

FRAMING PAPER: FOREST & PUBLIC LANDS MANAGEMENT

USDA TRIBAL CONSULTATION ON BARRIERS/EQUITY ANNUAL PROGRESS REPORT & FEEDBACK FOR NEXT STEPS

Friday April 15, 2022

The Forest Service Office of Tribal Relations is finalizing the Forest Service National Tribal Relations Action Plan (Action Plan) on Tribal Consultation and Strengthening Nation-to-Nation Relationships to provide 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.

1. Inconsistent Enforcement of Treaties/Statutes.

What we heard from Tribes in 2021 Consultation: National Forests are existing or former tribal homelands which retain obligations to a myriad of statutes and treaty rights. It has been challenging to adhere to the treaty obligations due to lack of appropriate training and without easy access to the applicable treaties. 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.

Example of Progress Made to Date: The Pacific Northwest National Scenic Trail travels from Montana, through Idaho, and across Washington to the Pacific Ocean, spanning 7 National Forests, 3 National Parks, other federal and state lands, and aboriginal territories, including those of the Kootenai Tribe of Idaho (KTOI). As lead agency for trail administration and planning, the Forest Service entered a Memorandum of Understanding with the KTOI for continued protection and enhancement of the Tribe's treaty, religious and cultural rights, and resources on National Forests in Ktunaxa (Kootenai) Territory and the betterment of all citizens.

Potential Next Steps: 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 types of improvements to the treaty database and the [Tribal Connections Viewer](#) 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, particularly in sharing information and data to inform decisions?

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2. Tribal Stewardship – Identify and Increase Tribal Co-Stewardship Opportunities.

What we heard from Tribes in 2021 Consultation: Expand shared management opportunities, and ensure Alaskan tribes are eligible.

Example of Progress Made to Date: The Six Rivers and Klamath National Forests and the Karuk Tribe are collaborating through the Western Klamath Restoration Partnership (WGRP) to design and implement projects that revitalize the Tribe’s culture and sovereignty on their aboriginal territory. They have worked to reach consensus and integrate shared goals of the Tribe, Forests, and other partners. Tree thinning and prescribed burning help mitigate severe wildfires and Karuk traditional knowledge drives a strategy that favors culturally important species, such as black oaks and tanoaks over conifers, that can produce acorns that feed animals and people.

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

- What training or technical assistance do Tribes need to best participate in co-stewardship?
- From a tribal perspective, what are the barriers preventing co-stewardship?
- The Forest Service authorities allow very limited use of ISDEAA “638”. With expanded use of 638 what are the areas that tribes are most interested in having a greater role: i.e., forest management, wildland fire management, natural/cultural resources, recreation, interpretation/education, facilities management, etc.?

3. Tribal Stewardship – Tribal Homelands Restoration

What we heard from Tribes in 2021 Consultation: Tribal Homelands Restoration is one of the primary issues of concern. Many of the currently administered National Forests and Grasslands are former tribal homelands.

Context: The agency does not have an existing policy on Tribal Homelands Restoration. Currently there are no laws or general authority that provide the Forest Service the administrative discretion to convey National Forest System lands directly to Tribal governments or any other entities. Legislation is the primary means by which the Forest Service can transfer lands to Tribal entities. The agency can engage in dialogue on a case-by-case basis to assess opportunities in specific situations in which other authorities may exist.

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

- What are the barriers to using legislation to propose land transfers?

4. Tribal Access for Subsistence and Traditional Uses

What we heard from Tribes in 2021 Consultation: Tribes expressed frustration with the Forest Service permitting and access process for subsistence, foraging, and cultural purposes.

Example of Progress Made to Date: The Southern Sierra Miwuk tribe is rebuilding their Wahhoga (Miwuk word for village) using timber and rock from the Stanislaus National Forest.

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Utilizing the Cultural and Heritage Cooperation Authority in the 2008 Farm Bill to provide free forest resources for traditional and cultural purposes, the tribe is building a traditional roundhouse, modern Indian Cultural Center and several umachas, traditional dwellings covered in cedar bark, using cedar and oak from the Stanislaus and stone from a quarry on the Forest. An historic agreement with Yosemite National Park allows the Tribe to rebuild and use the site for traditional and cultural purposes for the next 30 years.

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

- 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?

5. Better Incorporation and Protection of Indigenous Traditional Ecological Knowledge into Forest Management

What we heard from Tribes in 2021 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: Mapping Rivercane: “Dihiya is the Keetoowah’s ancient word for river cane” explains Roger Cain, an ethnobotanist with the United Keetoowah Band of Cherokee Indians (UKB), adding that this indigenous bamboo has long played an integral role in ecological, cosmological and societal lifeways of the UKB people.” In 2019, the UKB was awarded a US Forest Service Competitive Citizen Science Grant to develop strategies for mapping rivercane stands in the Southeastern United States. UKB is also using the grant to start an Agricultural Program that revolves around traditional plants. This project-ideation grant, a partnership between UKB and the Forest Service Southern Research Station, is being carried out in cooperation with the Ozark-St. Francis National Forest.

Potential Next Steps: 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?