kind and scope of change needed in a plan.

Second will be the actual collaborative development of the proposed plan revision or amendment and the accompanying NEPA analysis, the National Environmental Policy Act analysis. Although there will be flexibility in the plans to respond to local needs, there are common core plan components that will be required in all plans, including desired conditions, objectives, standards, guidelines and suitability of uses. Collaboration and the engagement of tribes will be a very integral part of developing this plan direction at the local forest or grassland level.

The third part of the framework is monitoring, which plays a major part in the proposed 2011 rule. Any forest plan or national grassland plan revision will require a monitoring plan, calling for monitoring at both forest and regional levels.

Tooke added that the rule emphasized two major themes raised by tribes: more genuine collaboration in all phases of planning, and plans that are adaptive and can respond to current conditions. Although collaboration does exist within the agency, it is not yet the cultural norm that the leadership would like to see.

Tooke reminded callers that the national planning rule provides the process and the requirements for each national forest or national grassland to develop its own plan and sets sideboards for the types of individual projects that would occur on those forest or grasslands. Projects are then conducted within the parameters established by their respective land management plan.

Tooke added that there are many tribal issues that are outside the scope of the planning rule, but which are being addressed by USDA and FS leadership in other ways. The protection of sacred sites, for instance, has been elevated to the senior leadership of the Department of Agriculture. Other issues may more appropriately belong at the forest or project level.

Fred Clark, Director of Tribal Relations, US Forest Service: Clark, an enrolled citizen of the Potawatomi Nation, heads the Office of Tribal Relations. He has been working closely with the planning staff to be sure that the process is inclusive of tribes and tribal perspectives and recognizes the value of tribal stewardship and partnership. Clark explained that collaboration and consultation are separate but very complementary. Collaborative efforts like these calls inform both tribes and federal officials as the consultation proceeds.

Clark emphasized that the agency wants to develop the consultation process on the planning rule collaboratively with tribes, rather than predetermine what will work best in any situation. He outlined the proposed consultation process, emphasizing that consultation is a two-way street, and that tribes can request a consultation at any time. He also noted that successful consultations often result from good relationships between local agency staff and tribal leadership. Under current thinking, the Washington Office would initiate consultation by instructing regional foresters to instruct forest supervisors to notify all tribes of the opportunity to consult. Regional planning staff and regional tribal relations program managers will coordinate the distribution of information and the consultation and comment-gathering processes. The agency anticipates beginning this process after OMB has reviewed the draft rule, in order to offer tribes language that is less prone to changes.

Clark said that the agency anticipates that most of the consultation will occur between forest supervisors and district rangers and the tribal leaders in small group in-person sessions. There will also be an option for regional-level consultation efforts. Information from each tribal consultation will be held with the regional tribal relations program managers, and with the Washington office planning rule staff. The regional tribal relations program managers will notify the tribes that their information has been received.

After the consultation period, planning rule staff will forward responses to the comments to the regional or tribal relations program managers, who will pass the responses on the tribes. These responses will include how the tribal comments were used in the formulation of the rule or how they were otherwise considered. In addition, the Federal Register notice will include what essentially is a tribal impact statement, a summary of the consultation efforts and how the resulting comments were used. Clark welcomed questions or comments from those on the call.

Question: Will Alaska Native Corporations be included in this consultation process?

Answer: Yes

Question: How will sensitive cultural information be protected from the Freedom of Information Act (FOIA) during the collaborative or the consultation processes?

The Forest Service has a new authority under the 2008 Farm Bill that is a FOIA exemption for information that is culturally sensitive to federally recognized tribes. The agency has the authority to keep this information confidential, and is now developing procedures to implement the policy. It will be important that tribal representatives who are engaged in a consultation explicitly note what information should be kept confidential.

Key Elements of Draft Policy: Martha Twarkins and Bill Connolly of the rule writing team explained the key elements of the draft and how it differs from the existing rule.

Collaboration: Because collaboration was an important issue on the first call, and because the Forest Service is committed to collaboration throughout the policy, Twarkins reviewed for listeners where collaboration is included in the draft policy. Comments from tribal representatives over the past months have emphasized the need for: 1) early and frequent engagement with tribes; 2) acknowledgement of unique tribal knowledge; 3) inclusion of tribes at the unit level to advocate for tribal concerns; 4) FS/tribal relationships that are unique to each tribe; 5) face-to-face meetings with indigenous elders.

The rule includes a section titled “Engaging Tribal Governments and Alaska Native Corporations” that speaks to the Forest Service’s trust responsibility for federally recognized tribes and Alaska Native Corporations and mandates the responsible official to provide opportunity for tribal collaboration and participation when those groups may be affected. The responsible official must honor the government-to-government relationship between the agency and tribes, must seek assistance from these groups to help address management questions, and must consider and use native knowledge, land ethics, and cultural and sacred sites during planning.

Tribal engagement is also a part of the sections on assessment, amendment and revision, and monitoring. The rule will allow for flexibility so that the scope and the methods of collaboration

may look very different depending on the region and individual tribe. The FS responsible official is also required to notify “anybody and everybody” at all stages of the assessment, amendment, revision and monitoring.

In contrast to the 1982 rule which relied on NEPA’s public participation process, the 2011 rule requires a much broader scope and scale.

Three major phases of the planning framework

Assessment: The assessment is a review of conditions – past, current and predicted -- in the context of the broader landscape, using as much existing information as possible. Collaboration with tribes during this phase is critical, as the Forest Service determines its role and responsibility. The assessment will identify needed changes in the plan for that unit. The assessment will evaluate ecosystem and species diversity, as well as socio-economic conditions, and will consider existing tribal and other governmental plans. The assessment report will include 1) the role of the planning unit to provide ecosystem services and multiple uses; 2) conditions and trends of these ecosystem services; 3) relationship of the unit’s plan with neighboring tribal plans; and 4) discussion of resiliency, risks, uncertainties and vulnerabilities in the plan area.

Revision: Each forest plan or grassland plan will have the following plan components to guide project and activity decisions: 1) the desired condition for the future; 2) objectives which identify specific actions or outcomes during the planning period; 3) measurement and evaluation of objectives; 4) standards for project and activity planning; 5) guidelines for a course of action; 6) suitability designation of areas or uses; 6) goals (optional). These components may be applied to specific management areas, or to a geographic area, or even to a watershed.

Plans must address the following elements: 1) sustainability; 2) ecosystem and species diversity; 3) conditions that are able to support viable populations of native species; 4) landscape character and recreation settings; 5) maintenance and restoration of ecosystem resilience and of water resources. Each plan revision will include an environmental impact statement.

Monitoring: The goal of monitoring is a systematic unified approach that tracks issues that transcend the planning unit. The first step is to identify the questions, and then the indicators that will evaluate that question. The rule anticipates a two-tiered monitoring approach – the unit level, and a broader regional scale – that will include tribal and other partners in the development of the program. Requirements for monitoring include: 1) demonstration of progress toward plan components; 2) addressing watershed health; 3) addressing key ecological conditions; and 4) addressing status and trends of a small set of focal species.

Example of treatment of an important tribal issue in the planning framework: Sensitive cultural sites

Collaboration during the assessment phase might point to the need for protection of sensitive cultural sites and to the fact that both the agency and the tribe have information which may not have been shared. After collaboration and consultation, the assessment may reveal the need for change in the policy regarding protection of these sites and may identify a desired condition where the sites are identified, evaluated and protected. An objective of the plan is to develop a

confidential inventory of these sensitive cultural sites with the tribe, and develop a standard that requires direct consultation with the tribe on any activities in the vicinity of sites in the inventory. The monitoring phases would include questions related to the issue: 1) Has the inventory of sensitive cultural sites been established in a confidential way? 2) How many sites have had formal consultation between the national forest and the tribe? 3) Are the sites being protected? Monitoring would be done in partnership with the tribe(s).

Summary of Points Raised by Callers: Those who indicated that they wanted to speak were called on by the facilitator. When appropriate, Forest Service leadership and staff in Washington, DC, responded (*shown in italics*).

Timeline: The caller asked for clarification of the timeline for the rule development.

The proposed rule is expected to be published in the Federal Register in December 2010, followed by a 60-day comment period. During or after that period the agency will host more opportunities for comment – regional and national roundtables, another conference call if tribes desire. After revisions based on the comments, the Final Rule would be published November 2011.

Sacred Site Protection: Will sacred sites be considered in the forest planning rule, or is it being handled at the USDA tribal liaison level?

FS spokespersons said that the issue is being addressed both at the USDA level and in the planning rule, which includes language relating to all phases -- assessment, revision and amendment, and monitoring. Each sacred site is unique and fact-dependant, and needs to be handled on a case-by-case basis.

Role for non-federally recognized tribes:

- How is the planning rule addressing the needs of the over 50 California non-federally recognized tribes, as well as others? Many of these tribes have lands that are in trusts called allotments. In Kern Valley there are over 10 tribal allotments adjacent to the US forest lands. The watershed begins near Mr. Whitney and runs down through the Greenhorn Mountains just above the allotment lands. Protection of watersheds and access to the forests are critical for these tribal people who are living within the definition of Indian Country.
- How will the non-federally recognized tribes be dealt with during the development of the planning rule?
- There does not seem to be a place in the consultation or planning process for non-federally recognized groups. Many of these groups are living on their homelands in Florida and could become recognized if they chose to. The same areas that are important to the federally recognized tribes next door are important to them -- the burial sites, ceremonial sites, the old village sites, the fishing grounds, the harvesting grounds.
- It is not right to distinguish between federally recognized and not federally recognized because the gods have given us this land, not the government.

The Forest Service is very aware of the needs of the non-federally recognized tribes that may be impacted by forest management and planning rule decisions. Across the country in a variety of places there are many groups of indigenous peoples who have cultures and group structures -- some would even call them governments -- that extend back for many, many generations. Looking at them objectively there may be no difference between them and federally recognized tribes. But the fact is that the government-to-government relationship applies to federally recognized tribes. That is the law.

That said there is a responsibility to deal with people who are not federally recognized. And there are other sets of law, regulations, policies and processes that allow for that, for instance the Native American Grave Protection and Repatriation Act; that is a way to help protect the gravesites that you were talking about, and that is not limited to federally recognized tribes. The Indian Religious Freedom Act is another law that applies to Native people in general.

FS staff believes that the sensitivity within the Forest Service to the needs and the issues of groups who are not federally recognized has increased over recent years. They also believe that the answer is in building relationships with local land managers and then working up through the regional foresters and to the Washington office to make sure these issues are addressed.

Finally, the FS collaborative processes will encompass all people that are affected by national forest system lands and whose input can help us make wise decisions. The Forest Service is also adopting an all-lands approach that will look beyond the forest and grassland boundaries to include neighbors, including non-federally recognized tribes, in the planning process. The agency will work with those neighbors to determine what the role of that local national forest or grassland should be in the bigger landscape.

Editorial comment: Please capitalize the word “Tribe” as you do with states.

Need for a long view: The planning process should consider at least seven generations into the future, not just one year, or five years, and consider what we are going to leave our great-great-grandchildren and beyond.

The agency appreciates comments like these that are given in the spirit of helping point out shortcomings and issues that we need to pay attention to. There is no intention to be short-sighted and the rule writing team is looking for ways to honor traditional knowledge and its underlying values. Traditional knowledge should be on an equal footing with best available science.

Meeting with indigenous elders: The caller expressed strong support for the commitment to meet face-to-face with indigenous elders. How can this become a reality? How can we be sure that top level officials are present?

There is an acknowledgement that these meetings are important. The proposal is that the regional forester, the forest supervisor, or in some cases a district ranger would carry out this face-to-face consultation. Agency representatives also note that consultation is a two-way street and that tribes are welcome to initiate consultation with local agency leadership.

Devil in the detail: The FS words relating to the planning rule revision sound promising, but the devil is in the detail. How will these concepts be implemented on the ground? We need to get specific.

The FS needs a rule that sets the stage for the appropriate amount of detail in the forest plans. The rule itself will not contain that detail, but it will provide the framework and the direction for the individual forest plans. In addition, the planning rule will have a preamble that will describe some of the intent behind the language, giving further guidance to the forests. And finally, after the rule is published, the FS will develop directives on implementing the rule language.

Tribal Impact Statement: The tribal impact statement is a good idea, but tribal leadership should take the lead in determining what actions are going to impact indigenous communities and how.

The intent behind the collaborative relationships with tribes is to understand the tribal point of view about potential impacts from plans and projects. The whole process is designed to incorporate ongoing contributions from tribes.

Watershed protection: Arizona indigenous people are very disappointed by the Snowbowl permit granted recently by the FS which will allow treated effluent to flow into the water source, from the mountain onto sacred sites. If this is an example of best management practices, there is need for change.

The FS recognizes that clean fresh water is our most important natural resource. The planning rule addresses watershed health in all three phases of the planning process. Assessment will include examination of the structure and function of ecosystems and the stressors that may be affecting their ability to maintain or restore resilient watersheds. Revision and amendment will include desired conditions and objectives for watershed health, for public water supplies or source water protection, just as an example. Finally, monitoring will include identifying data availability, needs, and protocols at various scales for watersheds, aquifers and aquatic habitat. The final rule will include more detail with the goal of maintaining healthy watersheds and creating resilient systems to protect our water supplies.

Multiple use:

- It seems that multiuse—especially recreation, as at Snowbowl in Arizona -- has been placed above the spiritual values of indigenous people and threatens their way of life.
- Over and over things are allowed to happen in areas where they shouldn't be happening. Because a use is listed, people consider they have a ticket to go ahead and do it. In Florida, burial grounds and other sacred sites are being trespassed on. The FS needs to listen to spiritual leaders to gain this information.

As with other topics, the department is addressing this issue within, but also beyond, the planning rule. FS leadership are convening consultative sessions with Native American leaders to make sure that sacred site issues are appropriately handled during the decision-making process for projects. This effort will also inform the rule writing team.

Responsible official: There is concern that so much responsibility has been placed on the “responsible official” when it seems to many tribal people that there is no such thing. It is more

like a “personnel shell game” with staff moving and changing positions regularly. There is no consistency, no chance of building a relationship.

This is a frequently raised issue, both by the public and internally as well. Inevitably, there are changes in leadership at all levels of the organization, but the agency needs to insure that the decision-making process is consistent and transcends the tenure of any individual line officer. This problem exists on two levels – the individual line officer and the longer term more institutional nature of the position that that person is in. The planning rule hopes to address both levels, by insuring that the responsible official is close to the ground and is involved in the collaborative process. Whether or not there is a change in local leadership, there will still be collaboration during the three phases described above.

The FS also realizes that the indigenous traditional religious leaders are in those positions “for life” – meaning for the rest of their lives, and on behalf of the life of the world, its resources and people.

Finally, it is important to recognize that tribal leadership and staff (those in the tribal government) also may have frequent turnover, and that this problem is not unique to the FS.

Positive aspects of the draft rule:

- Invertebrates are included in invasive species; reclaimed wastewater can contain dangerous bacteria
- Good foundation of studies by the FS and universities to provide the best science for decision-making
- Seems as if the FS is headed in the right direction
- Really appreciate the Forest Service opening up to indigenous people. We hope that it continues into the future.

Need to protect sensitive cultural information: Because the US government has not signed the UN Declaration on the rights of Indigenous Peoples, there is no reason to trust the USDA and the Forest Service to keep sensitive cultural information confidential. The 2008 Farm Bill gives no assurance. The government needs to understand that indigenous people do not want to reveal sacred information to them. If the government allowed indigenous people to look at the files in the Pentagon, then maybe they would be willing to share their information as well.

Need for definitions: Definitions, and who does the defining, are critical. Native people should have a role in these definitions. What is the definition of “native species”? Who defines the monitoring indicators? Who defines “elders”?

The FS intent is to define native and non-native species in a very collaborative way, with tribes and others with knowledge to share. Understanding that the “best available science” identified in the rule is western science perhaps 200 years old, the rule anticipates incorporating traditional ecological knowledge to enrich the understanding of what native species are. This will be an important goal during the collaboration and consultation in the assessment process. Tribes will be asked to help define focal species, as well, that will be monitored for evaluation of the plan and how well it is doing.

Identifying elders is not the place for the Forest Service. This will be for each tribe to determine.

Need for Principle #9: As proposed on the May 3rd tribal conference call, Principle # 9 would state that the planning rule would in no way abrogate or diminish traditional land uses whether for ceremonial practices, medicinal plant harvesting, traditional subsistent activities or other cultural uses, and that these rules would in no way infringe upon the rights or treaties of the indigenous people. Rather the planning rule should promote, protect and enhance the indigenous people's right to follow their way of life.

There is a departure from past planning rule efforts when staff developed a proposed action and issued a notice of intent to draft a new planning rule. For the 2011 rule, the agency came to the public with principles and questions. Although there was no principle that addressed tribal concerns, FS leadership hopes that they have honored those concerns since, in the draft language and in the many national and regional roundtables and public meetings, regional tribal workshops, and on these tribal calls these concerns were captured and addressed. Based on the first tribal conference call, and other tribal input, the rule drafters have emphasized early and frequent consultation and collaboration with tribes and Alaska Native Corporations to learn about issues relating to protection of, and access to, forest resources – physical, cultural and spiritual. Every effort is being made to address those tribal concerns throughout the rule language, just as if there had been a Principle # 9 in the Notice of Intent. Finally, when the rule is published there will be more meetings and opportunities like this one to let the agency know if they are still falling short on these issues.

Comment from Joel Holtrop, Deputy Chief: Holtrop assured listeners that although he and his staff were offering immediate responses to the many concerns, this would not be the end of their consideration. He and his staff will continue to think about these points raised and discuss and consider them carefully during the rule writing process.

Natural Resources Conservation Service (NRCS) Handbook: A caller wanted to inform Forest Service and tribal leadership of a successful process used by NRCS to attain and utilize tribal knowledge. The final document is a handbook which is now integrated in their work. This may be an important model to be considered in the development of the planning rule.

Resources needed to participate in consultation and collaboration: Many tribes are unable to attend consultation meetings or other collaborative activities because of the expense in travel. The rule should provide for the cost of travel for these tribal representatives. The intention behind consultation may be good, but if people cannot afford to attend the agency will lose important input.

The FS understands this problem facing many tribes, and above all they want to give people the opportunity to be effectively involved, through a wide variety of forums. Sometimes it may involve reimbursement for travel, or sometimes the agency may travel to a different location. Although FS staff know that face-to-face is always best, sometimes it may be wise to use technological opportunities like this one.

Communicating with Chief Tidwell, USDA Forest Service: A caller wanted to know if a letter sent to Chief Tidwell on June 8 would be part of this process.

Yes, all letters are definitely being included in this process.

Management Indicator Species (MIS): The planning document talks about regional versus unit management. How does this affect MIS species? If species are protected regionally, we may be required to travel long distances to collect species from our culture. We should maintain the rule that calls for sustainable populations of species at each forest.

The FS goal is to maintain viable populations of all native species on each unit, each forest. This is a pivotal part of the new rule. The concept of focal species will replace the MIS concept (that the trend of one species will tell you about another), which the FS believes is not well supported by science. The new rule will call for monitoring that is strategically focused at a limited number of species that can be well monitored. The results will indicate the integrity and overall health of the system to which it belongs.

Unit monitoring within the national forest will determine how well the FS is doing at implementing the plan and moving the forest to the desired conditions. At the broader scale the FS will strategically pick focal species that are common to many units, like the sage grouse in the west. The process will be to work with the scientists, the partners in the states and with the tribes to design protocols and survey methodology that everybody can use in a consistent way. This will provide meaningful information across the areas to be monitored, rather than each forest developing their own monitoring plan, protocols and techniques. This multi-forest regional scale will be more appropriate for some of the more complex questions facing forest management.

Objectives v. standards: Standards and guidelines may be useful but programmatic resource objectives are more adaptive and inclusive, helping multiple programs work toward common outcomes, at all scales from the local unit to the regional.

FS staff agrees on the importance of objectives and desired conditions.

Consistency across forests: Many tribal interests span across several unit boundaries, making a complex consultation process. Consistency of resource management plans across forest boundaries is important when dealing with a tribal entity. The Klamath National Forest and Six Rivers National Forest, for instance, offer tribes totally different processes.

The FS agrees this is a problem. An example of consistency across forests is in the Blue River Forests in Oregon. They are looking at their forests and adjacent lands, including tribal lands, to build consistencies.

Reforestation: It is important to look at the ecosystem to guide the choice of strategies for reforestation. A strategic combination of fuels reduction, thinning, prescribed fire and managing wild land for research benefits may be a more appropriate reforestation strategy than simply planting rows of trees everywhere.

Reforestation choices must be a case by case situation. The FS goal today is not to plant monocultures, but rather to maintain ecosystem and species diversities.

Cumulative impacts: The NEPA process should include and highlight the cumulative effects of past management practices, which can be far-reaching into the future. Examples include roads, clear-cut forests and high intensity fires that can contribute to debris torrents, drainage water transfers and the blockage in streams. Solving these site-specific and chronic problems can not only restore that component of landscape but will be instrumental in restoring fisheries and beaver population capacities and our watersheds.

Cumulative impacts definitely will part of the environmental impact statement process for forest plan revisions. In addition, the FS does cumulative effects analysis on individual projects. Some of the issues mentioned above could also be well addressed in the objectives and desired conditions for the plan.

Section 106: To what extent will the new planning rule alter the Section 106 process in the National Historic Preservation Act, which provides for the consideration of cultural and historic properties in federal undertakings?

The new planning rule should not impact Section 106 at all. In fact, the improved communication between tribal historic preservation officers and forest archeologists in the collaboration and consultation processes in the new rule should enhance Section 106.

Damage to the natural world:

- Indigenous people live in the natural world and lead a natural life. This life is being threatened by development that is allowed inside the forests. There are too many roads and too many people. A pure spring in Florida has been contaminated by people going there with sun screen on and getting in the water. These contaminants affect the fish and turtles and other animals. The number of people coming into these natural areas must be controlled. And we native people can't harvest our herbs or our fish anymore. The Forest Service won't let us. There is also damage done by cars running over wild animals on the roads, and if there is a fence, then the animals can't travel where they need to go.
- If we don't take care of our natural world and live in harmony, there will be natural disasters, like fires and floods and tornadoes. This is already happening in many places.
- This rule is addressing things that have already happened. It is too late for many tribes and many places. They have been ruined by too many people, littering and trespassing. And now there will be new energy developments allowed, like solar and wind generators on top of mountains. Where is the accountability for damage that has already happened?

FS spokespersons acknowledged that they need to take into account not only the natural world but the effects of people's interaction with that natural world, in the rule and in individual plans and projects. During assessments and monitoring, the FS will be looking for impacts to natural areas or places, and will be determining whether or not a change in the plan is needed to bring back that resiliency to the ecosystem.

Elders: Many tribes have elders who do not hold government positions but are very important to the community.

- How does the Forest Service define "elder" when they say they are going to consult with elders? Does this include elders of non-federally recognized groups, like the Southern

Sierra Miwoks who were forced from their land in Yosemite Valley? There are federally recognized tribes who consider these elders to be their elders. Will they be able to be included in consultations? Is there any limit on the number of elders the FS will consult with?

- A tribe may have many elders, maybe 10 medicine men. We cannot choose just one.

Certainly it is up to a tribe to define who their elders are and how many should participate.

At the forest level it is common for a federally recognized tribe to sponsor a non-federally recognized to participate in whatever meetings or events with the agency they choose. For instance a federally recognized tribe can sponsor a non-federally recognized tribe for closure of National Forest land for ceremonial activities.

Ashes scattering: It is not right for people to scatter human remains in the forests. We do not want to touch those remains. Traditionally we put our deceased high up on the hill or out in the rocks and do a special ceremony. If we ever touch a dead body that is not treated that way it will hurt us.

Native employees of the Forest Service: The FS should understand the needs of their native employees. There may be certain prayers or blessings that are important at certain times and places, like the construction of a new building. It is important that supervisors understand this and allow it.

Native rituals in the forest: Only members of federally recognized tribes should be allowed to conduct rituals on National Forest Service land. There are too many non-Indian shamans and website gurus out there. There is a sun dance held in a national forest every year that is not an Indian ritual.

FS spokespersons expressed their appreciation for these several comments that help highlight the richness and complexity of the issues facing the agency and its partners, including tribes. They pledged to do everything they can to appropriately assess the needs of the indigenous people as the planning process moves forward.

Status of ongoing rule revisions: How will this new planning rule process allow for the consideration and integration of ongoing forest plan revisions?

Between 16 and 18 forests are proceeding under the 2000 rule and following the 1982 procedures. There are another 15-20 that could start a revision or amendment process next year. There will be transition language for the 2011 rule that will help forests transition to the new rule. The agency will work closely with those forests needing to make that transition.

Utilization of resources: In addition to protecting resources, please include as a key planning rule element a reference to using resources. One of the major cultural values of southeast Alaska tribes is the protection and honoring of the land, and also the utilization of the land. We try to integrate those two directives in all we do.

Tribal-driven: In addition to being stakeholder-driven and science-driven, the forest service plans should be tribal-driven, and the new rule should reflect this in its mission statement. In

Alaska, tribes have fought for this kind of recognition in working with the Tongass Futures Roundtable and have succeeded.

A FS spokesperson appreciated the recommendations, and the reference to the Tongass National Forest work. It is always helpful to understand the efforts that are underway.

Accountability: Who is going to be accountable for all the irreversible damage that has already been done to nature, all the roads, people, litter? And will this new rule just permit more damage to be done, like allowing new solar and wind energy developments in sacred places?

Understanding that these are profound concerns and that the FS will continue to work on them, a spokesperson pointed out that the assessment process is intended to look at all of the impacts, past and present, on the ecosystem, including people's use of the National Forests. This assessment will guide decisions about how forest resources are used in the future.

Closing Remarks: Tony Tooke expressed his appreciation for all the questions and comments from the callers. These contributions will make a better planning rule for the National Forest System, and that is the goal. He reminded everyone that he, Deputy Chief Joel Holtrop, and several staff including members of the rule-writing team were listening intently and taking notes during the call. Tooke recapped the comments from callers. He emphasized that the immediate answers given by FS staff to the questions and comments were intended to help begin a dialogue on these complex issues, not to provide a quick response. All the concerns will be considered in depth as the rule is written. He added that this is a perfect moment to hear these comments, because no decision has been made, nothing is set on stone. The rulemaking process is dynamic, transparent and inclusive, and the rule will respond to the public, government partners, and of course to tribes.

From here, the Forest Service will be working with the Department of Agriculture, the Undersecretary and the Secretary to produce a final draft of the proposed rule. The final draft will be reviewed by other agencies the end of September and hopefully will be published in December. The 60-day comment period will follow. Either during or after that period there will be more public roundtables and perhaps another tribal conference call, if tribes wish. The calls are very helpful to the Forest Service, and they would welcome more opportunities to continue the discussion. Following this comment period, the rule will be amended and finalized, reviewed by agencies in the spring and summer, and the final rule should be published in the Federal Register November 2011.

Joel Holtrop, Deputy Chief of the National Forest System, added his thanks to those on the call – the callers and his staff in Washington. He repeated his commitment to producing the best possible rule, and said that those who called in had contributed a great deal. He asked everyone to stay engaged as the rule moves forward. He added that he respects the relationship that many of the callers have with the land, and that he understands how much they care about the national forests and grasslands. He invited tribal representatives to visit the Forest Service in Washington D.C. to continue this conversation, or simply get acquainted.

Lucy Moore, facilitator, thanked everyone for their participation. She said she was very pleased to be part of a process that is dynamic, transparent, inclusive and responsive, as Mr. Tooke had said.