

**Transcript from the National Tribal Roundtable Conference Call
USDA Forest Service, May 3, 2010**

Coordinator: Welcome and thank you all for standing by. At this time, I would like to remind parties that your lines are in a listen-only mode until the question and answer session, at which time you may press star 1 to ask a question. Today's call is being recorded. If you have any objections, you may disconnect at this time.

I will now turn the meeting over to Lucy Moore. Thank you. You may begin.

Lucy Moore: Thank you, (Rose). (Rose) is our operator and she'll be helping us on this adventure. I would like to welcome everyone to this Tribal Roundtable conference call. It's one of many opportunities for tribes to learn about and participate in the revision of the Forest Planning Rule.

My name is Lucy Moore. I'd like to just introduce myself first. I'm a mediator and a facilitator and I've worked with tribes, native nations and tribal communities for over 20 years. I'm in Santa Fe, New Mexico and I will be facilitating the call.

I am really honored to have been asked by the Forest Service to help in this way. I am an independent contractor working for the U.S. Institute for Environmental Conflict Resolutions, which is partnering with the Forest Service on this initial public participation process for the revision of the Forest Service Planning Rule.

This is a new experience for me to have such a large group on the phone. I will do the best I can to keep us all clear about the purpose and process and to keep us moving.

I confess I was skeptical about this format and technology, believing that face-to-face communication is the ideal. But I believe it's worth trying, because of its easy accessibility to all tribes. We would appreciate hearing how this experiment worked for you.

This is not government-to-government tribal consultation. I want to emphasize that. And in no way is it intended to replace that. This is just an additional opportunity for the Forest Service and tribes to work together.

I want to assure all of you that you will have a chance to speak. You will be called on in the order that you indicated you wish to speak. It may be a long wait, but your turn will come.

We will hear about the mechanics of the call a little bit later. Everything said on the call, as (Rose) said, by presenters and those with questions and comments, is being recorded and will be available in a full transcript for the rule-writing team to use.

I will also be preparing a summary of the points raised on the call. This summary will be available for all of you who are on the call within about three weeks.

I am going to review the materials that you've received and that are available online at the Forest Service Web site. That's fs.usda.gov/planningrule. This takes you to the main planning rule page where you will see an announcement for the tribal roundtable and a link to further information.

The material posted and that you should have received include a letter of invitation with the list of the eight principles, an agenda for the call, the discussion guide, an introductory PowerPoint presentation on the planning rule and the phone number for the call.

Our agenda includes welcoming remarks from Hank Kashdan, the Associate Chief of the Forest Service; Janie Hipp, Senior Advisor to the Secretary for Tribal Affairs and Tony Tooke, the Director of Ecosystem Management for the Forest Service.

Martha Twarkins who serves on the Forest Service Planning Rule Team will present information on the rule revision process and review the eight principles that suggest a framework for the rule. Please jot down your questions during these presentations since we will not be interrupting them.

Then we will open the question and comment line so that those of you who wish to ask a question or make a suggestion concerning the planning rule can speak.

At the end of the call, Tony Tooke will offer some concluding remarks and reflect what he has heard during the call. As I said, we will go as long as we need to in order to accommodate everyone. And I thank you all very much for your patience.

And now I'd like to turn the microphone, so to speak, over to the Associate Chief of the Forest Service, Hank Kashdan. Hank?

Hank Kashdan: Thank you, Lucy. Let me just say that it's an honor to welcome you to this National Tribal Roundtable conference call and being here on behalf of Chief

Tom Tidwell who is traveling on international forestry issues in Mexico and couldn't be available. So I'm certainly feel privileged to be here.

And I think that this process represents a focus on collaboration relative to the development of the new planning rule that I think is unprecedented for the Forest Service and we really look forward to applying it here today with all of you in getting the tribes' thoughts at this stage.

Clearly, we understand the special nation-to-nation relationship that we have with the tribes. And this conference call is an effort to expand on the opportunities for meaningful conversation that illustrates this focus on collaboration and doing so in an informal setting that provides for the opportunity for continued collaboration and dialogue throughout the process.

This call is for collaboration. As Lucy said earlier, this is not a replacement for tribal consultation as occurring and will occur throughout the rule-making process.

And as we go forward on this, I think, hopefully, you'll see how important we view the national forest to be to all of our - all of our constituents, important to many people, but nobody more so than the tribes.

And we know that the Forest Service is a close steward of your indigenous lands and we really felt it important to engage you in this way. Now let me just say on a personal note that this focus on collaboration is different than in the past.

You know, in prior efforts - and we've been in planning - land management planning routines for literally decades - in prior efforts when we talked about

public involvement, there were identified spots in the process where we would check in with the public, get your input, use that input to come to a decision.

I think what you'll find in this process is a continuous check-in and collaboration effort to help us really appreciate the views of all of the people we involve in these roundtables.

And let me just say that when it comes to appreciating those views, it means much more deeper than just getting input. It's understanding what is - all of the people we involve in the roundtable, especially the tribes, what is most important to them about the national forest?

Now last week, I was out in our Oregon/Washington region - we call it the Pacific Northwest region - and one of the key themes of that was collaboration.

And there we had a presentation from the Umatilla Tribe that they were (unintelligible) to all of our aspects of intensive management and activity on the national forest, be it climate change, watershed restoration, et cetera.

And they put it to us in the context of first foods management. And it was a way I looked at it that I just really hadn't been - appreciated being a perspective and that we would not have gotten had we not set up that opportunity for collaboration.

And I never would have thought it in the context of first foods and the importance that water, salmon, deer, (couse) and huckleberry are to the Umatilla tribe and how those four foundational foods related directly to the management of the national forests.

And so this collaboration effort is to try and intensifies at the core level of our planning what is important to, in the case of this roundtable, all of the tribes who are participating.

The national forests are clearly important to the secretary. I'm sure Janie Hipp will amplify that in a little bit. The secretary's vision about the national forests makes up these components.

It's a vision that must be a shared one, a vision that conserves our national forests while respecting the need for a good, solid forest economy that creates jobs and helps support rural communities and provides for recreation and reconnecting people to the land.

It's a vision that comes from an open collaborative dialogue like we're having here and a vision of restoration as a driving principle of a forest policy. Now take that from the secretary and let's put it in the context of the chief, Chief Tom Tidwell, myself and all of our national leadership.

We view the national forests as critically important sources of clean water, mitigating the effects of climate change, a place for recreation and renewal of spirit, essential habitats for wildlife, an important piece of our cultural heritage and an essential contribution to creating vibrant rural economies.

And in many cases, keys to - key to our very livelihood that - particularly in those rural areas and tribal areas that view - have the national forests at such high importance. So there are going to be numerous regional roundtables.

This that we're doing here today is a national level roundtable to be heard at the national level. But we're going to also be having many other roundtables

with specific tribes and tribal meetings in addition to this roundtable we're doing today.

So far in this collaborative process, we've had science - a science forum, two national roundtables, over 30 regional roundtables. We've gathered comments on how people think the planning rule should address the future of our national forests over the next decades. And this is specifically important to hear those same thoughts in this tribal forum.

So the emphasis of this conversation is on the level of planning that will be used in the planning rule. It's not looking at individual forests, but rather at the national planning rule which governs how those local forests develop their plans.

Now Martha's going to go over some of the specifics of that in a few minutes. But as was mentioned by Lucy, this call is essentially a replication of the national and regional roundtables that have occurred to date.

So the development of this new rule will provide the framework for revising land management plans that are responsive to modern challenges that we face today. And you've seen that laid out in the - in some of the notice of intent and other documents supporting this planning rule revision.

Those modern challenges are restoring and conserving forests, protecting watersheds, providing opportunities for quality recreation, addressing climate change, sustaining local economies, communities and cultures, improving collaboration and working across landscapes.

So I think you can see that we take this very seriously, very committed to this collaborative process and we're really honored to have you here and

appreciate you taking the time for the conversation we're about to embark on. So with that, I think I'm supposed to turn it over to Tony Tooke, our Director of Planning. Tony?

Tony Tooke: Okay, thank you, Hank. I, too, would like to welcome each of you and as the Associate Chief just indicated, I, too, am very honored to be able to participate in this discussion with each of you about developing a new planning rule.

At the historic White House Tribal Nations Conference, the President signed a Memorandum on Tribal Consultation, pronouncing tribal consultation a critical ingredient of a sound and productive federal-tribal relationship.

We - the Forest Service joined the President in this re-commitment to collaboration, both in the spirit and in action with our nation's American Indian and Alaska Native tribes as we move forward.

So in keeping with this directive and with our agency's policies, we're pleased to invite you to participate in this collaborative process in development of a new planning rule for the national forest and grasslands.

And as Hank just pointed out, this process is not in itself a consultation. However, it is an opportunity for information sharing and dialogue that will augment the consultation process.

The opportunity for formal government-to-government consultation will occur throughout development of the rule, but separately and in addition to this collaborative discussion and process we're engaged in now.

Just a little bit of background before we get further into the discussion. Our Department of Agriculture Secretary, Tom Vilsack, he called for a new rule to

guide development of national forest plans and he specifically charged us, in the Forest Service, with creating this new rule using a collaborative process.

Our Chief and other leadership, as well as myself and the planning rule team, we're all fully committed to the spirit of open and transparent and participation as we move through development of the new rule. We're very glad to have this opportunity to visit with each of you today about development of that new rule.

Back in December, on December the 18th, we issued a notice of intent to prepare an environmental impact statement for a new planning rule and outlined the collaborative process that we're using.

And in that notice of intent, there was a set of principles and questions that were suggested and - to help us guide the development of the rule. And these principles address things like protection of watersheds, conserving forests and sustaining cultures and economies.

Another piece of background, the open participatory process that we're using provides numerous ways for contributing meaningful input with the agency's decision-making process and it allows for diverse interests to come together to explore critical issues.

This input is going to be used by us in the Forest Service and our rule-writing team as we develop the rule and the draft environmental impact statement. So in addition to formal consultation with the tribes, which will happen throughout the process, there will be a variety of other opportunities for tribal information sharing and dialogue.

The format for this conference call has been used with great success, as we understand, by many other federal agencies, so we look forward to offering this opportunity to each of you today and learning from the experience with all of you.

We're also glad that so many tribes have participated in the over 30 national and regional forums that have been held to date different parts of the country. We've also held local and regional roundtables with tribes at almost ten different locations throughout the country.

So again, in the spirit of the President's recent commitment to tribal consultation and coordination as expressed in the executive order, as well as the secretary's charters to work collaboratively in developing the new rule, we welcome the contributions of the tribes in this effort.

And so now I want to turn it over to Martha. And she's a member of our planning rule team and she's going to share with you more details about the process that we're using to develop the rule and go through the principles with you.

Martha Twarkins: Thanks, Tony. As both Tony and Hank have mentioned, I feel very honored to be here today and appreciate your time. I think this is very important and, again, I appreciate you being willing to participate in this.

I just quickly want to go through some of the principles of the planning rule and some of the conversations that we're looking to have and have had. There's a spot either on the place that Lucy directed you to that you can look at the documents or another place to get to the documents that I'm going to be discussing is www.fs.fed.us.

That's the Forest Service's main page. And as you get on that main page and you scroll down a little bit, there's a area that says Spotlights and the third highlighted area under that is the Planning Rule Collaborative Regional Meetings.

And you can just click on the link in there and that will take you to the tribal conference call in which all the documents that we're discussing today are found.

So just briefly, as Tony and Hank had both mentioned, Secretary Vilsack has charged the Forest Service with developing a new planning rule that will move forest management into the next century.

We need a cool - a rule that allows us to be quick and effective in response to resource management challenges. Things have changed. We're currently under the 2000 planning rule, which directs us to the 1982 implementing procedures.

And a lot of change since 1982, so we do need this new rule and we need to hear from you as to what you think should be in it. There's been concerns about what have been in previous rules, so we're really taking a new look at this. We're looking at it from pretty much an open page.

What should be in this new rule? What should be in it to make it a transparent and inclusive rule? How can we do this to be effective in managing our national forests and to be responsive to those people that care about our national forests?

So in regards to where we are kind of in the rule process, so we have the National Forest Management Act which is a law which dictates that all

national forests should have a forest plan. And then the next step under regulatory there is the Forest Service Planning Rule which provides that framework for then individual national forests to write forest plans.

We're at that planning rule stage right now where we're looking at the context which is a framework then to describe to the national forests how to do their rule.

So it's really a broad-based, kind of higher tier analysis that we're doing right now where this is different for us in that, normally, we just send out a proposed rule and ask for comments on that rule.

We're looking at getting ideas early on in the process as to what should be in that rule before we actually come out with a proposed rule. So that's part of what this call is about as well as all the other meetings that we've had around the country.

So the plan is to gather all the comments that we've had from the national and regional roundtables as well as the tribal roundtable and develop a rule. We're going to develop a proposed rule and start writing it here in July and hope to have something close to done by December of this year.

That will then go out for a formal comment period, which is what most people are familiar with and our rule-writing and NEPA process where we'll go out for formal comment on the proposed rule and draft environmental impact statement.

So a little bit about what's different between a planning rule versus a forest plan. And if you're following along in the - on the PowerPoint that's on the Web, I'm on the fifth page, the Planning Rule versus Forest Plan.

So the planning rule lays out what is the minimum content of those forest plans? Minimally, what needs to be in forest plans? How and when will those plans be revised? Right now it's every 10 to 15 years. Is that right? When and how plans are amended? Who makes the plan decisions?

How should we be engaging the public - just through the normal NEPA process, through a more inclusive collaborative process? It also (unintelligible) to the analysis assessments and evaluation requirements. Appeals and objections - how people will be able to say, "Hey, I don't like this" and then relationship of those plans to projects.

So that's the planning rule. That's the level that we're at right now. That's where we're looking for comments and ideas on what should go into the planning rule.

So a forest plan, which this planning rule is providing that framework for the forest plans, some examples of what might be in a forest plan would be multiple use goals and objectives.

Management requirements - many of the forest plans currently have standards and guidelines - designation of suitable timberland, wilderness recommendations, monitoring and evaluation requirements. So those are what would be in a forest plan. So the planning rule that we're talking about right now would direct forest plans to address some of those things.

I've mentioned we've had a wide variety of comments to date and that comment along with what we hear from you today will be provided to the rule-writing team. We're going to use your comments.

There will be a transcript of this call that will have all of your comments verbatim so that we'll be able to tell specifically what tribes have what concerns. And we will be writing that rule and then again that - get that back out for formal comments and other opportunities as well. Lucy, back to you.

Lucy Moore: Great, Martha. Thank you so much. So I really appreciate everyone's patience. It must seem kind of strange to all be out in these different locations just waiting for a chance to interact here and that time is coming now. So thank you all for those presentations.

We'll now open the line for speakers. So if you are out there and wishing to speak, please press star 1 at any time. You can press it now if you know you want to speak. Your name is then going to appear in order on my screen. And I will call on you one at a time, starting at the top, in the order that you pressed star 1.

The operator will open your line and my line and the presenter's lines will stay open so that we can ask questions, clarifying questions, or make a comment or answer a question of yours. I'd appreciate everyone's consideration of the time that we have and the large number of people on the line.

So please be as brief as you can and, of course, if you are just wanting to listen at this time and would like to submit comments later in writing, you're very welcome to do that by the Web site. And Martha, could I ask you - I'm just not that good at all this - how people can go to the blog and enter their comments?

Martha Twarkins: Oh yes. We'd like to continue this conversation on the Forest Service Planning Rule blog. And that's a great opportunity for - we will be - we read these so

we add it. It provides an opportunity for other people to engage in the conversation as well.

If you go to that Web page that I identified, which is at www.fs.fed.us, click on the Planning Rule link. That will take you to our main planning rule page. And if you look on the right-hand side, there's a - at the bottom yellow box.

It says Highlights and on that - in that yellow box under Highlights there's a spot to click on the Forest Service Planning Rule blog. And so I would direct you to that place and please engage in as much conversation as you would like with that.

Lucy Moore: Great. Thanks, Martha. So we're now going to open up the line for the first speaker at the top of the list and I'm going to ask each speaker to please state your name clearly. This is being recorded and we want to get all the spellings right - your position, your tribal affiliation.

And if you're going to comment on one of the eight principles that are part of this process, please tell us which one it is. And of course, you're welcome to comment or ask anything else that you wish that relates to the Forest Planning Rule revision. So we will start with Shawn Mulford. (Rose)?

Coordinator: Shawn Mulford, your line is open.

Shawn Mulford: Okay, thank you. I am Shawn Mulford. I'm with the Navajo Nation and in - I'm currently right now in Pinon, Arizona. And on the rules process I guess you have the eight principles here.

And I think the main concern that we have, or the main issue is that in your process we need to formally include the voice of the indigenous elders in that process. I'm trying to look in the eight rules here and I don't see that.

So I think they're the ones that can speak strongest and with most clarity when it comes to the natural elements here, the species and wildlife habitat that you have. So first and foremost, I think that needs to be put into the process. That door needs to be open for them.

The other thing, you talked about sustainability and protecting the water and I think those are - because of the way the environment is today and the impacts that we're having from the changing system, that's important. Water is going to be the most precious resource.

And so as this eight plans get inputted and developed, we really need to make sure our sacred areas like Snowbowl on the San Francisco Peak in northern Arizona are kept from being polluted with reclaimed wastewater or anything outside of the natural order, such as snowmaking.

So if you can protect that site, then that's the most important thing. If these eight principles here can't protect a site like Snowbowl, which is sacred to more than 13 tribes in the Southwest, then you can have one rule or you can have a thousand rules, it doesn't matter. It will be ineffective for the process that we need.

Lucy Moore: Yes.

Shawn Mulford: So most important, that's going to be a test here on your rule-making principle. If you can protect San Francisco Peak and leave that area in a pristine natural condition, then your rule will have some effect.

But if you can't protect that area, then I don't care what you do. It will not be good enough. So - and I did talk with Tom Tidwell about it. We went to the great indoor initiative in Washington. So that's important.

The other thing I had here was you said here you had a commitment to the collaborative process. And I think that means you need to sit down with the indigenous elders, not in a format like the phone conference that you have today, but in a face-to-face way, in the traditional way.

So that needs to be put into this rule also because if you just do it this way, what happens is you end up moving things too quickly. You - then we just become a check-off as indigenous people. You just say, "Oh, yes, we collaborated with them and we had a phone conference and these were - there were, you know, 30 tribes on the line."

But you never got to sit down with the spiritual leaders, cultural leaders, wisdom keepers and elders. You're just kind of going and pushing us through the process.

We need that to be implemented because as the environment kind of continues on and the weather gets stronger and the environment gets stronger, you need to - you need to go to the indigenous people, because that's the true sustainability there, knowledge of sustainability.

So - and like I said, we need a plan that works and if you can't save that San Francisco Peak, then I don't care what - how many number of steps you have. It's not good enough.

Lucy Moore: Shawn, I really appreciate what you're saying. You're bringing, you know, life to these eight principles. And I can see myself - I'm looking at them and I can see where your comments fit into different ones of them. So I - were you finished? I didn't mean to cut you off.

Shawn Mulford: No. I guess that was my question. What is your plan with that - with the sacred sites? And how are you going to, you know, we sat down with Fred Clark many years ago and he talked about managing sacred sites and we told him that you can't manage sacred sites, you know, they don't need to be managed. You're the ones that are living outside that...

Lucy Moore: Right.

Shawn Mulford: ...(unintelligible) order. You're the one that needs to be managed...

Lucy Moore: Right, and...

Shawn Mulford: ...in how to interact with them.

Lucy Moore: I understand, Shawn. So this is going to be - this is in the record and is going to be - and is heard right now by the Forest Service, so I need to move on. We've got a lot of callers here...

Shawn Mulford: Okay.

Lucy Moore: ...so thank you, Shawn. Operator, could we have our next caller, please?

Coordinator: The next is from Bill Tripp. Your line is open.

Bill Tripp: Hi, I'm Bill Tripp from the Karuk Tribe in Northern California. We had submitted some comments to the NOI on February 11 and we appreciate this additional opportunity to discuss some of these things.

And we have been working to become recognized more as co-stewards of indigenous lands for quite a few years now, so it's been good to hear that being said and I like that discussion on first foods management as a key focus.

And that is kind of right along the lines of some of the things that we were - are wanting to do within our aboriginal territory and now that traditional ecological knowledge, we're being told, is being accepted as an available science.

We would like to have some kind of language in the rule saying that - reflecting that or affirming that, because I think traditional ecological knowledge, you know, not only for first foods management but for, you know, managing - for our (unintelligible) species and our utilitarian resources out there.

And truly implementing some of the new authorities in the farm bill is going to be a key focus that traditional ecological knowledge can help with and help to guide scientific study through research and monitoring to adapt through time.

And, you know, and maybe even introduce the concept of continuous biodiversity inventory flocks in areas that are being managed for restoration of fire-adapted ecosystems or whatever the focus may be. We should see a lot of, you know, water and all these other things, threatened endangered species, being a primary focus.

And to be able to integrate all these things across broad landscapes is going to be important because right now in the current Land and Resource Management Plans the land is fragmented by landscape designations, which I heard reference that that may be continuing into this next process.

Now I've heard people, like even from The Wilderness Society say, "Oh, general forest is industrial forestlands. We don't really care what you do there."

Well, we care what happens, whether it's general forest, LSR, wilderness, whatever the landscape designations may be. If you're looking at a landscape level approach to restoring ecological process, then those landscape designations can actually hamper that process.

Just looking at some of the plantation management that's being proposed up on the Klamath and Six Rivers National Forest is - reforestation needs to be addressed to get away from this monoculture that is occurring out there,. Because when you really look at the landscapes, you have your north faces that were clearcut back in the day and then your south faces are getting overgrown.

So now you're losing your black oak stands, which are critical to some species. And the spotted owls have moved from the north face to the south face and they're getting burned up by wildfires.

And so - take - being able to get away from that specific designation process or even - I understand that some of it will have to stay, you know, like with wilderness.

But there are some things in wilderness that need to occur with - like, especially with tan oak stands and our traditional processes for managing those stands to protect them from fire and actually utilizing those stands as places to manage fire from because the continued management of those little pockets are critical in how fire spreads through landscape.

And I think it's also going to be important to look at timber as a restoration by-product instead of just saying this is where we're going to get the timber from for the next 20 years because that drives the process to be more of a monoculture practice than a true restoration practice.

And I think in looking at it a little different there would be plenty of timber coming out as a restoration by-product. (Unintelligible). So I guess that's good for now.

Lucy Moore: Okay.

Bill Tripp: I do - would appreciate the opportunity to have some face-to-face up in our neck of the woods through this process, if that's at all possible like...

Woman: North zone.

Bill Tripp: ...the previous person said...

Woman: North zone.

Bill Tripp: ...in North zone.

Man: Did you talk about (unintelligible) contracting (unintelligible)?

Bill Tripp: Oh, and then there's - the other thing is with the NEPA process or what - that goes on, we've been experiencing problems with - the people that are implementing or drafting up the agreements and contracts for implementation are never in the room, or even right down to the site administrator level in our neck of the woods - are never in the room during the collaborative process or a NEPA process.

And so a lot of the key points that the public and tribes are bringing forward into the planning process for projects are not being conveyed into the actual implementation and it doesn't really help in building the trust factor, not only with the fiduciary responsibility with tribes, but with the general public itself...

Lucy Moore: Yes.

Bill Tripp: ...so I think that that's important to look at.

Lucy Moore: Great, great. Thank you, Bill, very much. And I want to welcome the folks in Washington to break in any time that they want to. I'm just trying to move us along here, but I don't mean to cut you guys out so just step in if you want. And we will go to our next caller, please.

Coordinator: The next is from Rosita Worl. Your line is open.

Rosita Worl: Thank you, Madame Chair, and honored individuals there. My name is Rosita Worl. I am Tlingit and I am the Vice Chair of Sealaska Corporation. And our homeland is within and adjacent to the Tongass National Forest. I have four recommendations for additions to the eight principles.

And the one - first one is consultation with Alaska Native Corporations. We have 12 Alaska Native Corporations within southeast Alaska that own over 600,000 acres of land within and adjacent to the Tongass National Forest.

We applaud President Obama's executive order on consultation. It did not explicitly identify ANCs, but in later discussions, we have been advised that it implicitly included the ANCs.

We also very much appreciate the USDA's policy in which the ANCs are recognized. But I just wanted to emphasize that it - because of our lands within the Tongass National Forest, we need to ensure that we are explicitly involved in the consultations.

The second one is my recommendation and it replicates that of the Navajos in which we are recommending that the plans could provide for the protection of sacred sites and tribal co-management of those sites and also provide for the return of human remains and funerary objects to those tribes on which - on the lands from which those remains and objects were found.

We also are recommending the addition of plans that could provide for ensuring the continued use of the flora and fauna that tribes have traditionally used within the national forests. And we are also recommending that the Forest Service implement and utilize the 8(a) contracting provisions to contract with tribes. Thank you very much.

Lucy Moore: Thank you. Appreciate it. Our next caller, please?

Coordinator: The next is from Mark Richards. Your line is open.

Mark Richards: Thank you very much for this opportunity. This is Mark Richards. I'm the Environmental Director for the Ely Shoshone Tribe in Ely, Nevada. I have two comments. They would be specifically around the process principles.

Two concerns of ours is for where we are, we have a one-person office. And many times I'll get, oh, six or eight requests for input for certain projects that are going through Forest Service ground - power line right of way, so on and so forth. We have no ability in our budget to be able to go out and do site surveys or anything like this to even see the ground.

And so we're strapped financially and we're requested to comment. And it's very hard to be able to comment when we're not able to go out and look at the ground itself and see what we have and what the elders know. So that creates a problem.

It's - we look at it as an unfunded mandate. And because of our inability to, you know, go out there, they say, "Well, we've consulted with the tribe and, you know, we get no comments." But that doesn't look at the way, you know, reality faces it. So that's an ongoing problem with - on our end.

The second thing is the - in the memorandums of understanding and stipulated agreements, many times between the Forest Service and third-party proponents, we, as a tribe, are relegated to a secondary status of, well, we'll consult with the tribes, by the way.

And we're not a signatory on any of those memorandums of understanding or any documents pertaining to agreements that would be stipulated agreements inside the contract on restoration, so on and so forth. So we're excluded from that.

I'm specifically looking at the problems of the water withdrawals by the city of Las Vegas and its effect on the watersheds. We were put in this kind of a secondary status, so it was hard for us to, you know, have input coming in. So those are the two things that I had, was kind of the lack of financial capacity as an unfunded mandate to, you know, address the issue of a project.

And the other thing is the - being an equal signatory with the project proponents and the Forest Service as it's, you know, being in tribal areas. That's what I have to say.

Lucy Moore: Great. Thank you, Mark, very much. We'll go to our next caller.

Coordinator: The next is from Bobby Billie. Your line is open.

Bobby Billie: Hello. Thanks for having me on the phone. You have to excuse my language. It's not my language and I'm trying to speak. So you have to excuse my language trying to say it.

And we have a lot of concerns in Florida. In a lot of places a park and recreations have been built, but it seems like just for (unintelligible) and then the roads - the highways going through the parks, like the speed limit's about 60 miles an hours and tourists stop like right in front of you.

You don't know which way to go because cars coming and people getting killed and one of them's Highway 41 and one of them's 75. And all of those (unintelligible), the human is (unintelligible) the land. The human's not behaving right, and...

Lucy Moore: And, I'm sorry, Bobby, could I interrupt? Maybe I missed it, but could you tell us what your tribal affiliation is?

Bobby Billie: Okay, I'm sorry. Miccosukee, Seminole Nation. I'm a...

Lucy Moore: Okay.

Bobby Billie: ...the spiritual leader of our nation.

Lucy Moore: Great. Thank you very much. And you're doing just fine. I just wanted to be sure we got that affiliation. So please continue.

Bobby Billie: Thank you. And also, we have a lot of the sacred ground or burial ground in the area and all of those things has been took. We have to fight for almost four, five years to bring them back because we are traditional people.

We're not affiliated tribe or we have been recognized by government. And we're still in the land - in our land, aboriginal land. And we - you have to include us, because you're on our lands and belong within our lands.

You, the people, come into this country, affecting us and harassing us on our lands. So you have to include us to the things you do in our lands and also affecting the water and air and a lot of the tree farms in Florida, the damage of the other - the natural trees and natural plants and the animals.

They struggle, don't have no food anymore, go into the people's houses and people think the animals come into their house. It's not. The people come into their area and (unintelligible) their area. So all of those things - if you're going to be corrected in the future of life, if you want...

Lucy Moore: Yes.

Bobby Billie: ...if you want to continue with that, you have to learn how to behave, live into the land like the Creator has gave us.

Lucy Moore: Yes.

Bobby Billie: We (unintelligible)...

Lucy Moore: I appreciate it. Bobby, are - let me just ask, are there national forests or grasslands that are near where you live?

Bobby Billie: Yes, pretty much so (unintelligible).

Lucy Moore: Yes.

Bobby Billie: One of those things I was talking about - surround an area, causing the problems. Maybe you preserve one area, nothing happens if you think. But the surrounding area affecting it. So that's what I'm talking about. The roads going through there and maybe the city needs - maybe about quarter of a mile or half a mile away affects them out there, the natural area, because of...

Lucy Moore: Yes.

Bobby Billie: ...waters and the wind blowing through the natural area. So if you're going to try and protect the natural systems, you got - you're going to have to think about all these things. So I do have a lot of things to say. And like I said, my language is not - ain't English, so I having a hard time to say things.

But I'm going to try to do it in written. Maybe I'll ask somebody to write it down for me and send those things so my complaint - and not only just in Florida, the whole world.

Lucy Moore: Yes.

Bobby Billie: I...

Lucy Moore: Good.

Bobby Billie: Thank you.

Lucy Moore: Thank you, Bobby, and you did just fine. Don't worry about it at all. It'll be in the transcript, and we've all listened very carefully to what you've said. We appreciate it. So I want to urge others that are out there on the call listening to hit star 1 if they would like to get in line to speak.

At this point, we just have one more speaker signed up here. So, operator, let's go to our last speaker unless more - whoops, here comes somebody else.
Good. Let's take our next speaker, please.

Coordinator: The next is from Edward Thomas. Your line is open.

Edward Thomas: Yes. My name is Edward Thomas. I am the President of the Central Council, Tlingit-Haida Indian Tribes of Alaska. And I have a very brief statement. Southeast Alaska is the ancestral home of the Tlingit, Haida and Tsimshian people and that is also where the Tongass National Forest is.

Historically, the government agencies and environmental groups - non-Native environmental groups - have overshadowed the tribal relationship between the United States Forest Service and the tribes.

Our tribe has a Memorandum of Understanding, or MOU, with the United States Forest Service. And my question is, will these new planning rules trump our tribal/United States Forest Service MOU? Could somebody answer that, or is it just (unintelligible)...

Lucy Moore: Yes. Yes.

Edward Thomas: ...didn't see it anywhere in the literature how the MOUs will be honored or if we have to start over.

Lucy Moore: Good. I appreciate that. Is there anyone there in D.C. that can answer that now?

Fred Clark: Hi, Ed. This is Fred Clark. It's good to hear your voice on the phone. The new planning rule probably wouldn't trump an MOU, but it's hard to say because we don't have the new planning rule yet. You really can't - we can't forecast what's going to come out of the planning rule into that level of specificity to give you the answer that you would like to hear at this point.

So my advice is to keep on being involved as much as you can with the planning rule and make sure that if you think that something is happening that would cause you concern, that it may have a different track or something than the MOU, then let's talk about modifying the MOU or how to make sure that the planning rule meets your needs.

Edward Thomas: Yes.

Lucy Moore: Great.

Edward Thomas: Yes. Well, that's the...

Lucy Moore: Thanks, Fred.

Edward Thomas: ...purpose of my question, then, is to - if you are not including it in a planning rule, then it should be. Those documents are in need of being updated and without some sort of a rule to guide us through that, we end up back where we started from.

And maybe some of that's good, maybe not. But for our purposes, we really would like to work with the Forest Service on, you know, updating our MOU as well as to talk about some of the new challenges we face with the high unemployment rates that we have in Southeast Alaska.

Lucy Moore: Great.

Edward Thomas: I'll just - just for the record, you know, the unemployment rates in some of our villages is four to five times higher than the national average and at least three times higher than what it would have been for a Great Depression.

Lucy Moore: Great. Thank you, Edward. And that - and keep pushing that issue about the MOU and consultation with the Forest Service. That's the message we got. So let's take our next caller, operator, please.

Coordinator: The next is from (Leland Grass). Your line is open.

(Leland Grass): Good morning, everyone, there. I don't know how many people are listening in. Good morning to everyone there. My name's...

Lucy Moore: Leland, it's Lucy. I can tell you we've got about 80 people on the line.

(Leland Grass): Good. The whole tribe (unintelligible).

Lucy Moore: That's right.

(Leland Grass): Yes. Yes, my name's (Leland Grass). I'm - my clan's Dhestshini which is a Red Streak people in the - from Apache. But I'm Navajo, though. And my grandfather's Lok'aa'dine'e. They're Reed People.

And I'm born for Todich'ii'nii, which are Bitter Water people. And my (nully) - my father's side grandpas, there are Tl'izi lani which is the Many Goats clan. So that's how I am as a Navajo.

There's - there is a lot of concerns and a lot of issues around our reservation, inside and outside, off the reservation. I have been talking with a lot of people. And basically, what I do is I - I'm also a practitioner to a medicine man.

I go travel with him throughout the reservation. And we don't advertise at all. We - people come over to us and then they point us out who - they want us to heal people.

And we don't go online scenario to advertise ourself whatsoever. We just stay home, and people that want to come up and get healed and they come over to the house and then they - we don't ask that much and things like that, to perform for them.

Well anyways, I was looking at the eight - the planning things that you guys have here. And I think the most important thing is you guys are talking about the water thing. I lived in Nevada. I live in Utah and I live in Arizona. I have kids everywhere. They're working, going to school and all that. And I go travel with them and visit them and all that.

And I read newspapers and also talk to other people about the water thing.
And now that we live in a (hogan). We live in a home. We stay home. Like I
always say, we stay home.

And when we eat - and we always eat with water, you know. Where does the
water come from, you know? You always think about the water comes from
underneath the ground. And where do - does it run to your home or did you
have to go and collect that water?

Basically where I'm from we actually just go to a windmill or go to a pumping
station to get water. But it's inside the ground. That's where the resources are
at. Now, that's basically just near our home.

But we don't go out to like California or go to Lake Powell or go to Nevada to
get water, by just strictly right underneath us. This water is life. It's survival
for us. And we have some people and some cities that want to go and get our
water from making pipelines from where they're living at, like 100 miles
away, and they want to get water from us.

And I don't know how they're going to do that, but that's basically what their
plan is. But where I'm from, I kind of look at it is that that's not really right.
We have our right to have this water and a lot of people in Las Vegas is just
using the water and they're just using water for just entertainment, just to look
at it. And they recycle the whole thing over and over.

You know, that water - it makes it get dried up. When it gets dried up, you get
more water. And they want to run a pipeline from Lake Powell to St. George
and from St. George into Las Vegas. And how are we going to live with

water, without, you know, giving it to us? I mean, it's just too chaos. It's going to kill a lot of people.

And on the Black Mesa mine - I live near the Black Mesa mine. We call that a (chianta) mine and the companies running that operated by Peabody Coal. And they're - at one time, they were pumping out water and they were mixing that with coal and make that (slurry) coal.

And they had a pipe run from Black Mesa all the way down to Nevada. And that was - there was a power station in Nevada and it was producing electricity.

And just by the fact that that was our water and we decided not to - we told them now to shut down the mine. It was contaminating our livestock and everything that we survive from.

Lucy Moore: Yes.

(Leland Grass): And now that the Black Mesa mine has stopped, we got - still have to deal with the (chianta) mines. We have a whole lot of ponds - Black - we had about like over 200 ponds that are all contaminated.

Lucy Moore: Right. (Leland), I'm sorry to interrupt but I want to just see whether there's a way to hook this up with the National Forester risk Planning Rule. You know, we've got Forest Service folks on the line interested in how they should revise the rules that directs national forests, how to put their plans (together).

So I mean water is obviously critical in the - in the - on the whole planet, especially in the southwest, nobody's going to argue with your point. I'm just trying to see if there's a link to the Forest Service plan (removal).

(Leland Grass): Yes, let's go back to that guy, that first guy on the line, Shawn Mulford.

Lucy Moore: Right.

(Leland Grass): He addressed they have all the indigenous nations, the elders to be heard. They have the medicine men and they have the stories and they have the prayers. And those prayers are connected with these waters and the mountains, the trees, all the live, living things on this Earth.

Going back to that - the San Francisco Peaks, the San Francisco Peaks, if (you put) - that's like - it's a human being, it's just - it's strictly just like a human being. If you put anything on top of your (head) that is not supposed to be there, your hair's going to not grow no more.

Lucy Moore: Right.

(Leland Grass): And that's the way that the mountains are too. It's not going to produce any more humidity to bring rain. (Unintelligible) rain, acid rain kept coming down, it's going to die. And I'm strictly just trying to protect (all) that. And also there is some things that are happening in the state of Arizona, which maybe a lot of people don't - it's been around the world.

A lot of people to understand why it has happened since (unintelligible) sweat lodge people, (you know), it has three (killings) going on that has happened. And these are Caucasian people that killed their own kind (to a) sweat lodge.

And there's some people that are Caucasian-Anglo picking up the drum and they're picking up the rattlers and they're going to the Forest Service regulation area and they do performances and their own songs in the crowd.

I don't know where they pick up the song but it looks really kind of like (guru) songs they created on their own. And there goes your sacred sites and they do violation, they carry those feathers, the owl feathers.

One time I went over there and took some pictures of people carrying the owl body. A dead owl body - a full dead body - a owl body. And they took the wings and they left with that. I (unintelligible) around, I turn around, I call and I took the videos to the - to that wildlife (violation). And they (never) respond back. Basically (unintelligible) has nothing to do with this.

Well, everything is spaced out with the spirituality and also (unintelligible)...

Lucy Moore: Right.

(Leland Grass): ...And they need to be heard.

Lucy Moore: (Leland), I'm with you. And so I'm thinking in terms of the revision of the rules, that this issue of including indigenous elders, especially spiritual leaders, medicine men is really critical and there is a part of the rule that has to do with collaborating with a variety of interests out there. And so I think we can (unintelligible) fit this into that part of rule.

I also heard you talk about the desperate need to protect watershed resources and keep the water clean. And so that is also - that also can be perhaps addressed in the rules. So I thank you very much for those comments and let's go to the next person.

Coordinator: Thank you. The next is from (Gary Big Hawk), your line is open.

(Gary Big Hawk): Hello. Thank you for letting me speak here. My name is (Gary Big Hawk). I'm the Big Pine Paiute Tribe, tribal administrator, that's Big Pine, California. And as background, I'm Paiute and (Ite) Shoshone from the Owens Valley, where my dad was raised. I'm also part Karuk from where my mom was raised in (South) (bar) in California.

And I'm new to this process. I've only been part of the tribal government for three months now, so it's new to me although I've been in city management for 30 years.

So - but I have a few comments to make. The very first is I received this notice on Thursday through email. And there may have been other notices but I haven't been connected with this process, so I didn't receive anything up until Thursday.

And today I happen to be off, I'm in Nevada where my home is. So I'm off work but I'm participating and it's nice to be part of a process like this because I'm participating from another location. But my concern of course is if there's more advanced notice, there could be a little more planning and maybe more than 80 people on the line. So secondly...

Lucy Moore: I'm sorry, I'm sorry, let me just interrupt and ask how you did find out about this call and when.

(Gary Big Hawk): ...By email on Thursday.

Lucy Moore: Yes. And the email, was that just like an internal email or from a colleague or something or...I'm trying to, you know, make this process work as well as possible and this is really valuable information about when and how you found out about the call, so I don't mean to pry but that's a very good point.

(Gary Big Hawk): Well the email was from let's see if I can get it, it's - it was addressed to a lot of people. From the person that it says from, it says Tahdia, or T-A-H-D-A, Ahtone, A-H-T-O-N-E.

And now that person apparently sent the email but it's from a letter from Jennifer Yezak, Y-E-Z-A-K, director and Oscar Gonzales, deputy director, Office of Intergovernmental...

Lucy Moore: Great. Okay, so I think the issue here that we need to make note of and that I'm making note of is that we need to be sure that in consultation or in the more informal collaborative process is we have good contact with and get to people very early. So thanks, (Gary), sorry to interrupt and go ahead.

(Gary Big Hawk): And also I've heard lots of comments and- on the phone today and they all seem to be very good. There was one thing that I get concerned about and it has to do with these type meetings. It is better to have face to face meetings. And I know sometimes that's impossible with going around - going around the United States.

However, if you do need to have face to face meetings, it'd be great to somehow finance various tribes to get to a location because we don't have a lot of extra money. In fact it's very difficult in doing the things we do right now.

So if you wanted to have to face to face meetings financing a meeting in a regional place would be very helpful or have more local meetings, where you don't need to finance it, you could just be at the local areas.

But I know that our location is in the Owens Valley with several tribes but not the same volume as some of the other places, not the same number of people.

So on to other comments and I've - I actually want to credit Bruce Klein from the Bishop Paiute Tribe. Bishop is just north of Big Pine in the Owens Valley. And the - and he's been making comments on - at various locations, he's not able to attend today. So some of these comments I've gotten from him.

And the first is in the rule making process, there should be some component that will include youth outreach. Some kind of outreach that might involve programs that have an early impact on youth, programs throughout the rules that are made as well as defined internships, career paths and employment for Native Americans, especially starting at the younger ages to show them that there is a possible career within the Forest Service.

And also there should be a component that stresses a partnership with local tribes. As an example for the Big Pine Paiute Tribe, we have the Inyo Forest. So there are many types of things that the local tribes in the Owens Valley would possibly want to partner with the Forest Service.

And so unless there are specific rules that either require it or encourage it, then it might be (able) to look. There could be a number of stewardship programs that could be pursued.

And finally, there should be a clearly identified tribal liaison, I believe there might be that today. But in the new rules there should be specific emphasis on working with tribal liaisons including having them as a major part of the process so that the rules actually have some kind of integration of who the tribal representatives were et cetera. So those are my comments from the Big Pine Paiute Tribe.

Lucy Moore: Great, thank you so much, (Gary).

(Gary Big Hawk): You're welcome.

Lucy Moore: Next caller, operator please.

Coordinator: Thank you. The next is Robert Marquez. Your line is open.

Robert Marquez: Hello, everybody. My name is Robert Marquez. I'm calling with Cold Springs, I'm actually our tribal chairman. And I've got some comments regarding the - actually the implementation of this plan.

From my understanding that was the original - I guess the original backing to actually kind of - where this all developed from was it was never an issue with an actual plan not being in place but actually a plan being implemented. Now I've been getting comments from Forest Service officials.

And I understand that to implement a plan that is 20 plus years old now really isn't, you know, it really is not feasible. At the same time there's a lot of missing information and then obviously the times changed.

So what I would like to hear is after this plan is said and done and say everyone agrees on everything, where is Washington or actually what is Washington doing to assure that the financial resources are available to implement this plan?

Because what happens a lot and it's usually on the state level but what happens a lot of times is they receive an allocation to provide services and programs for tribes.

However, by the time it comes down to, you know, to implement those, they state that we are out of resources. So my question is to Washington and if I can get an answer at all or touching on what they're working on to assure that their plans to resources are there to implement the tribal's concerns and the tribal's issues that are developed into this plan.

Lucy Moore: Good, Robert, thank you so much. And I think - I just - it's really hard to keep all this straight but the Forest Planning Rule is what we're asking about here.

And I think that's what you're talking about, that once this rule is revised, this one that's over 20 years old, will it - and then that rule will direct individual forests how to make plans - will there be funds available to make happen in those plans what should happen.

So I would like to open it up to anybody in D.C. that it - let me just ask, did I interpret that correctly?

Robert Marquez: That is correct.

Lucy Moore: Okay, great. And anybody in D.C. want to comment on that?

Tony Tooke: Yes, this is Tony Tooke. This comment came up I think it was in our last roundtable that we had here in Washington. And certainly after we developed the new rule, it's going to drive land management planning for all the forest, all the Forest Plans across the National Forest System. And it will also call attention to priorities and what we're trying to accomplish in those Forest Plans.

And it will get attention and it will get input and people working on that here in Washington D.C. up on the Hill as people work on our budgets and what have you in the future.

Lucy Moore: Great, thank you, Tony, and thank you, Robert.

Robert Marquez: Just one more comment. Well back to the actual - again the last - on April 6, there was a meeting. I actually made that one in Sacramento for the original planning meeting.

And it was brought up at - in this case it was a public - just a public community member who brought up okay you wasted, you know, all these millions of dollars for the past so many years in, you know, backing up the document.

You tried to implement the planning or whatever it is, I mean we can have the greatest plan in the world and everyone on the same page but if the resources aren't there, it's not going to do anybody any good.

Lucy Moore: Right, right, understood.

Robert Marquez: So back to the question I guess is is there anything done on the legislative side with Congress or anything tribes need to do to make sure that the resources are available and they are there to implement and address the tribe's concerns.

Lucy Moore: Right, right.

Robert Marquez: Bottom line, that's what it comes down to.

Lucy Moore: Good. Good, thank you and operator, let's take the next caller.

Coordinator: The next is from (Dick Guby), your line is open.

Dick Gooby: Okay, thank you. My name is Dick Gooby, I'm an executive director of the Indian Nations Conservation Alliance. And a couple of comments, one I agree with both Shawn and (Gary) that the real process needs to involve each of the tribes within the forest area.

And the best thing to do would be to hold the meeting, a meeting out near the tribal headquarters so that all the people that need to be involved can be involved - the elders, the forestry people and so forth so that you get all the inputs that you need.

Lucy Moore: Yes.

Dick Gooby: And if you can't do that for some reason then as (Gary) said, a lot of tribes do not have the funds to pay for travel to attend meetings. And if you're going to hold a regional meeting or a forest-wide meeting, then you should - you need to be able to come up with the travel dollars so that the tribal - the tribes can get the inputs that they need, otherwise a lot of them cannot attend those meetings.

A real value of having a lot of tribal input into the planning process is just as an example, a few years ago an area where we harvested huckleberries, they went in and on the Forest Service land and basically clear cut that land. And that - and caused the huckleberries so that they would not produce the berries because the sunlight was too hard on them.

And had they involved - had the tribal people been involved in the planning process, then it probably would have been harvested different to where they wouldn't have - we'd have still been able to get the huckleberries.

The other issue that you might want to look at or need to look at is in north Idaho and western Montana, maybe other parts of the country as well, there's getting to be a lot of commercial harvesters who are going - getting permits and going out on the Forest Service lands and harvesting a lot of the (first) foods.

And there's getting to be such a large volume in some areas that they are harvesting so much that the food's not there again for the Native Americans. And that's something that needs to be addressed in your planning process and permitting process, so that's my items and I thank you for you holding this meeting.

Lucy Moore: Great, thank you, Dick, appreciate it. Operator, let's go to the next call please.

Coordinator: Thank you. Heather Dawn Thompson, your line is open.

Heather Dawn Thompson: Hello. This is Heather Dawn Thompson. And I do work with the Great Plains Tribal Chairman's Association, which is North Dakota, South Dakota and Nebraska. I really appreciate you hosting this call and everybody's comments thus far.

I just wanted to comment specifically on the eight principles - I think it's eight. Let me pull it back and up and (unintelligible) that were being drafted. In hopes that - I know I'm echoing some of the other sentiments on the line but in hopes that there be one both in the substantive and the process principles that specifically articulate the need to include tribal issues.

I know a lot of the stuff we're talking about is in current other policies but if we're going to be making edits to the principles and the Planning Rule, we wanted to make sure that they - that it was an actual rule in that component as well.

For example, Number 5, there's a reference to the National Forest Service lands and their contribution to rural economy. So it would not be unusual to have one that talks about additional communities, like tribal communities.

Lucy Moore: Yes, yes.

Heather Dawn Thompson: And specifically recognizing that the vast majority of forest land will - all of U.S. obviously was Indian land at one point in time. But forest lands in particular and federal lands in particular obviously were very specifically often tribal lands at one point in time.

And were either taken through treaty or other means and continue to have, as many of the speakers have pointed out, very important sacred sites issues. So I think it would be appropriate to actually add an additional rule that specifically outlines the substantive need to include tribal priorities and historical reflections in putting together any of the principles.

And then sort of along those lines, that would of course include all the sacred site issues, et cetera but then along those lines also a recognition that in certain instances and maybe this is on to the process principles, in certain instances there needs to be additional efforts at co- I know a lot of people hate the world co- management, but for lack of a better term at this point in time, active - more active involvement in decision making by the tribes that - whose lands are affected that are now Forest Service lands in the actual ongoing decision.

Both in the process of putting together these principles and these plans but then as they go forward as well.

And I know that the Forest Service has certain abilities to do co-management type agreements but it's not nearly as substantive or as encompassing as other federal agencies. And so a recognition of that in the actual Planning Rules I think would be very appropriate. I just wanted to see if anybody had any thoughts on that - on that.

Lucy Moore: Great. This is Lucy again. So that's - I really appreciate you referring to the rules - to the principles specifically and what a - then as I understand it, it - you're asking that there be either additional rules that speak deliberately to tribal needs and ways of working with tribes or that these principles be elaborated and enlarged to include those tribal interests.

(Heather Dawn Thompson): I think that's exactly right and I think it's - some people - oftentimes we hear from the federal government, they're hesitant to quote/unquote, "single any entity out" but the rules clearly do - that's the purpose of the rules, they clearly do single out specific interests already, wildlife, diversity of species, rural communities. So I think it's - they're perfectly appropriate and in keeping with the nature of these rules.

Lucy Moore: Great, thank you so much, appreciate it. Our next caller please.

Coordinator: The next is from (Michael Lopez), your line is open.

(Michael Lopez): Thank you, good morning. My name is (Michael Lopez) and I'm a staff attorney with the Nez Perce Tribe Office of Legal Counsel. On behalf of Chairman Penney and the Nez Perce Tribal Executive Committee, I wanted to

thank you for the opportunity to provide comments in this national forum today.

President - Chairman Penney wanted to express his thanks to President Obama for his concerted efforts to strengthen the government to government relationship between the United States and Tribal Nations. And specifically with respect to Secretary Vilsack's efforts with this Planning Rule.

The tribe submitted spoken comments on February 16 and just wanted to highlight two points that were articulated in those comments. The Nez Perce Tribe's aboriginal territory encompasses over 13 million acres, that's eight National Forests.

And the tribe in 1855 entered into a treaty with the United States ceding much of this land in exchange for among other guarantees the right to continue fishing at all usual and custom places as well as hunting, gathering and pasturing animals on open and unclaimed lands.

Today the Nez Perce Tribe still exercises these treaty rights. Tribal members take fish in streams that run through National Forest System lands. They hunt elk, big horn sheep, deer and bison that reside on National Forest System lands and they gather berries, ceremonial medicines in woods located in many cases uniquely on National Forest System lands.

And the perpetual existence of these treaty rights was an absolute prerequisite to the agreement between the tribe and the United States. And that guarantee was memorialized in the treaty as - and is enforced today. The Nez Perce Tribe wanted to focus on a Number 4 of the Planning Rule, on the substantive principles.

And that is plans could provide for the diversity of species and wildlife habitat. From the Nez Perce Tribe's perspective, this particular - this particular recommendations is absolutely essential to the planning effort.

The Nez Perce Tribe exercise of the treaty rights depends on a robust, vibrant habitat for species that are important to the exercise of the tribe's treaty reserve rights. And the tribe would like to see habitat recognized and set aside for these important treaty reserve purposes.

The second recommendation that the Nez Perce Tribe has - I'm sorry.

Lucy Moore: No, go right ahead.

(Michael Lopez): Okay, and the second recommendation that the Nez Perce Tribe has today is that the Planning Rule contain prescriptive language that would require the Forest Service all the way down to the district level to analyze the effects of any proposed federal action on the exercise and continued protection of the tribe's reserve treaty rights.

Lucy Moore: Great, thank you, Michael, very much.

(Michael Lopez): Thank you very much for the opportunity to speak today.

Lucy Moore: Sure, yes, I'm just making sure I get it all down. And again I appreciate your reference to the fourth of the principles and then this issue about the prescriptive language requiring an analysis on the treaty rights, an analysis of the impacts of any federal action on reserve treaty rights. So thank you for that.

(Michael Lopez): Thank you.

Lucy Moore: Yes, let's see, let me just say that this will probably be the last chance to press star 1 if you want to speak. And let us take our next caller, operator please.

Coordinator: Thank you. The next is from (Jeff Alter), your line is open.

(Jeff Alter): Thank you. I'm kind of at a loss here because like the fellow caller from earlier, I did not get notice of this until last Tuesday, so I'm not totally 100% prepared and haven't had the chance to read all the documents. So I apologize for that.

Lucy Moore: Sure.

(Jeff Alter): And I have been searching as fast as I can to try and find the eight rules.

Lucy Moore: That's okay, don't worry about it. We'll - we will fit what you have to say in there but, (Jeff), could you just tell us your tribal affiliation and position please?

(Jeff Alter): I'm the fire management officer for the Seminole Tribe of Florida.

Lucy Moore: Great.

(Jeff Alter): And one of the things that I would like to know in the rules if we could look at is when the - and our tribe has our own environmental departments. And we have our own people go out and do a Threatened and Endangered Species. And when we get ready to do a prescribed fire on tribal lands, we have to then send off to Fish and Wildlife for them to concur with our people's assessment.

And the problem is it takes anywhere from five to nine months to get that assessment back from Fish and Wildlife. And what I was wondering is that in this - in the new rule changes is if you have people that are certified as environmental or archaeological people that have a third party letter that they are certified to do it, streamlining the process tremendously. Five to nine months to wait for a (concurrence) letter seems an awful long time.

Lucy Moore: Right, right and I'm not sure what the Forest Service role would be in this because of course Endangered Species is a Fish and Wildlife part of their jurisdiction. So I'm - I don't know, we might ask the Forest Service folks to think about whether there's - how to coordinate that, I just don't know.

(Jeff Alter): Okay, that's all I had. Thank you.

Lucy Moore: Okay, great. Thank you, (Jeff), so much. And our next caller please.

Coordinator: The next is from Don Montanik, your line is open.

Don Montanik: Thank you. My name's Don Motanic, I'm a technical specialist. I'm a Umatilla tribal member but I work with the Intertribal Timber Council. And one of the things or I guess the themes that I'm seeing through all the comments and something the Intertribal Timber Council has done with assessment of Indian forest lands to reports and one of the things that came about with focus groups with the various tribes was a theme of protection.

And that's from several of the comments that you've seen in this phone call today and also maybe even a simpler word, do the tribes feel safe with this process? And I think one of the things to focus on or maybe even and one of the principals that I was looking at is focusing more on the feedback mechanisms so tribes do feel more safe.

I think past Planning Rules focuses more on direction than it does feedback and so maybe with this new process it should be turned 180 degrees that instead of the planning for direction it - the Planning Rules should focus more on feedback.

And I think with that feedback mechanism that's unique with each tribe, and tribes I believe have their own prayers, their language that really defines for themselves what safe really means.

And I think if the Forest Service can focus more on the feedback mechanism so the tribes feel like their voices have been heard and not just validated but actually a process that the tribes can really see that their words have been listened to.

Because a lot of times with planning, they say there's a feedback mechanisms and the tribes will provide feedback but they'll never hear back what's actually happened with their words.

So and that's where they feel unsafe so that's probably a simple way of looking at it, is instead of planning direction and if the Planning Rules should be focused more on feedback.

Lucy Moore: That's really interesting, Don. I'm especially taken with the word safe. And as I understand it you're advocating that the Forest Service helps make tribes that they're consulting with feel safe.

And the way to do that is to make sure that there is response - that the relationship is built in a - in a way that is unique to each tribe and that the

feedback is such that each tribe really feels heard, not just checked off a list. Is that fair to say?

Don Motanic: Correct, because you send off some feedback or tribes will send feedback to the Forest Service and they won't hear anything and then it's - you feel like it's in a void.

And does the tribe feel safe, you know. All right would anybody feel safe if they provided impact and there's a - you know - you know the Forest Service is going in a direction but was that direction ever influenced by the tribes' feedback?

Lucy Moore: Great, great, thank you so much. I want to interrupt our line right now and go to Janie Hipp that is in DC and missed out on the introductory remarks in the beginning so, Janie can I turn it over to you?

Janie Hipp: Yes and thank you very much. I just wanted to say just a few words. First of all, greetings to everyone who's called in and is participating today. I'm honored to be on this call with all of you.

Just a little note, I'm a citizen of the Chickasaw Nation. I'm the new Office of Tribal Relations Director and the senior advisor to the secretary, Secretary Vilsack, for Tribal Affairs.

And I just wanted to come in and participate. I've been taking pages and pages of notes as everyone in the room at the Forest Service in here in the national office can attest to, and I appreciate all of your comments. I've really been listening intently.

I do want to ask you though, please to consider staying as engaged as you are today as this process continues to unfold. And it's extremely important, I think for many of the issues that you've raised today that are very near and dear to you and to many people that you stay involved and participate in calls like this. But also participate when the Forest Service is moving around where you are and doing more face to face and regional venues for consultation.

I've been working with the senior leadership including the secretary of course, since I report directly to him. But I meet regularly with them in implementation of USDA's action plan in response to the president's memorandum of November the 5th. We did have that approved by his office.

The secretary expressed many varied - I would call them aggressive steps that we're going to be taking, not only just with Forest Service who's out there being - having been involved in consultation for some time, but across all of the 16 other agencies of the department. As you can well imagine, that's a - that's a monumental organizational feat and we're going to work hard every day to try to make all of that a reality.

The secretary's very specific in our plans. Copies of it in hard copy and CD or - should already be at your tribal headquarters. If they're not already then let me know and we'll get them back out to you. It - our implementation of the plan is currently underway.

We're in the process of creating a new departmental regulation that is going to apply to all of our work, through all the various agencies of the department and our commitment across the board for all of the components that were listed in our plan is extremely real. And we are working very hard to meet the expectations that the secretary and the president have placed on us. And we take it very seriously.

So I just wanted to say hello to everyone and thank you all for participating, let you know that my office - I know one of the callers did get an email directly from my office on Thursday because I recognized Tahda's email name, so please let us know how we can be of assistance.

We're going to work closely with the Forest Service as this whole process continues to unfold and we look forward to seeing you when we're out and about. And thank you so much for being on the call today and taking time to be involved. Thanks.

Lucy Moore: Great. Thank you, Janie, so much. It's good to have you there. And I just want to emphasize that this has come up a lot. How the Forest Service can stay in touch with tribes out there.

And of course it's difficult to keep track of contact information and it changes and all kinds of things, but I would urge that everybody who's on the call today make sure that the Forest Service has got a way to get back in touch with you.

Sometimes the problem is within the tribe that the tribal communications internally don't get to the right person in time. Sometimes the problem is with the federal agency that doesn't have the right information or doesn't have you on the list. So please take responsibility out there in the field to be sure that the federal agency knows exactly who you are and how to get back in touch with you.

So operator, let's go to our next call please.

Coordinator: The next is from Leaf Hillman, your line is open.

Lucy Moore: Hello, Leaf, are you there?

Coordinator: Please check your mute button. Your line is open.

Leaf Hillman: Can you hear me?

Lucy Moore: Yes we can.

Leaf Hillman: Thank you for taking my call.

Lucy Moore: Sure.

Leaf Hillman: My name is Leaf Hillman. I'm from the Karuk Tribe in northern California.

Lucy Moore: Great, welcome.

Leaf Hillman: Just a couple of points that I'd like to make today being tribal rights to gather or harvest traditional forest resources, food resources, medicinal resources as well as to practice our religions and our ceremonial practices on what is lands of Forest Service responsibility.

These things cannot be addressed at project level planning and we believe that this national Planning Rule provides an opportunity to address these issues that a national, regional and forest level planning efforts in a way that can provide guidance to project level planning efforts and inform those planning - the smaller project level planning efforts can inform those efforts. But these issues must be addressed at a larger scale planning effort because they don't get addressed at project level planning.

And, you know, we hear all the time from the Forest Service in our area here on the Klamath and Six Rivers when it comes to doing things like river closures during our ceremonies they say they don't have authority to close the river to recreational users but that they'll ask them nicely to respect our ceremonies.

And, you know, this is unacceptable to us and we believe the Forest Service does have authority to do these closures but they choose not to do those and they claim that they have not the authority to do these things.

So if this is the case, if this is true, then we think that the Forest Service at the Washington office level and through the Assistant Secretary of Agriculture needs to raise these issues and let it be known that these issues exist and to seek a legislative fix too that would provide them the authority to protect our religious and ceremonial practices on the National Forest.

Lucy Moore: Yes thank you, Leaf, very much, yes.

Leaf Hillman: And then the other one is also related to - related to this is a that there needs to be clear direction in these larger planning efforts of an acknowledgment and recognition of the rights of indigenous people to harvest subsistence, you know, forest products such as firewood an acorns and mushrooms, basket materials or medicinal plants as well as to practice our religion on these lands.

So the last issue that I wanted to mention and that is the number of years ago the Forest Service they did something they call the stove piping of their law enforcement within the Forest Service.

And so here what that essentially has done is taken away - the Forest Service is - law enforcement is separate from the Forest Service and so while they

drive the same kind of looking vehicle and they wear a Forest Service uniform they are essentially Federal Agents who are out there on the land.

But yet they have no connection to local level policies or agreements that are being addressed at the local or even forest level in between tribes and the Forest Service.

Because these law enforcement people don't - they don't work for the district ranger, they don't work for the forest supervisor and so it creates a huge barrier for both the Forest Service as an agency and their line officers at the different levels.

But also for the tribes to coordinate and to educate these law enforcement people who our people encounter out on the ground and in the forest they encounter these people.

And these are the ones that, you know, are the ones who treat us, as we're criminals on our lands doing - gathering traditional materials or practicing our religion even.

These law enforcement folks are out of the loop and it's a huge problem, that barrier that has been created by this.

Lucy Moore: That's really interesting I hadn't actually heard that before. I didn't know about that. Yes, I appreciate that, Leaf, a lot. Thank you, thanks very much for getting on the call.

Leaf Hillman: Yes.

Lucy Moore: So we are going to turn now to our last caller who interestingly enough was our first caller so Shawn. Operator, next caller please.

Shawn Mulford: Hello?

Lucy Moore: Yes, Shawn.

Shawn Mulford: Yes, can you hear me?

Lucy Moore: I can hear you fine. So I'm letting you have another shot at this and appreciate your sticking in here with us and so do you have any more brief comments?

Shawn Mulford: I do. In addition to protecting the sacred lands and including the equal face to face participation of the indigenous elders, I want to also propose Rule 9.

Lucy Moore: Okay.

Shawn Mulford: Which is as this Forest Service rule moves forward it is imperative that these efforts would not in any way abrogate or diminish traditional land uses whether that be for ceremonial practices, medicine, plant harvesting, traditional substance - subsistence activities.

And that this plan would no way infringe on the rights of the indigenous people or with any treaty. Rather the Planning Rule should promote, protect and enhance the indigenous people's right to live their spiritual way of life.

Lucy Moore: Great, and you're suggesting that as Principle Number 9.

Shawn Mulford: That's right.

Lucy Moore: That's being stated and that certainly summarizes a lot of what we have heard today. So...

Shawn Mulford: And then lastly, when it comes to climate change we want the American people to take that very serious. And by proposing to put snow somewhere where it doesn't naturally - isn't naturally occurring is changing the climate and so and I'm speaking about Snowbowl. So if you want to - if you want to work against climate change you got to quit changing the climate.

Lucy Moore: Okay, okay. Thank you, Shawn, so much. I would like to thank everybody for having participated on this call. Those of you that have been listening I really appreciate it. This is not - has not been face to face but at least it's been ear to ear and I think that's - I think that's a very good start.

So for our concluding remarks I'd like to turn it over to Tony Tooke. Tony, how have these last couple hours been for you?

Tony Tooke: Okay I'll take just a few minutes. I think this has been an outstanding call. It's been very useful for us. I hope it's been very useful for all of (unintelligible). So on behalf of the chief and Hank Kashdan and our associate chief and all of our leaders, I just want to express our gratitude that so many of you have taken the time and invested in the time to participate with us and engage in this discussion.

And it's a first of a kind national tribal collaborative call. And you've certainly given all of us a lot to work with. You've given us some very useful input and comments for the rule writing team.

And I want to assure you that we are doing our very best to listen. We're doing our very best to capture your comments and feedback as best we can and we're going to use it as best we can as we develop the new rule.

Again we're very committed to continuing this discussion, continuing an open transparent participatory process. The collaborative process that's in place it's helping us identify where we have commonalities and when we have common themes and common themes that are important to the issues and (unintelligible) land management planning for all the national forests and grasslands.

We can't promise that we'll make this rule perfect but we (can't) promise that we'll address everyone's ideas and concerns. But what will come out will be a blending about what is required by legal mandate and what makes sense in the elements of ecological, economic and social sustainability related to the national forests and grasslands.

With that being said, I want to - I want to again reemphasize and let you know that we take your comments and concerns very seriously. And starting where we have from a blank slate or a clean slate, no preconceived notions from earlier Planning Rules other than the legal framework of the National Forest Management Act, we've engaged along with you on what we think is truly a collaborative process.

I certainly didn't capture every - and we were working very hard in here to capture all the comments and feedback. I know I didn't capture all of them or didn't capture them in the right way but they will be accurately captured in other transcription efforts that were going on during the call.

But I want to replay a little bit some of the things I've heard and like I said this is not by any means meant to be 100% accurate but we'll have that accuracy in other transcriptions. Some of the things that I've heard loud and clear about including the voice of the indigenous elders. They can speak the strongest.

Heard comments about sustainability, protection of water - water being a precious resource. As we know over 70 million people get their drinking water from the National Forest System.

Protection of sacred areas - there were some examples given about protection of sacred areas like Snowbowl in Northern Arizona and also an area there - San Francisco Peak I believe is what it was called.

Having the commitment to the collaborative process where we sat down face to face with leaders and have face to face participation with spiritual leaders, cultural leaders, elders, and medicine men reflecting traditional ecological knowledge and the rule.

For example with the management of (first) foods and this can be very useful in land management planning as well as monitoring. I heard a comment about avoidance of monocultural practices consultation with an Alaskan Native Corporations provisions and this was common throughout the call for provisions for protection of sacred areas.

Continuing traditional uses, that was a comment that was a very prevalent theme throughout the discussion. Concerns about not being a signatory or an equal signatory on memorandums of understanding and other agreements.

Concerns about access, human impact to the National Forests and Grasslands.
Concerns about impacts to the natural resources on the National Forest
System water, land, wildlife species and protection of natural systems.

Concerns about timely notification of these kinds of meetings and discussions.
I apologize to all of you who did not get notification on this in a timely manner. But we've - all I can tell you is we work very hard to reach out to as many people as we possibly can in this effort and get you accurate information in a timely manner. Again having face to face meetings as much as possible.

We work very hard to distribute these meetings across the country. I think we are closing in. Since we started these a few weeks ago somewhere around 35 or 40 public meetings that we've had across the country heavily in the Western part of the United States but we've also had some national meetings back here in Washington, D.C.

Heard comments about involving and engaging youth more and encouraging partnerships especially with the local - at the local level with the tribes and identifying tribal liaisons.

Once we get a new Planning Rule concerns about the financial resources and other means to implement the rule and to do forest plans and implement those plans at the local forest level.

I can tell you that we're working hard to make the process more efficient and more practical and make better use of the financial resources that we do have. The rule process needs to involve tribes and hold meetings closer to tribal headquarters was another comment - holding as many of those as possible.

Over-harvesting commercial or commercial harvesting food from something else I've heard. Just a few more of these that I'll share and then I'll conclude. Adding to the eight principles about recognizing not only the contributions to rural economies but the contributions to tribal economies.

Emphasis on the principle about the provisions for diversity of species and wildlife habitat as these directly impact the tribes' deserved treaty rights. The Planning Rule is to have prescriptive language directing the Forest Service to analyze the effects of tribes' deserved treaty right.

Streamlining the process, I've already made mention of that making it more efficient. Not only a theme of protection but focusing on the feedback mechanism or the feedback loop in the process better than planning for - or just planning for direction but planning for feedback.

So let me stop there. Those are just some examples of things that I heard throughout the discussion. So let me reiterate that it's our intent and hope that this collaborative process with tribes - well it's going to help inform and augment the consultation efforts.

I feel very strongly about that, the consultation efforts taking place across the country and reinforcing the president's vision coming back where we started from of consultation as a critical ingredient of a sound and productive federal-tribal relationship.

So with that thank you all very, very much. And we look forward to continuing these kind of discussions as we move through this process to develop the new Planning Rule.

Lucy Moore: Great, Tony, thank you so much. I know that one of our callers spoke of the importance of feedback and of really listening and making sure that tribal people feel as if they were heard and I think you just demonstrated that very, very well. So thanks from us all for that.

I wanted to also remind people to go to the blog - the Forest Service blog if they've got more comments. Especially if you've got comments on this particular format. I know it's not ideal but we're really interested in learning about how it worked, how it might have worked better, whether it's worth doing again.

And I would like to just on my end - I'm out here in the Southwestern region Forest Service and I wanted to thank (James Melonas) and (Dan Maza) who are sitting here with me and have helped all this happen. And a special thanks to (Rose), our Verizon coordinator, thank you (Rose).

Tony Tooke: And Lucy, this is Tony again. Thank you very much. You did an outstanding job in making this very productive.

Lucy Moore: Great, I appreciate it. Thank you all - hopefully get together again somehow. Bye, bye.

Coordinator: This concludes today's conference call. Thank you for joining you may disconnect at this time.

END