

TRIBAL FOREST PROTECTION ACT

SUCCESS STORY PROFILES

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SUCCESS STORY PROFILE: MCGINNIS CABIN

This Tribal Forest Protection Act (TFPA) project, initially intended as a fuels reduction project, ultimately developed as a procurement contract that included precommercial thinning and commercial thinning of second growth Ponderosa Pine plantation areas, road construction and road maintenance. The work is contracted to the Confederated Salish and Kootenai Tribes (Tribes) on the Lolo National Forest (Forest) located in west central Montana.

This TFPA project provided the Forest with an opportunity to collaborate with the Tribe. There were a number of issues that had to be addressed before work on the ground could commence. This type of contract was new to the Forest and as a consequence, preparation took time. There were three parties: the Tribe, the Forest Timber Staff and the Forest Service Acquisition Staff that had to work together for the first time in different roles necessitated by implementing the TFPA through a procurement contract.

Another issue was more specific to TFPA. "One of the biggest challenges we faced initially was the question of whether the TFPA authorizes 'less than full and open competition' with a Tribe. As an Acquisition Contracting Officer, I think this is a very important point." (Loren Ebner, Contracting Officer, U.S. Forest Service, Western Montana Acquisition Zone) The Forest and Tribe worked through these issues, the contract was awarded without competition and approximately 30% of the work has been completed (650 acres are left) with great success. Then the market conditions changed.

Market fluctuations and finally the closure of Stone Container Mill resulted in both the Tribe and the Forest agreeing to suspend the contract until there is an identifiable outlet for the products (pulp and non saw logs). There were other lessons learned. "With the uncertainty of the market, an agreement may have been more flexible. We didn't account enough for potential risk." (Jim Durglo, Department Head, Forestry Department, Confederated Salish and Kootenai Tribes) Both the Tribe and the Forest indicated that despite the problems the project was a success.

"This is a great project. We really want to get the land treated and we hope to have future projects."
(Wanda Smith, Supervisory Forester for the West Zone of the Lolo NF)

Photo Courtesy of Jim Durglo, CSKT



SUCCESS STORY PROFILE: MILL CREEK ROADSIDE FUELS REDUCTION PROJECT

In Northwest California, the Megram Fire devastated 125,000 acres of the Six Rivers and Shasta-Trinity National Forests in 1999, where an earlier major blow down contributed to high fuels. The smoke alone forced the evacuation of the most vulnerable tribal members. Afterwards, the Hoopa Tribe (Tribe) pursued ways to prevent the recurrence of this kind of fire. In 2005, the Tribe proposed a Tribal Forest Protection Act (TFPA) stewardship project on the Six Rivers National Forest (Forest) that was accepted the same year.

The project was designed to treat approximately 2000 acres in four phases. Phase 1 consisted of treatment of 27 miles/627 acres of roadside fuels. Phases 2 and 3 included stand improvements. Phase 4 provided for shaded fuel breaks and fire line maintenance.

Portions of the proposal were incorporated as an Operating Plan for an existing Participating Agreement in 2007. The Forest funded 177 acres in 2008 and another 155 acres in 2009. Only 15% percent of Phase 1 has been completed. Factors include:

- Newly designated addition to a wilderness, adjacent to the area, made work more difficult due to the uncertainty.
- Little understood provisions in the master agreement ultimately affected the project and resulted in the higher costs.
- The environmental compliance documents, which were not communicated at the outset, did not allow for certain equipment, which resulted in higher labor costs.
- Fuel levels and travel time were underestimated fuel levels and resulted in higher costs.

Lessons learned include:

- Take into account provisions in related documents.
- Estimates need to be more realistic than conceptual.
- Agree on costs for reimbursements ahead of time.

Despite the issues, both the Tribe and the Forest Service emphasized the value of the TFPA project. “We understand our trust responsibilities. This is the kind of project that also furthers our relationship and our future work together.” (Tyrone Kelley, Forest Supervisor, Six Rivers NF)

“Overall the project was a success. The Tribe got a traditional trail protected and a fuel break.” (Darin Jarnaghan, Sr., Forest Manager, Hoopa Tribe)

Photo Courtesy of Six Rivers National Forest



SUCCESS STORY PROFILE: THE SIXTEEN SPRINGS STEWARDSHIP PROJECT

The Mescalero Apache Tribe (Tribe) and the Lincoln National Forest (Forest) have entered into the Sixteen Springs Stewardship Project that has expanded to protect the lands and forest health in Otero and Lincoln Counties in New Mexico. This forest health improvement project also reduces the risk of fuels and fire risk to the Mescalero Apache Reservation, the Village of Ruidoso, the 16 Springs community, and the Forest.

The Forest and the Reservation share 30 miles of boundary on the southern end, 6 miles of boundary on the Southwest and 15 miles on the northern end. This collaborative project between neighbors has furthered the relationship between the Forest and Tribe. The Tribe participated in the forest planning and submitted their proposal at a strategic time.

The majority of this work is being completed through a Stewardship Contract. To date, 6056 acres and 3.4 miles of road have been undertaken through 22 separate task orders, totaling \$6,271,662. Commercial timber removal is producing material for the local small sawmill. In addition to the benefit to forest-dependent industries, the project is intended to create jobs (approximately 30) and maintain positions within the local tribal and county communities, especially for those with specialized skills.

The Tribe and Forest have worked to cultivate a good relationship that was problematic for a long time, but has steadily improved. The Tribe developed credibility and trust for doing good work and the Forest had become more supportive. However, the Tribe is faced with having to work with and educate new staff due to frequent forest leadership and staff changes.

The Tribe has a large organization and tries to maintain year round work. The Tribe is supporting crews recognized as having diverse skills and being “redcarded” so they can undertake forest work and fight fires. The Tribe is accomplishing quality management work on both sides of the boundary. Tribal fuels projects are coordinated with the Forest.

The Forest and Tribe continue to work together to take advantage of economic stimulus funding for several years. However, that funding is no longer available and future funding is uncertain. The Forest is facing budget reductions so the Forest Supervisor is coordinating with the Tribe on priorities and seeking additional funds through competitive programs such as the Collaborative Forest Restoration Program. The Tribe is also trying to diversify the funding (e.g. fire funding) and work (e.g., fuels projects on and off the reservation).

“The idea is to be persistent. Don’t take no for an answer.” (Thora Padilla, Director, Department of Resource Management and Protection, Mescalero Apache Tribe)

“I recognize the value this landscape has to native communities and want to continue to support the Tribe’s stewardship on these lands.” (Robert Trujillo, Forest Supervisor, Lincoln National Forest)

Photo Courtesy of Lincoln National Forest, Mickey Mauter, Photographer



SUCCESS STORY PROFILE: QUINAULT LAKE WATER TREATMENT PLANT PROJECT

Located on the southwestern corner of the Olympic Peninsula in the State of Washington, Lake Quinault is 3.8 miles long and 2 miles wide, with acreage of over 3,700 acres. The Lake is part of the Quinault Nation's (Nation) trust lands and is bounded by Lake Quinault Lodge, the Rain Forest Resort Village, the Olympic National Forest (Forest), Olympic National Park, private lands and numerous cabins and recreational developments.

In the interest of protecting the water quality of the Lake, a wastewater treatment plant was constructed on the Forest. With payments from other landowners and permittees, the Forest entered into a sole-source Service Contract with the Nation to manage the plant over the past three years, citing the Tribal Forest Protection Act (TFPA) as an authority. This is the only example of a TFPA project that was based on protecting water quality and, by extension, the forest ecosystem.

While the Nation has decided at this time not to continue contracting with the agency to furnish the service, the Forest has indicated that they will provide a plant operator to treat the water and contribute to maintaining water quality.

Photo Courtesy of Gary Morishima



SUCCESS STORY PROFILE: THE PARRY PINYON PINE PROTECTION PROJECT

Pinyon seeds are often culturally important, but the pinyon trees are very slow growing. In particular, Parry pinyon, *P. quadrifolia*, which is highly regarded and sought by Southern California Tribes, can be more than 25 years old before it produces any cones.

In 2005, the Ramona Band of Cahuilla Indians, citing the Tribal Forest Protection Act (TFPA), requested assistance in protecting the remaining stands of Parry Pine from future catastrophic fires and Parry Pinyon Pines Protection Project (P5) was launched. The Santa Rosa Band of Cahuilla Indians joined as a partner to the project since both reservations are within or adjacent to the San Bernardino National Forest (Forest). The P5 has taken place on the San Jacinto Ranger District of the Forest and on the Ramona and Santa Rosa Indian Reservations in southern California.

Between 2006 and 2011, the Forest cleared away undergrowth and limbed lower branches so that a wild fire could potentially burn around or under the pinyon and not total consume them. This practice also makes the trees accessible for cultural gathering when there are cone crops. Replanting is also an important component to the project. In 2005 both the Forest and Santa Rosa Indian Reservation gathered pinyon cones with the intention of propagating the seeds for future restoration. Trees were planted when opportunities became available.

The emphasis of this TFPA project has been primarily on fuel reduction surrounding pinyon trees. It is more effective to protect the existing stands than to be continually be replanting due to the frequency of catastrophic fires, droughts, insects and disease and the fact that the trees take so long to bear cones.

Hundred of pinyon trees have been protected within several hundred acres. Over 1200 hours were volunteered, including the participation of tribal members, young people, and the public, in support of the project over the six years. Several volunteers returned each year and there has been a steady increase in interest in the project and hours donated. The project benefits include strengthening Forest-Tribe relationships, enhancing the health and vigor of a culturally important natural resource and ensuring against its loss. The challenge will be to continue this effort in light of budget and personnel cost.

“This is a staple food for this area with a lot of cultural significance.” (Steven Estrada, Environmental Director, Santa Rosa Band of Cahuilla Indians)

Photo of Cahuilla-Apache young people courtesy of Daniel McCarthy, FS



SUCCESS STORY PROFILE: THE LOST BURROS PROJECT

In 2009, the White Mountain Apache Tribe (Tribe) and the Apache- Sitgreaves National Forest (Forest) entered into a participating agreement for the Los Burros Project in east-central Arizona to reduce fuels on the Forest. This Tribal Forest Protection Act (TFPA) Project consists of three phases:

- Phase 1 is preparation and training with tribal crews;
- Phase 2 is undertaken by a third party under a pre-existing stewardship contract with mechanized equipment; and
- Phase 3 involves thinning trees in areas as determined from the previous two phases and will be conducted by the Tribe.

The Tribe and Forest collaborated to secure economic stimulus funding: approximately \$908,000 to the Tribe and an additional \$92,000 to the Forest for proposed training for tribal members and for administrative purposes. The proposal was successful because of its emphasis on capacity building and employments as well as reducing risk to tribal trust lands and resources.

There were a number of challenges the Tribe and Forest faced. Economic stimulus funding proposals needed to be quickly developed. Fortunately, the Forest and Tribe have a good working relationship. The Tribe is known for its hardworking crews and sharing a concern for preventing another catastrophic fire. Additionally, the Lakeside Ranger District recently completed the environmental compliance work in anticipation of a collaborative project with the Tribe and had in place the Forest's stewardship contract with another entity to perform the Phase 2 mechanized work.

Tribal Forester Jonathan Brooks noted that the Tribe wants to be able to build on this success and do more of the work, including the mechanized work, in the future. "This is a great project. Our crewmembers got training and also layout, marking and other experience. I like it!"

"The TFPA Project is a 'win-win' situation and we are grateful to participate in a precedent setting initiative." (Daniel Kessay, ARRA Field Operations Manager, WMAT)

"The field crews are really good," (Ed Collins, Lakeside District Ranger)

Photo Courtesy WMAT. From L to R, Mark Goklish,WMAT, Amy McCabe FS, Fred Cosay WMAT