

Tribal Relations Year-End Report

State and Private Forestry Tribal Relations Program Annual Accomplishment Reporting Regions 1 & 4 - FY 2010

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Characteristics of Regions 1 & 4

National Forest System (NFS) lands are original homelands for many Indian tribes and are important sources of subsistence foods, supplies and medicines. The Northern Region (Region 1) manages 25 million acres of NFS and Grasslands in six states: All of Montana and North Dakota; the extreme northwest corners of Wyoming and South Dakota; the northern half of Idaho, and a sliver of northeast Washington south of the Canadian border.

The Intermountain Region (Region 4) manages 34 million acres of NFS lands in five states: All of Nevada and Utah, southern Idaho, southwest Wyoming and a small portion of northeast California. Eighty-five tribes and two tribal organizations either reside or have interests in Regions 1 and 4. Many tribal interests span multiple forests and often overlap with those of other tribes. Most NFs maintain relationships with several tribes, in the case of the Humbolt-Toiyabe, thirty-six. Adding to the complexity, many tribes have unique and specific rights reserved by treaty or executive order, while other tribes may not even be federally recognized.

Larger tribes or those with strong economies typically have better capacity to engage us on resource concerns. Small tribes or those with thinly-stretched resources often struggle to engage. It is important to realize, regardless of a tribe's size or resource capacity, Forest Service issues cannot always be their priority. The same tribal officials we engage on natural resource issues are also responsible for all other aspects of tribal concerns such as education, health care, and law enforcement, to name a few.

Tribal Relations Organization

There are only three dedicated tribal relations specialists in Regions 1 and 4. The Regions share a Tribal Relations Program Manager, supervised by the Director of State and Private Forestry. The Clearwater, Nez Perce (R1) and Payette (R4) Forests share a Tribal Liaison to the Nez Perce Tribe. This position was created under an MOU with the Nez Perce which outlines the FS and Tribe's commitment to develop and maintain strong working relationships between the two governments. The Kootenai NF contracts to the Confederated Salish-Kootenai Tribes for a full-time liaison. Remaining tribal relations roles are collateral duties typically assigned to line officers, archeologists, and public affairs officers.

Primary Issues

Travel Planning:

All forests are or have been working on individual travel plans which are vastly different. This is very confusing for tribes whose interests span multiple forests.

Maintaining access to traditional resources and sacred sites is important.

Special Forest Products Rule:

Impacts of commercial berry pickers

Firewood and tipi pole gathering challenges

Potential for policy to infringe upon treaty rights

Activities on/near NFS lands over which we have limited or no authority:

Hunting - The authority of states to regulate sportsman seasons, hunting/fishing areas, and recognize which tribes have hunting rights can greatly impact FS management with respect to tribes. Differing treaty rights can complicate management.

Highway ROWs and Easement - States often manage activities within ROWs and easements through NFS lands. Occasionally tribes oppose some activities and look to the FS for relief. (KEARL)

Mining and oil/gas leasing - Mining laws are very strong, and while the FS does have the authority to require strong mitigation for these activities, they still are typically authorized.

Consultation Summary

Notifications/letters: It is evident from individual Forest reports that project notifications and invitations to consult are happening across the regions. Several forests engage in annual meetings with tribes to review programs of work, daylight new and track ongoing issues, and build and strengthen relations. For detailed information on specific consultation, please refer to *2010 USDA Consultation Report* for Regions 1 and 4.

Success Stories

Bridging the Divide Natural and Cultural Resources Field Camp - Beaverhead-Deerlodge NF

Shoshone-Bannock Jr./Sr. High students from Fort Hall, Idaho traveled to the Dillon RD to learn about cultural landscapes and tribal traditions associated with camas/wet meadow ecology of southwest Montana. Tribal elders helped students learn about: 1) prehistory, history and tribal use of the area; 2) traditions skills like making digging sticks from native maples, bark bags from lodge pole and fir trees, and cordage from dogbane fibers; 3) harvesting and baking camas; and understanding ecology of camas and wet meadow environments by conducting vegetative transects and digging soil pits.



Ginnis-Cabin Hazardous Fuels (TFPA)

The Lolo NF strengthened its working relationship with the CS&K Tribes by engaging in a stewardship partnership agreement to implement the McGinnis Cabin fuels reduction project along the forest boundary shared by the Plains/Thompson Falls RD and the Flathead Indian Reservation.

Tongue River Breaks Cultural Landscape Survey – Custer NF

This multi-year project started in 2010 with Heritage Stewardship Enhancement funding (\$20,000) from R1 and in partnership with Nance Petroleum, Montana State University-Bozeman, the Northern Cheyenne Tribe and the Custer NF to inventory the ethno-historical landscape and excavations at Horseshoe Cave. Information from the study “Northern Cheyenne Ethno-geography of the tongue River/Powder River Plateau” completed by students in 2010 in partnership with Chief Dull Knife College will be used for this project.

ARRA Funds

Regions 1 and 4 distributed a total of more than \$805,000 to the following tribes to complete ARRA projects on NFS lands: Shoshone-Bannock Tribes, Duck Valley Shoshone-Paiute Tribe, Moapa Band of Paiute, Timbisha Shoshone Tribe, Yomba Shoshone, and Nez Perce Tribe.

Inter-Tribal Youth Natural Resource Camp

The Idaho Panhandle NF and Coeur d’Alene Tribe co-hosted the 22nd annual camp in Plummer, Idaho. Each year the Idaho Panhandle, Clearwater and Nez Perce Forests (R1), Payette Forest (R4) and Colville Forest (R6) join forces with the Coeur d’Alene Tribe, Nez Perce Tribe, Colville Confederated Tribes, Kalispel Tribe of Indians and Spokane Tribe of Indians to provide a weeklong camp where student volunteers learn about resource issues and careers through hands-on field work and interactive workshops conduct by resource professionals.



South Fork Salmon River Aquatic Restoration Partnership

In 2009 the Boise NF and Nez Perce Tribe joined in a Master Participating Agreement to develop a partnership for restoration of habitat for culturally important aquatic species, particularly ESA listed salmon. In 2010 the Tribe and Forest began the first project to remove fish barriers and re-connect 12 miles of high-quality spawning habitat for ESA listed Chinook salmon, steelhead trout and bull trout. The project will also provide access to cold water refuge for the next 10-20 years during the recovery of the 2007 Cascade Complex Wildfire which impacted stream habitat.

Challenges

Absence of standardized and required line officer awareness training on tribal trust responsibilities.

Most line officers do not lack willingness to perform in these matters, but many do lack understanding of their obligations.

Time required for formal internal letters from the WO to reach Forest-level liaisons tasked with communicating directly with tribes. It can take days (or weeks if local changes are required) for formal internal communications from the Chief to route through RFs to Forest Supervisors to tribal liaisons to notify tribes of 120-day consultation opportunities. When tribes meet only once or twice a month, any days lost in the 120-day period can make the difference in their ability to engage. While OTR and Regional TRPMs make great efforts to apprise liaisons of pending consultation opportunities as letters are drafted in the WO, jumping ahead of the official communication has risks.

Sheer number of tribes, their remote location and small staff size. Some forests have dozens of tribes with interests. These tribes may be located a great distance from FS offices, and have very few staff people available.

Overwhelming workload and competing priorities for tribal staffs. Even for tribes with employees dedicated to natural/cultural resource issues, the greatest impediment to address FS issues is the staggering workload between the variety of federal and state agencies the tribes need to balance.

Collateral duties. The vast majority of liaison duties are assigned to those who otherwise have full-time jobs. By necessity, most are forced to focus on reacting to crises or performing only required tasks rather than taking time to develop relationships and improve employee awareness.

Conclusions/Recommendations/Outlook

R1 & R4 will host “Working Together: A Training Course in Indian Law” jointly sponsored by the Forest Service and National Park Service.

Recommend adding a full-time field-level GS-11/12 Tribal Liaison in R4 to manage overwhelming workload associated with number of tribes, particularly on the Humboldt-Toiyabe.

Recommend meeting for R1/R4 liaisons to discuss the FS Tribal Relations Strategic Plan, USDA Consultation Policy, and associated impacts to workloads.

Recommend if 120-consultation periods start when the Chief signs the notification letter that the WO send the letter directly to tribes rather than route to the field. Otherwise, route letters to field 30 days prior to first day of consultation period.