



U.S. DEPARTMENT OF AGRICULTURE

US FORESTS & TRIBES

Progress Update
Spring 2024



RESOURCES

Treaty Rights

- [MOU Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights](#)
- [OSU Libraries Tribal Treaties Database](#)
- [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making](#)

Sacred Sites

- [MOU Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites](#)
- [Best Practices Guide for Federal Agencies Regarding Tribal and Native Hawaiian Sacred Sites](#)

Indigenous Knowledge

- [White House Memo: Indigenous Traditional Ecological Knowledge and Federal Decision Making](#)
- [White House Memo: Guidance for Federal Departments and Agencies on Indigenous Knowledge](#)

Joint Secretarial Order 3403

- [Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters \(usda.gov\)](#)
- [2022 USDA JSO Annual Report](#)
- [2023 USDA JSO Annual Report](#)

Co-stewardship Resources

- [USFS Office of Tribal Relations Webpage](#)
- [FS Tribal Action Plan](#)
- [Resources for Implementing Joint Secretarial Order 3403](#)

- [FS 2023 Tribal Investment StoryMap](#)

TRIBAL TREATY RIGHTS

Tribal Treaties Database. USDA, along with the U.S. Department of the Interior (DOI) and the U.S. Department of Defense (DOD), have been partnering with Oklahoma State University (OSU) on the creation of a [Tribal Treaties Database](#) as directed by The Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights announced by President Biden at the 2021 White House Tribal Nations Summit. The first phases of the database included working with OSU to create the interface for the database, digitizing and indexing Charles Kappler’s Indian Affairs: Laws and Treaties, and on enhanced indexing with emphasis on refining all tribal connections (signatory tribes to modern federally recognized tribes a.k.a. successor-in-interest tribes). In phase three OSU completed extensive research on additional resources not found in Kappler’s Volume II. These resources are being populated into the public facing database and include the identification of 350+ new agreements (treaties, unratified treaties, Congressional Acts, and other related documents).

Treaty Provisions in the Forest Service Tribal Action Plan: *Strengthening Tribal Consultations and Nation-to-Nation Relationships.* The Action Plan provides Agency internal guidance regarding our general trust responsibility, treaty obligations, and tribal self-determination. The Action Plan transects all Forest Service work, including leadership engagement, Forest Service operations, co-stewardship with Tribes, and honoring indigenous traditional ecological knowledge and treaty and other tribal rights in Forest Service decisions and actions. The Action Plan sets forth a number of recommendations or action items focused on the protection of Treaty Rights and resources: developing consultation protocols with, and between Tribes and Forests; implementation of Indigenous Knowledge (IK) in actions and policy to better manage natural resources; integrate reserved rights on the National Forest System in co-stewardship goals; a review of policy that may present barriers to Tribes or protection of Treaty rights.

CO-STEWARDSHIP

USDA’s Forest Service Releases Financial Resources and Legal Authorities for Tribes and Co-Stewardship. At the 2023 Tribal Nations Summit, the U.S. Forest Service’s Office of Tribal Relations provided a publicly available document that identified financial resources available in the Infrastructure Investment and Jobs Act and the Inflation Reduction Act. Additionally, the Forest Service produced and published, in line with JSO 3403, a publicly available resource that identifies the legal authorities that may support tribal co-stewardship of National Forest System lands. [LINK: Resources for Implementing Joint Secretarial Order 3403](#)

Tribal Keystone Agreements. The . Forest Service seeks to create parity for tribes in the award and execution of “keystone” and other agreements that support co-stewardship at scale. On par with other traditional partners, the Forest Service committed \$100 million for agreements that address tribal priorities within Forest Service mission critical work. In the coming months, the Forest Service plans to execute one or more national tribal agreement(s) for technical assistance,

active engagement, and outreach in the delivery of Forest Service programs and services. The Forest Service has been working with numerous tribal organizations and through national consultation to give tribal issues the attention, focus, and engagement necessary to address them appropriately. The agency is also working to expand agreements designed to increase tribal workforce capacity and engagement in co-stewardship with the Forest Service on tribal priorities and mission critical work.

USDA Signs Double the Number of Tribal Co-Stewardship Agreements from Last Year.

USDA’s Forest Service entered into 120 new co-stewardship agreements this fiscal year, double the 60 new co-stewardship agreements that the agency entered into last year and tripled its fiscal investments -- \$68 million in Fiscal Year 2023, up from nearly \$20 million in Fiscal Year 2022. Of these agreements, approximately 13 of them are Tribal Forest Protection Act self-determination agreements, with nearly \$37 million in investments. This is also an increase from fiscal year 2022, where we had four self-determination agreements and approximately \$4.3 million in obligations.

STRENGTHENING TRIBAL CONSULTATION

USDA’s Forest Service Releases Tribal Action Plan on Strengthening Tribal Consultation and Nation-to-Nation Relationships. Acknowledging that the millions of acres managed by the Forest Service include the ancestral homelands of American Indian and Alaska Native tribal nations, and the tragic history involving the forced displacement of Indigenous people, the U.S. Forest Service has begun to reclaim its commitment to federal trust and treaty responsibilities this year with the release of Strengthening Tribal Consultations and Nation-to-Nation Relationships: A USDA Forest Service Action Plan. This plan represents an organizational shift in Forest Service culture, beginning with reflection on agency policies, programs, and practices – and the real-life implications they have on Indigenous peoples. As the Forest Service begins to implement a new way of working to build trust and create innovative opportunities with tribal nations, it begins that journey by very publicly and intentionally renaming the State and Private Forestry Deputy Chief as the State, Private and Tribal Forestry Deputy Chief.

Initiation of Tribal Relations Manual & Handbook Revisions: The Forest Service Tribal Relations Manual and Handbook set forth the national policy, practice, and procedure for developing, maintaining, and enhancing the agency’s government-to-government relationships with federally recognized Indian Tribes and government-to-corporation relationships with Alaska Native Corporations. The ongoing review of these directives is intended to support developing stronger relationships with Tribes, improving consultation with Tribes, and better protecting Tribal rights reserved in Treaties or other federal laws. A letter to notify Tribes of the opportunity to consult on the Tribal Relations directives revision was sent in August of 2023.

SACRED SITES

Best Practices Guide for Federal Agencies Regarding Tribal and Native Hawaiian Sacred Sites: The Forest Service Office of Tribal Relations was a contributing author and editor on the Department of the Interior publication. This document was distributed at the 2023 White House Tribal Nations Summit.

INCREASED FOREST SERVICE TRAININGS

Increased Forest Service Staff Training. The Forest Service Office of Tribal Relations has held multiple trainings with staff across Forest Service deputy areas regarding consultation procedures, obligations to protect Treaty Rights and other reserved rights, and the Forest Service’s trust relationship with Tribes.

National 3-Tier Training Curriculum Development: The Office of Tribal Relations has developed the curriculum, based on Forest Service Tribal Relations Handbook and Manual. The 3-Tier Training curriculum module development is underway for implementation using the eLearn platform. The training modules focus on the following concepts: (1) Tribal Sovereignty, (2) History of Tribal Relations, (3) Federal Law & Policy, Cultural Competency, and (5) Tribal Consultation responsibilities.

Other Forest Service Training Opportunities: The Office of Tribal Relations developed training curriculum to support the “Road to the Summit” Chief’s 2023 Equity Summit. These training sessions targeted Forest Service staff and provided training on the Tribal Action Plan, History of Tribal Relations, Federal Law & Policy, Operationalization of the Tribal Action Plan through engagement with Tribes to include IK into Forest Service land management planning.

INCORPORATION OF INDIGENOUS KNOWLEDGE

Indigenous Knowledge (IK) as Best Available Scientific Information. The Office of Tribal Relations is working on developing policy to include IK as a component of the Best Available Scientific Information (BASI) and update the definition of Native Knowledge within the planning rule to align with the White House Council on Environmental Quality-endorsed term of IK, as outlined in its [2022 guidance](#) and excerpted below.

Indigenous Knowledge. A body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, cultural, and spiritual systems. Indigenous Knowledge can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. Indigenous Knowledge is developed by Indigenous Peoples including, but not limited to, Tribal Nations, Native Americans, Alaska Natives, and Native Hawaiians. Each Tribe or Indigenous community has its own place-based body of knowledge that may overlap with that of other Tribes.

Indigenous Knowledge is based in ethical foundations often grounded in social, spiritual, cultural, and natural systems that are frequently intertwined and inseparable, offering a holistic perspective. Indigenous Knowledge is inherently heterogeneous due to the cultural, geographic, and socioeconomic differences from which it is derived, and is shaped by the Indigenous Peoples’ understanding of their history and the surrounding environment. Indigenous Knowledge is unique to each group of Indigenous Peoples and each may elect to utilize different terminology

or express it in different ways. Indigenous Knowledge is deeply connected to the Indigenous Peoples holding that knowledge.

Incorporation of Indigenous Knowledge (IK) in 40% of FS Co-stewardship Agreements. IK runs throughout Forest Service Tribal co-stewardship agreements for FY 2023—in traditional plant management and ethnobotany, cultural interpretation, and traditional methodologies and techniques—with nearly 40% of FY 2023 co-stewardship agreements integrating IK.

Research & Development (R&D): R&D selected and hired the National Program Lead (NPL) for Tribal Research, Dr. Serra Hoagland. Dr. Hoagland is the third native woman in the United States to receive a PhD in forestry, and she has been with the Forest Service since 2010. She is Laguna Pueblo and previously served in the Rocky Mountain Research Station as the tribal relations specialist. This critical NPL position has been vacant for half a decade. Now that the permanent position is filled, the Office of Tribal Relations intends to assist scientists and R&D staff in these areas. The Washington Office Landscape Restoration and Ecosystem Services Research (LRESR) has requested legal counsel as well as a facilitator to draft a FS R&D specific ITEK implementation guide and updated Tribal Engagement Roadmap.

Native American Research Assistantship Opportunities. R&D continued in the 9th year of providing Native American Research Assistantship opportunities where native students in natural resources are paired up with a FS R&D researcher to work on a tribally relevant research project.

Intertribal Timber Council Research Scholarship. Landscape Restoration and Ecosystem Services Research financially supported the Intertribal Timber Council Native American Research Scholarship program for the 10th year (approx. \$25k in awards/year to native students)

INCREASED TRIBAL FINANCIAL INVESTMENTS

- Approximately \$11 million was awarded for tribal capacity building, including fuels crews, a fuels forester, several Tribal Historic Preservation Officers, Indian youth corps and firewood crews.
- Approximately \$11 million provided through Wood Innovation and Temporary Water Crossing grants.
- \$4.75 million awarded to Tribes for Landscape Scale Restoration, Tribal nurseries, and Forest Landowner support, with additional set-asides.
- Approximately \$4 million awarded directly to Tribes and tribal organizations, and another \$20 million through set-asides, for Urban and Community Forestry projects.
- In Round #1 of the Community Wildfire Defense Grants awards, \$4.78 million was awarded to Tribes.

Removed Match Waivers and Clarified Match Requirement Satisfaction. After a review of existing policies, the USDA Forest Service took several actions to make partnering easier, as well as more accessible and equitable. Agency policy now makes clear that a partner with an established formal agreement may satisfy match requirements by providing cash, real or personal property, services and in-kind contributions, or a combination thereof. The value of “services and in-kind contributions” that partners bring includes but is not limited to (1) access to networks and

communities that are underrepresented or underserved, (2) access to IK, (3) networks and relationships that increase social license for wildfire risk reduction and treatments, (4) creativity and innovation that can support effective public outreach and education and facilitate safe and inclusive recreation experiences, (5) experience managing work projects to improve forest health and climate resilience, (6) capabilities to support project design and management and provide subject matter expertise that complements the skills of agency employees or fills a gap in agency capacity, and more.

FS also issued guidance to waive policy match requirements (those not required by statute) are waived for all agreements with Tribes, as encouraged in Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments.” Agreements with Tribes help the agency meet its general trust responsibilities and deliver on priorities, including equity and co-stewardship, by providing benefits without the need for any additional cash matching.

Community Navigator to Improve Financial Access. Launched a community navigator program aimed at improving access to funding opportunities and technical assistance for underserved communities, including Tribes and Indigenous communities. Serving as a national resource, community navigators support Forest Service programs receiving funding from the Inflation Reduction Act (IRA) and Bipartisan Infrastructure Law (BIL). Navigators are initially focused on helping Tribes and underserved communities apply for community wildfire defense grants and IRA-related urban and community forestry awards and forest landowner support provisions.

SUBSISTENCE

USDA’s Forest Service Creates Curriculum for Navigating Federal Subsistence Board. Subsistence is essential to Alaskan tribal and rural ways of life. As a Federal Subsistence Board member, USDA’s Forest Service is committed to improving access to the Board. The U.S. Forest Service and USDA’s Office of Tribal Relations have partnered with the Sitka Conservation Society to expand citizen engagement in Federal Subsistence Management by engaging rural citizens, with a focus on Alaskan youth, by teaching the history of federal subsistence policy, introducing the components of federal subsistence management, and guiding citizens through involvement in the process.

PRODUCERS

USDA’s Forest Service Clarifies Tribal Trust Lands are Eligible as “Base Property” for Grazing Permits on National Forests and National Grasslands. The U.S. Forest Service reviewed rangeland management program policies, and identified a need to clarify the flexibilities available for base property requirements to ensure that the Forest Service grazing program aligns with its goals and policies for tribal lands. Specifically, tribal trust land can be used for satisfying the base property requirement.

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