



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

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STRENGTHENING TRIBAL CONSULTATIONS AND NATION-TO-NATION RELATIONSHIPS

A USDA Forest Service Action Plan

Cover image: Sunset over the La Sal Mountains. Adobe Stock photo.

Facing page image: Tribal field trip on the Umatilla National Forest to look at various activities like fuel treatments, cultural sites, and sacred sites. USDA Forest Service photo.

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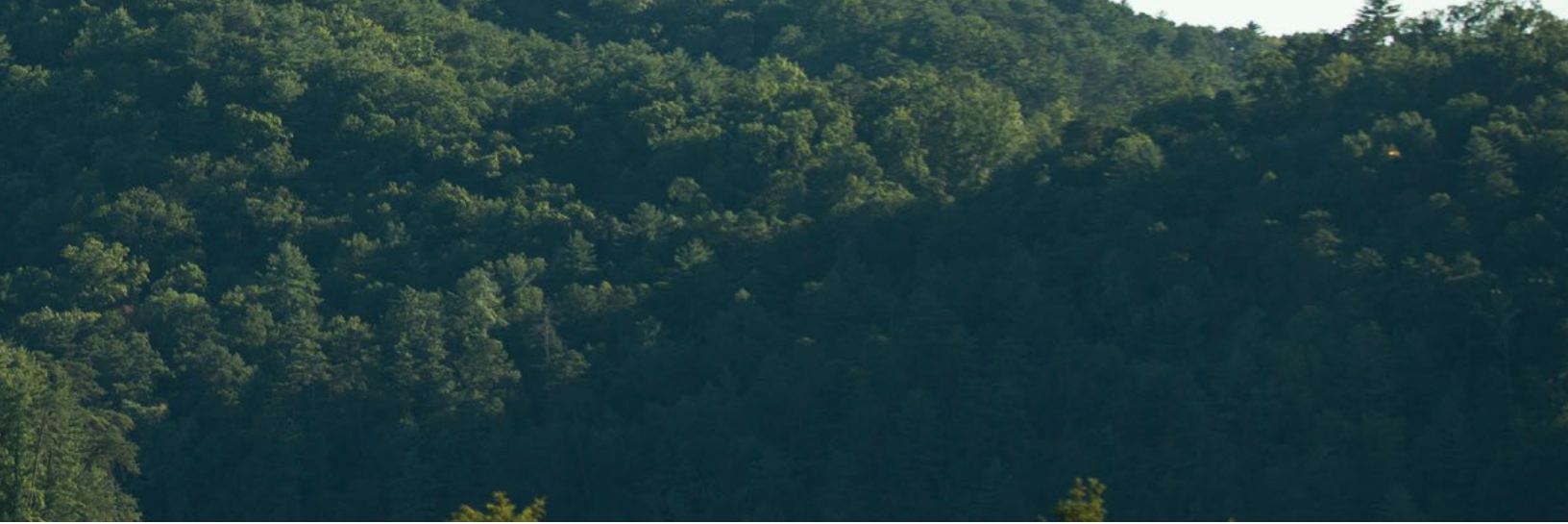
CHIEF'S PREAMBLE

I am honored to be a part of the ongoing effort to recognize and incorporate the expertise and knowledge that Indigenous Nations possess about forests, grasslands, natural resources, and wildlife management. As an agency of the U.S. Department of Agriculture (USDA), the Forest Service is continually striving to become a more diverse, open, and inclusive agency. We cannot achieve our mission alone, and Indigenous Nations are a key partner in how we value, co-manage, and steward the Nation's grasslands and forests.

The Forest Service is responsible for managing millions of acres of lands and waters that are the ancestral homelands of American Indian and Alaska Native Tribal Nations. Many of those lands and waters lie within areas where Tribes have reserved the right to hunt, fish, and pray by ratified treaties and agreements with the United States. Concurrently, it is important to recognize a dark and complicated shared history, where many Indigenous People were forced to move from and give up their homelands. When we acknowledge that history, we can begin the urgent work to repair relationships with Tribes.



Indigenous Nations have a deep connection to their ancestral homelands. We can only begin to understand that profound connection when we get the honor to visit and interact with Tribes and learn about the cultural and spiritual significance of federally managed lands and waters and the wildlife and resources those areas contribute to the Indigenous way of life. As public servants, this personal approach gives us a chance to understand Tribes' origin stories, as well as their passion for these places. When we visit, we get the opportunity to explore paths to ensure we meet our duty to uphold our Federal trust and treaty responsibilities to Tribal Nations, as well as the real-life implications of our policies and programs and how they affect Indigenous Peoples. It's an opportunity to better understand, through an Indigenous lens, their perspective on what has happened and is still happening. This level of understanding cannot be gained by merely participating in formal government-to-government consultation meetings but can only be reached through a deeper level of engagement.

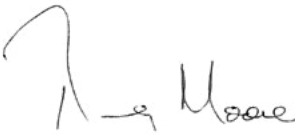


Understanding the perspective and wisdom Indigenous People have also gives us an opportunity to reflect on what is wrong with our current policies and practices and what role we can play in trying to right those wrongs. We may not have the authority to right things to the degree we may be asked to, but we can begin to build bridges and relationships that lead to trust as we leverage existing authorities to make a positive difference between the U.S. Government and Indigenous Nations. We can start doing this by creating space for Indigenous Nations to share the knowledge and expertise they possess through their longstanding relationship with the land.

As part of fulfilling the Federal trust responsibility, we fully share the administration’s commitment to strengthening nation-to-nation relationships. This includes a focus on co-stewardship, respectful application of Indigenous Knowledge, and protection of sacred sites. This also includes the trust responsibility we have to federally recognized Tribes that we are bound to honor through treaties, laws, and policies.

I am honored to offer this USDA Forest Service action plan, “Strengthening Tribal Consultations and Nation-to-Nation Relationships” (Action Plan). Through this Action Plan, which complements our Equity Action Plan, we will empower and educate our employees to engage more meaningfully with Indigenous Nations. This Action Plan is critical to communicating our intent to work with and improve relationships with Tribes. I acknowledge it will take time for the Forest Service to effectively demonstrate our trustworthiness and commitment to do better, and in a manner that honors treaty and other reserved rights and protects Tribal history, communities, culture, and other trust assets.

Together, we can leverage our nation-to-nation and personal relationships into more effective and long-term management and stewardship of our shared resources as we address the challenges we all face from climate change, wildfire, and other threats to our shared lands. Let us embrace the opportunities ahead of us to meet the needs of present and future generations.


RANDY MOORE
Chief, USDA Forest Service

DIRECTOR'S FOREWORD

Currently, the United States and Tribal Nations are creating a more realistic and progressive relationship that honors and respects Tribal sovereignty. President Biden's Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships affirms that "[t]he Federal Government has much to learn from Tribal Nations, and strong communication is fundamental to a constructive relationship."

We are witnessing significant growth of the American Indian and Alaska Native populations, cultural expression and ownership, and economic development.

This moment is critical for Forest Service employees to lead from where they are, to acknowledge, plan, take substantive actions, and step through the aperture of opportunity that, right now, is wider than any other time in history. Through a process of diplomacy, trust building, and creating innovative opportunities with Tribal Nations, the Forest Service will equip its leadership and staff to increase and advance the understanding of Indigenous Knowledge, awareness, and cultural competency.

Through the actions detailed in the following plan, we will continue to empower and educate our employees in the Forest Service to work with Tribes as a force multiplier. In doing so, we are poised to use existing authorities to lead Federal land management Tribal relations without fear or favor, with clear guidance and intent to meet our treaty and trust obligations, and with plans to build upon co-created successes.

The shared responsibility in this action plan seeks to merge our stated governmental ideals and Forest Service values with the Indigenous understanding of *Mitakuye Oyasin* (interconnectedness).



A handwritten signature in black ink, appearing to read 'Reed Robinson'.

REED ROBINSON, Sicangu/Lakota
Director, Office of Tribal Relations
USDA Forest Service



INTRODUCTION

The U.S. Constitution¹ and treaties establish the unique legal and political relationship between the U.S. Government and American Indian and Alaska Native Tribes, corporations, and villages. The Federal trust responsibility is an obligation on the part of the United States to protect Tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of Federal law with respect to all federally recognized American Indian and Alaska Native Tribes and villages.² It “derives from the Federal Government’s consistent promise in treaties and laws to protect the safety and well-being of the Indian Tribes, Alaska Native corporations, and Tribal members.”³

The terms “federally recognized Indian Tribe,” “Indian Tribe,” and “Tribe” are used in this document to refer to any Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or other community included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized

Indian Tribe List Act of 1994 (25 U.S.C. 479a-1; see also Executive Order 13175, sec. 1(b)). In addition to strengthening government-to-government relations with federally recognized Indian Tribes and Alaska Native corporations (ANCs), the U.S. Department of Agriculture (USDA), Forest Service also encourages engagement with non-federally recognized Tribes and Native Hawaiians, as well as American Indian, Alaska Native, and other Indigenous individuals, communities, inter-Tribal organizations, enterprises, and educational institutions.

In the Forest Service, the Office of Tribal Relations (OTR) manages, leads, and provides direction for the national Tribal Relations Program; advises agency leadership on Tribal relations programs, policies, and procedures; and ensures service-wide orientation and training of Forest Service employees for competency in Tribal relations. The National Tribal Relations Team includes the OTR in Washington, DC; the regional Tribal

1 The U.S. Constitution regulates:

- Commerce with Tribes: Article I, Section 8, Clause 3 gives Congress the power to regulate commerce with Tribes.
- Treaties with Tribes: Article II, Section 2, Clause 2 grants the President power to make treaties with the advice and consent of Congress; Article IV, Clause 2 recognizes that treaties are the supreme law of the land, and States must recognize treaties even if they conflict with State constitutions or State laws.
- Federal Property Clause: Article IV, Section 3, Clause 2 establishes Congress’ authority to make rules and regulations for U.S. property. Lands under Indian title are held in trust by the United States for the benefit of Tribes.

2 [Forest Service Manual 1563.01b](#). See the U.S. Department of Health and Human Service’s [fact sheet on trust responsibility](#) for more information.

3 [Forest Service Manual 1563.01b](#).

relations program managers; forest, grassland, and prairie Tribal liaisons; and research station liaisons. The Tribal Relations Program focuses on improving relations between Indian Tribes, as defined by 25 U.S.C. 479a,⁴ and the Forest Service.

This USDA Forest Service action plan, “Strengthening Tribal Consultations and Nation-to-Nation Relationships,” (Action Plan) is the product of diverse perspectives from the unit, regional, and national levels of the agency. It provides agency guidance and assistance to fulfill the Federal trust responsibility, honor treaty obligations, and support Tribal self-determination.⁵ This document complements the USDA Action Plan on Tribal Consultation and Strengthening Nation-to-Nation Relationships pursuant to the [Presidential memorandum dated January 26, 2021](#). Implementation of this Action Plan

requires agencywide coordination, cooperation, and collaboration at the national, regional, station, and forest unit level, as well as continued work in policy, training, engagement, practice, consultation, collaboration, and accountability. Guided by this Action Plan, the Forest Service will be better able to meet all new and existing policies and administrative direction. This Action Plan provides a framework for advancing existing laws, regulations, and policies in the Forest Service and is not intended to amend or establish new policy or directive. It does not contain specific standards, criteria, or guidelines pertaining to resource management programs and can be implemented through existing programs and processes. This Action Plan is effective until superseded.

4 Per [Public Law 108–447 Stat. 2809, 3267](#).
5 This Action Plan is additionally responsive to, and builds on, the [2012 Report to the Secretary of Agriculture on USDA Policy and Procedures Review and Recommendations for Indian Sacred Sites](#), the [Forest Service Research and Development Tribal Engagement Roadmap](#), and the [USDA Forest Service Tribal Relations Strategic Plan for Fiscal Years 2019-2022](#).



A Texas Conservation Corps crew completed natural resource projects on the Angelina and Sabine National Forests. The crew, which included members of the Alabama-Coushatta Tribe of Texas, focused on needs of both the local forests and Tribes; their work included recreation infrastructure maintenance, forest management, and wildlife habitat monitoring. The group also spent time with Forest Service partners to coordinate management projects. Texas Conservation Corps photo by Ina Bullock.

FOCUS AREAS

This Action Plan is divided into four focus areas and is designed to address barriers identified during consultation⁶ with Tribes and ANCs and by staff in the Tribal Relations Program. The Action Plan includes tables of action items and responsible staff

and program areas across the Forest Service with an intended completion date. The action items are centered on the agency, but may require upward coordination with USDA.



6 Specifically, the 2021 and 2022 USDA consultations on equity, as well as Forest Service consultation/collaboration on climbing, timber management, monitoring, Bipartisan Infrastructure Law, climate adaptation plan, restoration agreements, and this Action Plan.

1. Strengthen Relationships Between Indian Tribes and the USDA Forest Service

The Tribal Relations Program strives to enhance relationships between the Forest Service, Tribes, ANCs, non-federally recognized Tribes, and Native Hawaiians, as well as American Indian, Alaska Native, and other Indigenous individuals, communities, inter-Tribal organizations, enterprises, and educational institutions, thereby improving the agency's ability to foster effective partnerships and respect Tribal sovereignty.



Rocky Mountain Regional Forester Frank Beum (center of photo) hands out regional challenge coins during a Tribal consultation. USDA Forest Service photo by Richard Meyers.



Chicken of the woods, an edible shelf fungus, ethically harvested in Kootznoowoo Wilderness, Admiralty Island National Monument, Tongass National Forest, AK. USDA Forest Service photo by Mackenzie Schultz.

a. Enhance Consultation, Coordination, and Collaboration

Forest Service policy requires that all Forest Service offices, units, and staff provide an opportunity for Tribes and ANCs to participate in the development and delivery of policies, programs, projects, plans, and other actions to the greatest extent practicable and consistent with applicable law. The Forest Service reaffirmed its commitment to regular, meaningful, and robust consultation with Tribal and ANC leaders on national-level policies, procedures, and actions that have Tribal implications.⁷

The Forest Service developed protocol for national-level consultation that serves to:

- Honor the existing practice of a minimum 120-day Tribal consultation period.
- Clarify the agency's Tribal consultation process.
- Assist deputy area leaders, policy specialists and teams, subject matter experts, other responsible staff, and OTR in the planning and execution of national-level Tribal consultation.
- Provide Tribal and corporation leaders with the opportunity to participate in policy formulation more fully by providing opportunities for collaboration and consultation with agency national leaders who have the authority to issue Forest Service-wide policies and procedures.

To improve transparency in consultation activities starting in 2022, each year the Forest Service will report on all agency consultation, which will incorporate evaluation of agreements, actions, and results of consultation sessions, and share it with the affected Tribal government(s). The intent of this report is to keep the USDA informed of the agency's progress and will be provided to Tribal governments, ANCs, and other Federal agencies to assist in improving agency consultation. These reports require the agency to develop and improve the data infrastructure required to support a comprehensive national program.

7 As stated in a [July 2021 letter from Chief Randy Moore](#).

Forest Service policy supports the Department’s initiative to align collaboration and consultation among USDA agencies. Agency consulting officials and staff are invited to participate in interagency consultations, as appropriate. The agency continues to develop and improve tools for the oversight and management of Tribal consultation and collaboration.

Units proposing Federal actions will have a process to ensure Tribal trust responsibilities are met throughout the decision-making process and upon project inception (e.g., prior to purpose and need development). Appropriate agency manuals and handbooks require updates to make this expectation clear.

Table 1a.—Enhance Consultation, Coordination, and Collaboration

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Publish an annual report on all agency consultation and share it with Tribal governments, as per USDA Departmental Regulation 1350-002 ⁸	Office of Tribal Relations	Annually in December
Per Forest Service Handbook 1509.13.11.41, develop protocols with Tribal officials for consultation on issues and decisions that may have a direct, substantial effect on Tribal lands, subsistence uses, treaty rights, sacred sites, or cultural resources or practices on and off reservations	National forest and grassland units	December 2023
Better integrate and align the policy revision process with consultation	Office of Regulatory and Management Services, Directives and Regulations; Office of Tribal Relations	Ongoing
Implement the Tribal Relations Directives as outlined in Forest Service Manual 1563 and Forest Service Handbook 1509.13	National forest and grassland units; all deputy areas	Ongoing
If an interest is expressed, invite Tribal staff to participate in interdisciplinary planning teams	National forest and grassland units	Ongoing
Involve the Office of Tribal Relations director in redelegation of consultation authority	Office of Tribal Relations director; regional offices; national forest and grassland units	Ongoing

8 **USDA Departmental Regulation 1350-002 on Tribal Consultation, Coordination, and Collaboration** requires agencies to maintain a record of Tribal consultation. For reporting and oversight purposes, the agency is responsible for entering select components of the consultation record into its own record keeping system and a USDA Tribal Consultation Database to be created and maintained by the Office of Tribal Relations. The entry of reporting data into the database does not affect the agency’s obligation to maintain the full consultation record in accordance with this policy and any other applicable statutory or regulatory requirements, such as the Federal Records Act. When developing further details on the contents and process for maintaining the consultation record, agencies are encouraged to consult with their agency records officer.



b. Expand Communications

Communicating agency actions is critical to transparency with Indian Tribes and ANCs, as well as efficient internal operations. In coordination across the agency, the Forest Service will develop communication strategies to:

- Support regions, forests, and stations in creating or updating their Tribal relations web pages.
- Improve internal coordination between OTR, the national office, regional offices, forests and grasslands, and research stations.
- Redesign the National Tribal Relations SharePoint site.
- Improve public information with respect to Tribal relations.

- Advertise Forest Service funding and employment opportunities to Tribes.
- Share best management practices and success stories.

The Forest Service will establish a procedure for responding to inquiries from:

- Forest Service staff, by creating an internal Tribal relations question and answer forum on the National Tribal Relations SharePoint site.
- Tribes, through management of the consultation email inbox at sm.fs.otrtribalcon@usda.gov.
- USDA, through consistent communication with the OTR director.

Table 1b.—Expand Communications

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Update pertinent Forest Service web pages, where considered appropriate by associated Tribes, to share the history of Tribal connections to the land, their ancestral territories, and incorporate background on the contemporary Federal-Tribal relationship	All deputy areas; regional offices; national forest and grassland units; public affairs officers	Ongoing
Update signage, especially at recreational areas, to include Tribal history and perspective	Recreation staff at national, regional, and unit offices	Ongoing
Hire a Tribal information officer	Office of Communication	January 2023
Develop an awareness-generating external campaign to welcome diversity and inclusivity and create connections, respect, and responsibility on national forests and grasslands, while honoring cultural connections and Indigenous Knowledge	Office of Communication; National Partnership Office; National Forest Foundation	September 2023

c. Update USDA Forest Service Policies and Processes

The Forest Service Directive System establishes guidance for developing, maintaining, and enhancing the agency’s relations with Indian Tribes and ANCs. Tribal relations related directives were last amended in 2016 (81 FR 12447). In consultation with Tribes and ANCs, OTR will review and revise these directives to

incorporate new authorities, regulations, and policy direction.

With assistance from OTR, the Forest Service will address impacts to Tribal rights and interests by clarifying and enhancing agency directives.

Table 1c.—Update USDA Forest Service Policies and Processes

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Assign appropriate director area liaisons as the points of contact to evaluate policy for Tribal nexus, gap analysis, and barriers	All deputy areas	Ongoing
Initiate Tribal relations policy update of Forest Service Manual 1560 and Forest Service Handbook 1509.13, chapter 10	Office of Tribal Relations	June 2023



2. Fulfill Trust and Treaty Obligations

The Forest Service is committed to managing Federal lands “in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes including the Native Hawaiian Community.”⁹

One of the best preserved and largest known petroglyph sites in the Verde Valley on the Coconino National Forest. USDA Forest Service photo by Deborah Lee Soltesz.

9 Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, section 1

a. Advance Protection of Treaty Rights, Reserved Rights, and Similar Tribal Rights

With the 2021 [Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights](#), the USDA and other signatory agencies affirmed their “commitment to protect Tribal treaty rights, reserved rights and similar Tribal rights to natural and cultural resources” and intent “to demonstrate that commitment through early consideration of treaty and reserved rights in agency decision-making and regulatory processes.”

Consistent with section 3c of Joint Secretarial Order 3403, it is Forest Service policy to manage Forest Service-administered lands and resources on which Tribal treaty rights exist in consultation with Indian Tribes and to implement programs and activities consistent with and respecting Indian treaty and other reserved rights.

Table 2a.—Advance Protection of Treaty Rights, Reserved Rights, and Similar Tribal Rights

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Develop agreed-upon protocols with Tribal officials for consultation on issues and decisions that may have a direct, substantial effect on Tribal lands, subsistence uses, treaty rights, sacred sites, or cultural resources or practices on and off reservations	Regions, stations, national forest and grassland units	Ongoing
Consult and collaborate with Tribes in the development of a Forest Plan Revision Process, including the development of plan components, standards, guidelines, and management approaches	All deputy areas; national forest and grassland units	Ongoing



b. Expand Application of Indigenous Knowledge¹⁰

The agency is dedicated to expanding the respectful application of Indigenous Knowledge in coordination with the Interagency Indigenous Knowledge Working Group. Indigenous Knowledge is proprietary information, owned by Tribes, and requires special safeguards and permissions to ensure that it is considered and applied in a manner that is prescribed by Tribes and Indigenous communities and in accordance with the [Cultural and Heritage Cooperation Authority](#). An internal, Forest Service-specific Indigenous Knowledge Implementation Team is forming to develop a Forest Service Indigenous Knowledge Implementation Plan to assist in the management of agency lands. Plan deliverables include:

- Policy updates for the Forest Service.
- Guidance on the application of subject matter-relevant Indigenous Knowledge in research products, such as general technical reports.
- Education on policy, processes, prioritization, and land management applications (e.g., conservation and restoration actions) relevant to and benefited by the application of Indigenous Knowledge.
- A collection of best practice models for applying Indigenous Knowledge into land management and research, as well as monitoring the integration of Indigenous Knowledge into agency decision making (i.e., forest plan revisions should include application of Native knowledge as required in the [2012 Planning Rule](#), which specifically identifies the importance of incorporating Indigenous

Knowledge land ethics, cultural issues, and sacred and culturally significant sites in the planning process; to the extent possible, this information should be identified in the assessment phase and considered throughout the planning process—monitoring approaches and plans need to consider Tribal perspectives).

- Direction on including Tribal liaison input in incident action plans and incident management teams.

Through a collaborative approach with the Indigenous Knowledge Implementation Team, and in accordance with the White House Office of Science and Technology Policy and Council on Environmental Quality memoranda on [Indigenous Traditional Ecological Knowledge and Federal Decision Making](#) and [Guidance for Federal Departments and Agencies on Indigenous Knowledge](#), the agency supports the advancement of Indigenous Knowledge through participatory research on topics of joint interest. These topics include, but are not limited to, archaeology, botany, climate change, environmental justice, equity, fish and wildlife, food security, forest products and sustainable forest management practices, geology, mining, health, heritage and cultural resources, Indigenous range issues (e.g., bison), reforestation, revegetation, restoration, sacred sites, social vulnerability, human health and well-being, sustainability, subsistence, water security and protection, and wildland fire science and management.

10 As stated in the November 30, 2022, White House memorandum on [Guidance for Federal Departments and Agencies on Indigenous Knowledge](#), this Action Plan generally uses the phrase “Indigenous Knowledge” but recognizes that a variety of terms, including Traditional Ecological Knowledge, Traditional Knowledge, Indigenous Traditional Knowledge, Native Science, and related formulations, are preferred by different Tribes and Indigenous Peoples. Those terms are used when referencing specific situations in which the relevant Tribes, Indigenous Peoples, or Federal decision makers have selected a different term.

Table 2b.—Expand Application of Indigenous Knowledge

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Educate staff on Indigenous Knowledge	Indigenous Knowledge Implementation Team	Ongoing
Develop an agencywide Indigenous Knowledge implementation plan	Indigenous Knowledge Implementation Team; all deputy areas	Ongoing
Consolidate models of best practices for applying Indigenous Knowledge	Indigenous Knowledge Implementation Team	Ongoing
Identify and address issues surrounding privacy protection, intellectual property, and physical protection of Indigenous Knowledge	Indigenous Knowledge Implementation Team	Ongoing
Support Indigenous Knowledge through participatory research on topics of joint interest	Indigenous Knowledge Implementation Team; Research and Development deputy area	Ongoing



Tsimshian elder and weaver, Loa Ryan, leads a group through the Olympic National Forest. Ryan educates her audience, which includes two of her granddaughters, on when and how to sustainably harvest cedar bark. Later, she will demonstrate how her Tsimshian ancestors used cedar bark to weave baskets and clothing. The Tsimshian people have been harvesting cedar bark from this forest since time immemorial. USDA Forest Service photo.



c. Improve Protection of and Access to Sacred Sites

Executive Order 13007 - Indian Sacred Sites, issued May 24, 1996, directs Federal land management agencies to “(1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites.” Agencies shall maintain the confidentiality of sacred sites, unless directed otherwise by the associated Tribe(s). The 2008 Cultural and Heritage Cooperation Authority grants the Forest Service authority to protect Tribal information from release under the Freedom of Information Act.

On December 6, 2012, the Secretary of Agriculture accepted the recommendations included in the USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites. Implementation of the recommendations from the 2012 report increases the level of protection of and access to Indian sacred sites.

In the November 2021 [Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites](#), the USDA and other signatory agencies committed to “improv[ing] the protection of, and access to, Indigenous sacred sites through enhanced and improved interdepartmental coordination, collaboration, and action.” The USDA’s Forest Service and the U.S. Department of the Interior co-chair the interagency working group to enhance collaboration, coordination, and address significant issues pertaining to sacred sites.

Roger Cain, Tribal ethnobotanist with the United Keetoowah Band of Cherokee Indians in Oklahoma, harvests river cane (*Arundinaria gigantea*), a culturally important plant to Southeastern Tribes, on the Ozark National Forest. USDA Forest Service photo by Lexie Rue-Harris.



The interagency working group is developing best practices for:

- Management, treatment, and protection of sacred sites.
- Collaborative stewardship with Tribes and Native Hawaiian Organizations.
- Meaningful consultation on and incorporation of Indigenous Knowledge.
- Building Tribal and Native Hawaiian Organization capacity.
- Maintaining confidentially and sensitive information.

The interagency working group also continues to enhance efforts to integrate consideration of sacred sites early into the decision-making, regulatory, and consultation processes; outreach; and training.¹¹

The Forest Service continues to improve the protection of and access to sacred sites and places on agency managed lands identified by Indian Tribes as essential to their religious, ceremonial, or traditional cultural practices. Early consideration of sacred sites is provided for in the [2012 Planning Rule](#), which directs the responsible official to provide “federally recognized Indian Tribes and Alaska Native Corporations the opportunity to undertake consultation.”¹² Responsible officials are also required to “request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites” during consultation for and coordination of forest planning with Indian Tribes and ANCs and take into account “cultural and historic resources and uses.” The [2012 Planning Rule](#) also requires new plans and plan revisions to include components, standards, and guidelines to provide for “protection of cultural and historic resources” and “management of areas of Tribal importance.”

Table 2c.—Improve Protection of and Access to Sacred Sites

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Reestablish a Sacred Sites Team including staff from OTR and national, regional, and forest-level units to support the work of the interagency working group	Office of Tribal Relations	January 2023
Monitor the recommendations from the 2012 Report to the Secretary of Agriculture, USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites , and similar recommendations for efficient, effective, and thorough implementation	Deputy areas, regions, stations, national forest and grassland units	Ongoing
Evaluate current standards and guidelines for the management of cultural historic resources and areas of Tribal importance, including sacred sites	Office of Tribal Relations	Ongoing

11 [Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites](#)

12 [36 CFR 219.4](#)



d. Steward Natural and Cultural Resources

Cultural and natural resources significant to American Indians and Alaska Natives are located on lands managed by the Forest Service. The Forest Service works to facilitate increased Tribal access to natural and cultural resources on Forest Service managed lands, in alignment with the [Cultural and Heritage Cooperation Authority](#). The Forest Service plans to:

- Continue to identify and address barriers to accommodating Tribal access to and use of Forest Service-managed lands for traditional and cultural purposes.
- Incorporate Tribal interests into management strategies for natural and cultural resources, including management changes to increase plants, animals, and trees of importance to Tribes (e.g., blueberries, sugar maples, snowshoe hare).
- Clarify and make consistent agency procedures around free use of forest products for traditional and cultural purposes.





Table 2d.—Steward Natural and Cultural Resources

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Increase Tribal access to natural and cultural resources within national forests and grasslands, in part, through forest planning, authorities, and agreements	National forest and grassland units	Ongoing
Consult, coordinate, and collaborate in planning for resources of significance to Tribes	National forest and grassland units; Ecosystem Management Coordination, Planning Service Organizations	Ongoing
In compliance with Forest Service Manual 1563.04g, Washington Office staff directors designate subject matter specialists to review policy and identify and disclose barriers to Tribal access to natural and cultural resources and support consultation efforts on addressing those barriers	Office of Tribal Relations; Lands and Realty Management; Minerals and Geology Management; Recreation, Heritage, and Volunteer Resources; Forest Management, Rangelands Management, and Vegetation Ecology; Ecosystem Management and Coordination; Biological and Physical Resources; Fire and Aviation Management	September 2023
Explore the use of special management areas for natural and cultural resources	National forest and grassland units	Ongoing

A photograph of a forest floor covered in fallen cedar bark peels and ferns. The peels are large, curved, and light brown, showing the inner bark. The background is a dense forest with green foliage and tree trunks. A semi-transparent text box is overlaid on the upper left, and a circular graphic with yellow, red, and black segments is on the right.

3. Enhance Co-Stewardship of the Nation's Forests and Grasslands

To support healthy and resilient forests and grasslands that protect Tribal rights and interests on lands managed by the USDA Forest Service, benefit Tribal communities, and help the Forest Service better accomplish its mission, the agency engages in co-stewardship of the national forests and grasslands with Tribes, including cross-boundary partnerships that comply with existing laws, regulations, and policies.

Cedar bark peelings harvested by Indigenous Tsimshians on the Olympic National Forest. The bark is used to make traditional clothing and baskets. USDA Forest Service photo.

The Forest Service is an active participant in the joint U.S. Department of the Interior and USDA’s Tribal Homelands Initiative effort¹³ to improve Federal stewardship of public lands, waters, and wildlife by strengthening the role of Tribal communities in Federal land management.

a. Advance Tribal Stewardship

As noted in the [Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#), “it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal

stewardship and Tribal self-government.”¹⁴ The Forest Service, as appropriate and within its authorities, “support[s] the consolidation of Tribal landholdings within reservations, including Tribal acquisition of Federal lands and private inholdings.”

Table 3a.—Advance Tribal Stewardship

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Support implementation of section 6 of Joint Secretarial Order 3403	USDA Office of the Secretary; USDA Office of Tribal Relations; USDA Natural Resources and Environment; USDA Office of General Counsel; Forest Service Office of Tribal Relations, Office of the Chief, and deputy areas	Ongoing

b. Increase Equity and Access for Tribes in Other USDA Forest Service Programs and Services

- In addition to co-stewardship of lands managed by the Forest Service, the agency continues to promote collaboration with Tribes that supports healthy and resilient forests and grasslands. The agency works with Tribal governments and ANCs to identify and publicize opportunities that:
- Increase understanding of Forest Service programs that could provide opportunities to Tribes, specifically the grant cycles of the Community Forest Program and Landscape Scale Restoration Program.

- Provide technical assistance to Tribes, including for funding application processes and other needs identified by Tribes.
 - Increase partnership opportunities between the Forest Service and Tribes.
 - Address barriers in implementing agreements that limit Tribal access and participation in Forest Service programs.
 - Promote expanded exercise of agency discretion to improve access to programs.
 - Increase contracting with Tribally owned businesses.

13 USDA Press Release No. 0245.21, [Agriculture and Interior Departments Take Action to Strengthen Tribal Co-Stewardship of Public Lands and Waters](#)

14 Joint Secretarial Order 3403 on [Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#), section 6.

Table 3b.—Increase Equity and Access for Tribes in Other USDA Forest Service Programs and Services

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Increase partnership opportunities with Tribes, Tribal organizations, and Tribal nongovernmental organizations	Office of Tribal Relations; national forest and grassland units; all deputy areas	Ongoing
Maximize use of the full suite of instruments available to enter into agreements directly with Tribes	National forest and grassland units; all deputy areas	Ongoing
Update the 2014 “Guide for Tribal Governments to Start a Partnership with the Forest Service or Obtain Federal Financial Assistance”	Office of Tribal Relations; Office of Grants and Agreements; National Partnership Office	Ongoing



c. Support Co-Stewardship

The Forest Service is committed to an agencywide strategy to co-steward with Tribes in a manner that recognizes and honors Tribal treaties and other reserved rights and interests on Forest Service-managed lands and that protects Tribal lands and communities from risks (wildfire, insects, disease, climate change, etc.).¹⁵ The strategy seeks to reinforce existing collaborative efforts and authorities by greatly expanding scope and scale of Tribal involvement in agency work, planning, and decision making, as well as Tribal self-determination. Collaboration on establishment of priorities, planning, and incorporation of Indigenous Knowledge add value to the Forest Service’s work by integrating specialized knowledge of the landscape and resources into agency land management. Co-stewardship may reduce conflict between Tribes and the agency through improved communication and shared perspectives. The strategy is also responsive to specific direction under [Joint Secretarial Order 3403](#)

[on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters and Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) and is aligned with the Forest Service Manual and Handbook directives regarding Tribal relations.

The Forest Service established an internal team and plans to establish a Tribal leader (or delegated proxy) advisory council to support co-stewardship across the lands managed by the agency. Resources for Tribes and Forest Service staff are under development to provide clear guidance on co-stewardship authorities. The Forest Service works with the USDA Office of the General Counsel to assess regulatory and policy barriers that limit more effective engagement with Tribes.

15 [Tribal Forest Protection Act of 2004, 25 U.S.C. 3115a](#)



A Texas Conservation Corps group, which included members of the Alabama-Coushatta Tribe, learns to identify plants on the Angelina and Sabine National Forests. Texas Conservation Corps photo by Ina Bullock.

Table 3c.—Support Co-Stewardship

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Identify budgetary resources needed to support co-stewardship	Strategic Planning, Budget, and Accountability; Office of Tribal Relations	Ongoing
Identify opportunities for co-stewardship	Recreation, Heritage, and Volunteer Resources; Fire and Aviation Management; Lands and Realty Management; Biological and Physical Resources; Forest Management, Rangelands Management, and Vegetation Ecology; other relevant programs	Ongoing
Identify opportunities to expand planning guidance that encompasses co-stewardship principles and actions	Ecosystem Management and Coordination, Planning Service Organization	Ongoing
Assess Tribal and Forest Service capacity needs to determine Tribal training and technical assistance needs to increase co- stewardship capacity	Office of Tribal Relations	Ongoing

4. Advance Tribal Relations Within the USDA Forest Service

The Forest Service OTR manages and provides direction for Tribal relations within the Forest Service. To effectively fulfill the Federal trust responsibility and meet the administration's intent to honor U.S. commitments to Tribes and ANCs, the Forest Service must continuously improve how the agency creates, maintains, and improves Tribal relations.



Staff on the Tongass National Forest work with Alaska Native communities to create a garden for the Tlingit potato, which is native to Alaska. USDA Forest Service photo by Amy Li.

a. Engage in Legislative and Policy Monitoring

The agency’s Legislative Affairs office coordinates with OTR to track and report on proposed and pending legislation with Tribal equities. OTR assists Legislative Affairs, upon receipt of enacted legislation with Tribal implications, in the identification of Forest Service policies and legislation that require Tribal consultation. In implementing existing and newly enacted laws, the agency then incorporates, where

practicable, feedback received from Tribes and ANCs during consultation. Requests from Congress for technical assistance on proposed and pending legislation with Tribal implications is a separate process that also involves direct engagement between the agency and Congress, in coordination with OTR, USDA, and other relevant departments and agencies.

Table 4a.—Engage in Legislative and Policy Monitoring

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Coordination between Forest Service Legislative Affairs, Forest Service Office of Tribal Relations, USDA Office of Congressional Relations, and USDA Office of Tribal Relations	Legislative Affairs; USDA Office of Congressional Relations	Ongoing
Maintain a Legislative Affairs liaison to the Office of Tribal Relations	Legislative Affairs	Ongoing
Establish a process for meaningful and timely technical assistance from the Office of Tribal Relations in the development of legislative comments or proposed legislation that may have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes	Legislative Affairs; Office of Tribal Relations	Ongoing
Establish an accountable process for meaningful and timely input by the Office of Tribal Relations in the development of regulations that may have substantial direct effects on one or more Indian Tribes	All deputy areas and directorates; Office of Regulatory and Management Services	Ongoing
Establish an accountable process for meaningful and timely input by the Office of Tribal Relations in other policy statements or actions, including strategic plans, action plans, and communication campaigns, that may have substantial direct effects on one or more Indian Tribes	All deputy areas and directorates; Office of Communication	Ongoing

b. Engage Youth

Tribal youth engagement is supported in Forest Service Conservation Education, interpretive programming, Pathways Programs, 1994 Tribal Scholars Program, Workforce Development Partnerships, and conservation service programs, such as Youth Conservation Corps, Public Lands Corps, Resource Assistants Program, and Indian Youth Service Corps, as well as with Tribal partner

organizations. OTR supports recruitment of Tribal youth into Forest Service career opportunities. OTR, in collaboration with the National Forest System, supports engagement in Indian Youth Service Corps by supporting professional development, experiential learning, and career pathway opportunities, as well as partnership opportunities with external organizations, agencies, and institutions of higher learning.

Table 4b.—Engage Youth

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Continue and expand Tribal youth engagement , workforce development, and recruitment	All deputy areas	Ongoing
Implement Indian Youth Service Corps guidelines and program development	National Forest System; Office of Tribal Relations	Ongoing
Develop a list of educational products (e.g., distance learning programs, books, Junior Ranger booklets) that include Indigenous perspectives	Office of Tribal Relations; Conservation Education	Ongoing

c. Expand Collaboration With Working Groups and Coalitions

The agency is committed to participating in a governmentwide approach to Tribal relations.¹⁶ By continuing to work through existing interdepartmental and intradepartmental working groups focused on supporting Tribal initiatives, the agency can better coordinate with other agencies and departments on topics of mutual interest to improve service delivery to and relieve consultation fatigue upon Tribes. Existing working groups in which the agency currently participates include the [White House Council on Native American Affairs](#), the Environmental Protection Agency and U.S. Department of Justice [Federal Interagency Working Group on Environmental Justice](#), [USDA Environmental Justice Working Group](#), [USDA Native American Working Group](#), and the Forest Service American Indian/Alaskan Native [Employee Resource Group](#). New internal working groups may increase coordination of Tribal interests in Federal management of public lands and resources, as directed by departmental and agency leadership and agency policy.

16 [Memorandum on Government-to-Government Relations with Native American Tribal Governments, April 29, 1994](#)



Members of the Tohono O’odham Nation perform trail maintenance on Frog Mountain in the Coronado National Forest, a part of their traditional homeland. USDA Forest Service photo by Doreen Ethelbah-Gatewood.



Table 4c.—Expand Collaboration With Working Groups and Coalitions

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Increase coordination and collaboration across the agency and with USDA to streamline outreach and consultation with Tribes	Office of Tribal Relations	Ongoing
Increase coordination and collaboration with Tribal organizations, nonprofit and for-profit entities, communities, and other significant Forest Service partners to better serve Tribal Nations , including funding to support Tribal capacity and workforce development	Office of Tribal Relations; National Partnership Office; Office of Communication; national forest and grassland units	Ongoing

d. Grow Agency and Tribal Capacity Through Training and Collaboration

All Forest Service employees are required by [USDA Departmental Regulation \(DR\) 1350-002](#) to learn about Federal trust and treaty responsibilities to Tribal Nations and meet core competencies for Tribal relations work. Education and training are paramount in meeting the agency’s Federal trust and treaty responsibilities. In compliance with DR 1350-002, OTR will, with support from the Enterprise Program, develop a Forest Service 3-tier Tribal relations training for:

- Tier 1: Senior staff and management.
- Tier 2: Regional leadership, line officers that conduct Tribal consultations, and other staff with Tribal relations responsibilities.
- Tier 3: All Forest Service employees.

All Forest Service employees should take the USDA training modules currently available in AgLearn as an interim, complementary training while the Forest Service develops specific 3-tier training. Senior executive staff are required to take the following trainings as part of their yearly performance standards:

1. [History of Federal Tribal Relationships](#)
2. [Tribal Trust Responsibility](#)
3. [Tribal Sovereignty](#)
4. [Tribal Consultation, Coordination, and Collaboration](#)

OTR will also identify and support professional development and training opportunities for the national Tribal Relations Program.

Table 4d.— Grow Agency and Tribal Capacity Through Training and Collaboration

USDA Forest Service Action Item	Responsible Program	Date of Completion
Develop a 3-tier Tribal relations training for: senior staff and management; regional leadership, line officers that consult Tribal consultation, and other staff with Tribal relations responsibilities, and; all Forest Service employees	Office of Tribal Relations; Enterprise Program	September 2023
Develop and implement a Tribal relations training process for standards, criteria, and guidelines for positions supporting Tribal relations in compliance with the USDA Tribal Hiring Memorandum	Office of Tribal Relations; Work Environment and Performance Office	December 2024
Have employees incorporate the appropriate Tribal relations training modules into their annual training plans	Staff with supervisory roles	September 2023
Ensure line officers and staff complete training prior to consultation and coordination with Tribes	Supervisors of tier 2 employees	December 2024
Develop additional complementary training modules for cultural competency, sacred sites, and law enforcement and investigations	Office of Tribal Relations; Enterprise Program; region and station offices; Law Enforcement and Investigations; Workplace Environment and Performance Office (logistics)	Ongoing
Support regions and units in the development of regional and local Tribal relations training, as per Forest Service Manual 1563.04i	Office of Tribal Relations; regional Tribal Relations Program managers	Ongoing
Develop dispute resolution standards and processes specific to Tribal relations issues	Office of Tribal Relations; Human Resources Management	October 2024
Assess staffing needs for implementation of Tribal relations programs and propose positions in deputy areas where currently needed	Office of Tribal Relations in collaboration with deputy areas	December 2023
Update the USDA Forest Service Research and Development Tribal Engagement Roadmap	Research and Development	September 2024
Allocate Tribal funds for fiscal year 2023	Deputy area budget coordinators; Strategic Planning, Budget, and Accountability	Fiscal Year 2023
Develop, monitor, and report on training and technical assistance in collaboration with Tribes and agency staff	Office Tribal Relations; Tribal organizations and other associated programs	Ongoing



Tribal students learn about fuel treatments and fire management on the Umatilla National Forest. USDA Forest Service photo.

e. Implement Reporting, Accountability, and Performance Measurements

Executive Order 13175 on Consultation and Coordination with Indian Tribal Governments and relevant statutes and treaties require the Federal Government to “establish regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications, to strengthen the United States government-to-government [and government-to-corporation] relationships with Indian Tribes [and ANCs], and to reduce the imposition of unfunded mandates upon Indian Tribes [and ANCs].”

Pursuant to the accountability and measurement key actions in the USDA Action Plan on Tribal Consultation and Strengthening Nation-to-Nation Relationships, the Forest Service is implementing performance and training accountability measures at the senior management level to fulfill requirements to “establish Departmentwide guidance on performance measurements relating to Tribal consultation and collaboration which will be incorporated into individual personnel performance reviews and plans.”

In addition to the metrics established for fiscal year 2022, tier 1 and 2 Forest Service employees will receive a performance measure that aligns with their level of responsibility as outlined in Forest Service Manual 1563.04 for Tribal collaboration and program service delivery. With the approval of the Workforce Environment and Performance Office, notification will occur to affected employees of these new performance measures prior to the beginning of each fiscal year beginning with 2023. Implementation of this action will be developed in collaboration with Workforce Environment and Performance Office and Human Resources Management.

The Forest Service is accountable in numerous ways to demonstrate success in Tribal relations, including actions and reporting that are responsive to the USDA



The Santa Fe National Forest and Pueblo of Jemez work together to find markets for small-diameter trees harvested for landscape restoration, such as these at the Walatowa Timber Industries mill. USDA photo by Lance Cheung.



Action Plan on Tribal Consultation and Strengthening Nation-to-Nation Relationships and to administration and Secretarial priorities and direction, most specifically the [Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters](#), [Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), and the [Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#). To support this direction, the Forest Service will execute several strategies to inform performance both internally and externally. In addition to employee performance review standards to be implemented, OTR will collaborate to develop or improve performance measures of progress toward meeting the objectives and goals of [Executive Order 13985](#) and [Joint Secretarial Order 3403](#), including assisting the Forest Service and USDA in activities related to developing new co-stewardship agreements and enhancing existing ones.

The Forest Service is assessing the current state of agency data to improve on existing data collection systems and develop new tools to capture data gaps. In addition to employee performance and consultation reporting and evaluation metrics, other measures are being developed to capture and track progress in Tribal collaboration, co-stewardship, and other activities. An assessment is underway to determine potential key performance indicators that analyze collaborative planning, management, and research with Tribal entities. All measures identified and created are intended to provide robust monitoring and reporting on Tribal co-stewardship and collaboration, including Indigenous Knowledge and research.

OTR develops annual end-of-year reports on Tribal relations. These reports compile information from Washington Office staff and field units to be submitted to the National Leadership Council and Executive Leadership Team.

Table 4e.—Implement Reporting, Accountability, and Performance Measurements

<i>USDA Forest Service Action Item</i>	<i>Responsible Staff</i>	<i>Date of Completion</i>
Create performance review standards	Human Resources Management; Office of Tribal Relations	October 2023
Notify regional foresters and station directors of required annual end of year reports	Deputy chiefs; Office of Tribal Relations; all deputy areas, regions, stations, and units	Annually in August
Develop and continue use of web-based tools that support the national Tribal relations information needs as described in Forest Service Manual 1563.04f(18)	Office of Tribal Relations; Chief Information Office; Office of Communication	Ongoing

f. Improve Tribal Relations Program Configuration and Staffing

The USDA Forest Service OTR is administratively situated at the national headquarters under the State and Private Forestry Deputy Area. The name of the deputy area will change to State, Private, and Tribal Forestry to respect the sovereign status of Tribes. Although OTR sits at the national headquarters, the implementation of Tribal relations programs varies across regions and units.

Successfully addressing Tribal relations work and the opportunities to include Indian Tribes and communities in Federal decisions and actions necessitates having access to agency leadership at all levels. Such access ensures appropriate diplomatic relationships, effective engagement with Tribal governments, and increased alignment and situational awareness. Tribal relations specialists will be ad hoc members of unit leadership teams to ensure they have direct and regular access to forest,

station, regional , and national leaders. Tribal relations program reviews are currently conducted out of Cooperative Forestry in the State and Private Forestry Deputy Area and are under evaluation for appropriate placement within the agency’s organizational structure.

The agency is hiring additional full-time permanent Tribal relations staff who meet competencies as outlined in the USDA Recruiting and Hiring Tribal Relations Positions Advisory. OTR partners with deputy areas, regions, and stations to assess and analyze existing Tribal relations-related positions, identify methods to strengthen, support, and improve the agency’s Tribal Relations Program, and define strategies to recruit candidates from diverse backgrounds in a manner that is equitable, inclusive, just, and accessible. OTR also plans to expand its staffing.



Over 28,000 ponderosa pines, 4,800 chokecherry, 3,400 green ash, and 100 native buffaloberry and skunkbrush seedlings were recently planted on the Custer Gallatin National Forest, which encompass the traditional homelands of many Northern Plains and other Indian Tribes. USDA Forest Service photo.

Table 4f.—Improve Tribal Relations Program Configuration and Staffing

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Change the name of the State and Private Forestry Deputy Area to State, Private, and Tribal Forestry	Office of Tribal Relations; State and Private Forestry; Office of the Chief	January 2023
Review the current structure of regional Tribal relations program reviews to determine if they should remain with Cooperative Forestry	Office of Tribal Relations; Cooperative Forestry	September 2023
Establish and implement effective Tribal relations programs for all regions, research stations, and units	Regional foresters; station directors; forest and grassland supervisors	March 2023
Develop effectively, timely communications between national, regional, and unit Tribal relations staff	Regional foresters; station directors; forest and grassland supervisors	Ongoing
Ensure Tribal program management interests are represented in the decision-making process of nunit, regional, and national leadership teams	Regional foresters; station directors; forest and grassland supervisors	March 2023

g. Promote and Implement the Administration’s Direction

As an executive branch agency, the Forest Service is responsive to the administration’s Executive orders, Presidential memoranda, and directives. The Forest Service continues to strengthen Tribal relations as the Federal laws and directives listed below are incorporated into agency policies and decisions:

- Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis
- Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships
- Presidential Memorandum on Uniform Standards for Tribal Consultation
- Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad
- Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters
- White House Office of Science and Technology Policy and Council on Environmental Quality memorandum on Indigenous Traditional Ecological Knowledge and Federal Decision Making
- White House Office of Science and Technology Policy and Council on Environmental Quality memorandum on Guidance for Federal Departments and Agencies on Indigenous Knowledge
- Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites
- Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights
- Implementing procedures to remove derogatory terms from Federal usage
- Bipartisan Infrastructure Law
- Inflation Reduction Act

The Chief of the Forest Service formed the Tribal Nation Sovereignty and Responsibility Advisory Commission,¹⁷ a group of agency leaders who strive to ensure Indian Tribes and Tribal communities are included in relevant decision making and that program and service delivery respect Tribal

sovereignty. Members of the Commission include senior leaders across the agency, representing the National Forest System, State and Private Forestry, Business Operations, and Research and Development deputy areas, as well as national forest and grassland units.

Table 4g.—Promote and Implement the Administration’s Direction

<i>USDA Forest Service Action Item</i>	<i>Responsible Program</i>	<i>Date of Completion</i>
Ensure policy implications of Executive orders and memorandums are conveyed to appropriate programs	All deputy areas	December 2021
Provide counsel and advice on the development of program direction for the Bipartisan Infrastructure Law, Inflation Reduction Act, and appropriated funds for the integration of Tribal rights, interests, and opportunities	All deputy areas; Bipartisan Infrastructure Law implementation teams	Ongoing
Track and assist in reporting the investments from the Bipartisan Infrastructure Law and Inflation Reduction Act in support of Tribal co-stewardship priorities and the Justice40 Initiative	All deputy areas; Bipartisan Infrastructure Law and other budget implementation teams	Ongoing
Formalize membership of the Advisory Commission to include representation across deputy areas	Office of Tribal Relations	February 2023

17 The Tribal Nation Sovereignty and Responsibility Advisory Commission formed in 2020 to assist the Forest Service in meeting the charges of the current administration with respect to Tribal relations. The Commission convenes diverse perspectives to identify challenges, barriers, and opportunities to successful collaboration with Tribes. Members of the Commission work within their spheres of influence to provide coordinated leadership on the implementation of Tribal relations at all levels of the agency. Close communication between the Commission and OTR ensures the agency can prioritize its actions in a manner that is responsive to the priorities of Tribes and ANCs. Ultimately, the Commission seeks to position the agency to respond swiftly and appropriately to renewed Federal commitments to Tribes and ANCs.



APPENDIX

Glossary of Key Terms for This Action Plan

Barriers: Actions, policies, directives, or decisions, both conscious and unconscious, and individual and institutional, that prevent access to opportunities and benefits for people of color and other underserved groups. See [Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#).

Co-Stewardship: Co-stewardship of USDA Forest Service lands with Tribal Nations and qualifying Tribal organizations is currently available using a range of agency authorities. Guidance is found in multiple Forest Service Manual and Handbook sections, departmental directives, Executive orders, and Presidential memoranda, and most recently in Joint Secretarial Order 3403 on “Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters” between the Secretaries of Agriculture and the Interior (November 2021). Existing policies and authorities also fully support most of the desired considerations consistently expressed by Tribes and inherent in fulfillment of Federal trust responsibility. Namely, to inform management of forests and grasslands in a manner that honors treaty and other reserved rights on ceded homelands, incorporates traditional ecological knowledge, and protects Tribal communities and their cultural and other trust assets on the lands managed by the Forest Service.

Trust Responsibility: Arises from the United States’ unique legal and political relationship with Indian Tribes. It derives from the Federal Government’s consistent promise, in the treaties that it signed, to protect the safety and well-being of the Indian Tribes and Tribal members. The Federal trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect Tribal treaty rights, lands, assets, and resources, as well as a duty to carry out the mandates of Federal law with respect to all federally recognized American Indian and Alaska Native Tribes and villages. See [Forest Service Manual 1563.01b](#).

Indian Tribe, also Tribe: Any Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or other Community, the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1). See [Executive Order 13175, sec. 1\(b\)](#).¹⁸

Native Knowledge: A way of knowing or understanding the world, including traditional ecological and social knowledge of the environment derived from multiple generations of Indigenous peoples’ interactions, observations, and experiences with their ecological systems. Native knowledge is place-based and culture-based knowledge in which people learn to live in and adapt to their own environment through interactions, observations, and experiences with their ecological system. This knowledge is generally not solely gained, developed by, or retained by individuals, but is rather accumulated over successive generations and is expressed through oral traditions, ceremonies, stories, dances, songs, art, and other means within a cultural context. See [2012 Planning Rule](#).

Non-Federally Recognized Tribe, also Unrecognized Tribe: A group of Native Americans or Alaska Natives that are not included on the list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1), but which may be recognized as a Tribe by a State. The Forest Service has no trust or treaty responsibility to consult with unrecognized Tribes on a government-to-government basis, but the Forest Service may work with these organizations through other authorities.

Ongoing: In the context of this Action Plan, ongoing refers to an action that has no discrete date of completion. The activity is iterative, adaptive, and assigned milestones or metrics to track progress on fulfilling action deliverables.

Policies That May Have Tribal Implications: Proposed Forest Service regulations, legislative comments, proposed legislation, and other policy statements or actions that may have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. See [Executive Order 13175, sec. 1\(a\)](#) and [Forest Service Manual 1563.11](#).

Sacred Place: Any specific location on lands managed by the USDA Forest Service, whether site, feature, or landscape, that is identified by an Indian Tribe, or the religious societies, groups, clans, or practitioners of an Indian Tribe, as having important spiritual and cultural significance to that entity, greater than the surrounding area itself. Sacred places may include but are not limited to geological features, bodies of water, burial places, traditional cultural places, biological communities, stone and earth structures, and cultural landscapes uniquely connecting historically important cultural sites, or features in any manner meaningful to the identifying Tribe. See [Report to the Secretary of Agriculture, USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites](#).

18 In addition to government-to-government and government-to-corporations relations with federally recognized Indian Tribes and Alaska Native corporations, the Forest Service encourages engagement with non-federally recognized Tribes and Native Hawaiians, as well as American Indian and Alaska Native individuals, communities, inter-Tribal organizations, enterprises, and educational institutions. Per Joint Secretarial Order 3403, where authorizations include non-federally recognized Tribes they will be presumed directly incorporated.

Sacred Site: Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the Tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. See [Executive Order 13007](#).

Sovereignty: The power to govern. Tribes historically have been recognized as distinct, independent political communities with the power to exercise self-government. The right of Tribes to govern themselves is based on a preexisting sovereignty that has been recognized or acknowledged in treaties, statutes, Executive orders, and Supreme Court decisions. The United States continues to work with Tribes on a government-to-government basis to address issues concerning Tribal self-government, Tribal trust resources, Tribal treaties, and other rights and concerns. See “Cohen’s Handbook of Federal Indian Law,” chapter 4.

Traditional Ecological Knowledge: A cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission about the relationship between living beings (including humans) with one another and with their environment. See “Rediscovery of Traditional Ecological Knowledge as Adaptive Management,” <https://doi.org/10.2307/2641280>.

