



USDA TRIBAL CONSULTATION & LISTENING SESSION ON EQUITY/BARRIERS
APRIL 2023

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Register for the Consultation: [HERE](#)

SUMMARY OF ACCOMPLISHMENTS

- **Barrier: Tribal Stewardship – Identify and Increase Tribal Co-Stewardship Opportunities.**
 - **Progress made:** More than 70 new agreements with Tribal Nations to support co-stewardship, and an FY2022 tribal investment of approximately \$19.8 million.
- **Barrier: Inconsistent Enforcement of Treaties/Statutes.**
 - **Progress made:** Development of 3 Tier training to support competency of policy, directives, and treaty rights.
- **Barrier: Hiring Inequities and Workforce Development.**
 - **Progress made:** Implementation of USDA Tribal facing positions hiring memo.
 - **Progress made:** Using the direct hire authority in various hiring events (MANNRS, Society of American Foresters, Environmental Justice conference, and Regional Tribal Programs).
- **Barrier: Development of tribal communications plans**
 - **Progress made:** Newly hired Office of Communications Tribal Specialist
- **Barrier: Funding Opportunities.**
 - **Progress made:** Completing national consultation for Infrastructure Restoration Act, Tribal Listening Forums, and Co-stewardship efforts to address the Wildfire Crisis Strategy.
- **Barrier: Sacred Site Protection**
 - **Progress made:** Re-establishment of Sacred Sites Team
- **Barrier: Better Incorporation and Protection of Indigenous Traditional Ecological Knowledge into Forest Management.**
 - **Progress made:** Identifying an indigenous knowledge advisory group
- **Barrier: Hiring Inequities and Workforce Development.**
 - **Progress made:** Development of Tribal Fuels Modules with Choctaw, Chugachmiut, and Ojibwe to support increase in Tribal workforce for co-stewardship. Funding of Salish Kootenai College “woods work” program agreement to support future workforce development.

BARRIERS FOR 2023 CONSULTATION

1. **INCONSISTENT ENFORCEMENT OF TREATIES/STATUTES.**

What we heard from Tribes in 2022 Consultation: National Forests are existing or former tribal homelands which retain obligations to a myriad of statutes and treaty rights. It has been

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challenging to adhere to the treaty obligations due to lack of appropriate training and without easy access to the applicable treaties.

Examples of Progress Made to Date:

- USDA OGC hired several Indian law experts.
- USDA-OTR and DOI-BIA funded a searchable/indexed publicly accessible [Treaty Database](#). USDA FS is developing a comprehensive training program that will cover Federal Indian law & policy.
- The Forest Service Office of Tribal Relations released the [Strengthening Tribal Consultations And Nation-To-Nation Relationships](#) Action Plan (TAP) in February 2023. This action plan provides Agency direction and assistance to fulfill our federal trust responsibility, honor treaty obligations, and support tribal self-determination. The Action Plan contains areas that transect all Forest Service work, including leadership engagement, Forest Service operations, a posture of co-stewardship with Tribes, and honoring and incorporating indigenous traditional ecological knowledge and treaty and other tribal rights in Forest Service decisions and actions.
- To improve the understanding of treaty rights and obligations, the USFS Office of Tribal Relations held discussions with all levels of employees regarding policy, directives, and opportunities to improve co-stewardship with Tribal Nations. This effort was paired with the release of the TAP to provide key leadership expectations for consistent compliance with Treaties/Statutes.
- The USFS is developing a 3-tier training to improve the knowledge of all levels of employees, line officers, and senior executives. This training will support the consistent honoring of treaty rights, trust obligations, and use of the treaty database.
- Additional training and guidance are being developed to honor sacred sites, sacred lands, and the inclusion of indigenous knowledge. The USFS OTR is also working with Regional Tribal Relations Program Managers to develop and improve localized training to ensure issues, concerns, and knowledge barriers at the local level are addressed. To assist employees in understanding treaty rights applicable to their National Forest, the publicly accessible [Treaty Database](#) was linked to the [Tribal Connections Viewer](#).
- The USFS has added additional staff at the national headquarters, regions, and forest levels to ensure that all decisions relating to Federal stewardship of Federal lands, waters, and wildlife under their jurisdiction include consideration of how to safeguard the interests of any Indian Tribes.
- To support the consistency of honoring treaty rights and trust obligations our line officers and key decision makers are now required to complete additional Tribal Relations training. This line officer level training will be a required performance element prior to all Tribal consultation in 2024.

Potential Next Steps/Tribal Input Needed: The Forest Service seeks Tribal input on the following discussion areas:

- What kind of additional training can the Forest Service provide to Forest Service line officers to better understand necessary background on treaty rights?
- What other improvements to the treaty database and the [Tribal Connections Viewer](#)

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would tribes like to see that could help support Forest Service line officers in decision-making processes?

- How can the Forest Service better integrate consideration of tribal treaty and reserved rights, adjudicated and un-adjudicated rights, particularly in sharing information and data to inform decisions?

2. TRIBAL CO-STEWARDSHIP – IDENTIFY AND INCREASE TRIBAL CO-STEWARDSHIP OPPORTUNITIES.

What we heard from Tribes in 2022 Consultation: Expand shared stewardship opportunities and support tribal workforce development.

Examples of Progress Made to Date: The first USDA report on Implementation of Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, highlighted a \$4.1 million investment of the Forest Service in 11 agreements with 13 tribes (with 60 additional agreements in different stages of review). This portfolio of work represents government-to-government relationships and co-stewardship in land management that incorporate tribal knowledge and other input into management of the National Forest System. In its commitment to advance co-stewardship with Tribes, the Forest Service’s total investment in fiscal year 2022 (FY2022) in tribal collaborations was approximately \$19.8 million. These co-stewardship and other agreements aim to protect cultural resources and treaty rights, enable ceremonial traditional activities, and promote food sovereignty, integrate traditional knowledge into land management decision making; care for forests and watershed health; restore healthy wildlife habitats and fire-adapted ecosystems, and more.

Technical assistance and other support:

In support of this expansion of co-stewardship in FY2022, the Forest Service continued collaborative technical assistance to Tribes and Forest Service staff on design and execution of co-stewardship work with an eye toward even further action. Workshops held in FY 2022 include a 7-day mini workshop series “Mobilizing for Project Proposals – Tribal Forest Protection Act and 638,” and three, multi-day “Workshops for Tribal Nations and National Forests” to support indigenous co-stewardship through TFPA and the Tribal Adaption Menu (TAM). The TAM is an award-winning tribal climate adaptation tool developed by a collaboration of the Forest Service, Great Lakes Indian Fish & Wildlife Commission and 34 Tribes and tribal organizations. These workshops were complemented by additional, one-on-one technical assistance with Forest Leadership Teams, and agency partnership coordinators and the grants and agreements cadre.

The Forest Service has also continued a long-standing working relationship with our affinity partner, the Intertribal Timber Council (ITC). For more than a decade the Forest Service and ITC have partnered to deliver technical assistance to Tribes on the TFPA, and now the TFPA self-determination demonstration authority. In FY2022 this collaboration expanded to inform implementation of the Forest Service’s 10-Year Strategy: Confronting the Wildfire Crisis. In FY2022 the Forest Service Wildfire Risk Reduction Infrastructure Team and ITC hosted a roundtable to bring tribal perspectives to wildfire risk reduction. Incorporating the learning from that engagement and regional sessions that included tribal invitees, this partnership is now expanding the conversation to a series on tribal workforce development.

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Co-Stewardship Examples:

- Eastern Band of Cherokee Indians: The Nantahala and Pisgah National Forests in North Carolina and the Eastern Band of Cherokee Indians entered a historic Tribal Forest Protection Act (TFPA) agreement: the first ever to be signed within the Southern Region of the Forest Service. Coupled with a Good Neighbor Agreement, this work integrates cultural and traditional ecological knowledge with silviculture and fire management to inform best management practices for basket-quality white oak trees and other culturally important forest products.
- **Cow Creek Band of Umpqua:** The Cow Creek Band of Umpqua and the Umpqua National Forest in Oregon signed one of the largest of all Forest Service Tribal Forest Protection Act self-determination agreements to reduce fuels in strategically important areas of National Forest System lands that border tribal lands, the wildland urban interface, and private property. This work will simultaneously reduce fuel concentrations enough to enable firefighters to establish control lines in the event of future wildfires, as well as the severity and intensity of fire through the treated areas. Future phases of this work develop a broader collaborative within the strategically important border lands, designing, and planning additional areas for fuel treatment, completing NEPA clearance, and beginning implementation of treatments.

Potential Next Steps

- Continue to expand tribal capacity building opportunities to achieve parity in the delivery of Forest Service programs and services and the ability to execute work on both tribal lands and the National Forest System.
- Begin revisions to Forest Service Handbooks and Manuals to address barriers and focus on an action centered approach that achieves results on the ground.
- Explore opportunities for tribal keystone agreements in support of additional technical assistance.
- Institutionalize Forest Service budget investments in tribal collaborations.

Tribal Input Needed

- What role has funding played in your Tribe's potential participation in USFS co-stewardship agreement?
- What successes have you see with the co-stewardship process?
- What barriers/impediments are you experiencing with the co-stewardship process?

3. TRIBAL WORKFORCE CAPACITY AND INCLUSION – INCREASING TRIBAL WORKFORCE CAPACITY

What we heard from Tribes in 2022 Consultation: There are key barriers to expanding the Tribal workforce including funding, fire training, succession, and inclusion in co-stewardship efforts on ancestral and current Tribal homelands.

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Example of Progress Made to Date:

- In an effort to support inclusion of Tribal nations in co-stewardship of National Forests, three Tribal fuels modules were funded and trained. These initial efforts will provide key insight for future opportunities.
- The agreement with Salish Kootenai College was renewed with additional funding to re-invigorate the Woods Work program, which is used as a direct hiring and recruiting pathway for the Federal workforce. There are continued discussions on how to increase additional support for indigenous academic institutions, youth programs, and trade programs.
- USFS is working with the National Partnership Office to support Indian Youth Corp programs. The desired outcome for these investments is to support the future native American workforce available, integrate indigenous knowledge at all levels, and ensure for the support of self-determination.

Potential Next Steps/Tribal Input Needed: The Forest Service seeks Tribal input on the following discussion areas:

- The Indian Youth Corp program could provide some good workforce development opportunities. What would be your ideal outcomes for the program?

4. TRIBAL ACCESS TO FORESTS FOR SUBSISTENCE AND TRADITIONAL USES

What we heard from Tribes in 2022 Consultation: Tribes expressed frustration with the Forest Service permitting and access process for subsistence, foraging, and cultural purposes.

Example of Progress Made to Date: Efforts to address permitting and access for subsistence, foraging, and cultural purposes are underway. In addition to the training, the OTR has improved its internal website to support awareness and navigation of Tribal access for subsistence and traditional uses. Awareness of subsistence and traditional uses is also being elevated by projects supporting native plants and ecosystem restoration projects to support growth of wild rice, medicinal plants, and native fish.

Potential Next Steps/Tribal Input Needed: The Forest Service seeks Tribal input on the following discussion areas:

- Would a public guide/website for tribal foraging policies be helpful or should that be more confidential?
- Do Tribal governments want oversight of individual access for any traditional uses? Some? All? None?
- How can the Forest Service make forest land more accessible to tribal members?
- Are there chronic issues that tribal members experience, positive/negative, when gathering/harvesting on forest lands?
- Do tribes have suggestions on access issues in designated wilderness areas?
- Are tribal trust resources being adequately protected on Forest Service land?

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5. BETTER INCORPORATION AND PROTECTION OF INDIGENOUS TRADITIONAL ECOLOGICAL KNOWLEDGE INTO FOREST MANAGEMENT

What we heard from Tribes in 2022 Consultation: Modern science often lags indigenous ecological knowledge. Recent “discoveries” include indigenous fire management principles, nutrition and medicinal benefits of plants, wildlife, natural resource, plant and animal codependency, and tree communication.

Example of Progress Made to Date: In response to evaluating the incorporation of indigenous ecological knowledge into forest management, a review of all Forest Plans following the 2012 Planning Rule is underway. This review will help identify key examples of management direction that successfully incorporates indigenous knowledge.

The USFS has also identified an ITEK advisory group to assist in utilization and implementation of the White House Indigenous Knowledge direction. The USFS Sacred Sites team will be updating training, awareness and understanding of protecting indigenous knowledge, cultural connections, and best management practices to include indigenous knowledge in forest management.

Ongoing efforts for FY23

- National Tribal Consultation for revision of Policy & directives
- ITEK Advisory team to coordinate with USDA & WH IK regarding USFS practical application of IK in co-stewardship planning, implementation, and research
- Sacred Sites teams to produce guidance and incorporation of IK.
- Co-Stewardship expansion, co-stewardship navigation assistance
- Institutionalizing Tribal Investments through keystone agreements, tribal workforce development, and support for Tribal academic institutions.

Potential Next Steps/Tribal Input Needed: The Forest Service seeks Tribal input on the following discussion areas:

- Where can land management be improved by the incorporation of ITEK and what examples of successful ITEK projects would you like us to highlight?
- During planning for landscape scale projects or revision of land management plans, how can we best engage tribes to ensure ITEK is incorporated into our consideration of science and long-term landscape goals?
- How satisfied are Tribes with our consideration with ITEK in land management planning? If not, how are we missing the mark and what can we do to improve?
- Do any Forest Service policies or approaches create barriers from Tribes being able to work with us on better incorporation of ITEK?