



TRIBAL FOREST PROTECTION ACT OF
2004
COLLABORATIVE PLANNING WEBINAR



**COLLABORATIVE PLANNING
BETWEEN TRIBES AND US FOREST SERVICE**

December 17, 2018

11:00 AM-12:30 PM Pacific Time

2:00 PM -3:30 PM (Eastern) ♦ 12:00 PM -1:30 PM (Mountain)

Objectives

- Overview of US Forest Service Planning Cycles and best practices for moving projects forward.
- Share Pros, Cons, Success Stories and Lessons Learned on partnerships between Tribes and US Forest Service.
- Provide perspectives on obstacles and jointly develop solutions.

Agenda

Description	Presenter
Welcome, Introductions, and Webinar Objectives	Stephanie Lucero, TFPA Workshop Coordinator
Overview of TFPA in Terms of Planning	Intertribal Timber Council
Collaborative Project Planning	John Waconda, Restoration Partnership Coordinator, US Forest Service
Facilitated discussion:	All Stephanie Lucero, TFPA Workshop Coordinator
Wrap up and Next Steps	Stephanie Lucero, TFPA Workshop Coordinator
Adjourn	All

The History of TFPA: The West Was On Fire



Taos Photo 2003 by Ignacio Peralta,
Photo courtesy of the Forest Service

The Fire Siege of 2003



NASA/Goddard Space Flight Center
Scientific Visualization Studio

TFPA History

- Tribes went to Congress for legislation that would increase protection of tribal lands and resources throughout the United States.

TFPA History

- The Tule River Tribal Council's testimony for the TFPA stated:

“Every year we pray we are not the victims of catastrophic stand replacing fire, such as the devastation in Southern California.”

- The Intertribal Timber Council's testimony:

ITC “applauds and strongly supports the Tribal Forest Protection Act.” It is “...a good opportunity to build partnerships that can produce results on the ground where they count.”

- **The TFPA passed in 2004 with bilateral support.**

Key Terms

- TFPA - Tribal Forest Protection Act of 2004
- “Tribes” - refer to those tribal governments recognized by the federal government.
- “Trust Responsibility” - the federal government has a legal responsibility to protect the interests and rights of Tribes and their members.
- “Land in trust” - the US holds the legal title and the Tribe or individual Indian person holds the beneficial interest.

TFPA Background

The TFPA authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed projects on US Forest Service or Bureau of Land Management administered lands.

TFPA Basics

- Emphasizes the government-to-government relationship between the federal government and Tribes.
- Sets forth the goal for protection of trust lands.
- Acknowledges Tribes' historic and cultural interests.
- Recognizes tribal relevant knowledge and skills.

See ITC TFPA handouts for specifics and details.

TFPA Basics

To qualify, the land (either tribal or allotted):

- Must be in trust or restricted status and
- Must be forested or have a grass, brush, or other similar vegetation, or
- Formerly had a forest cover or vegetative cover that is capable of restoration.

TFPA Basics

The Tribe must propose a specific project to take place on US Forest Service (or BLM) administered land which:

- Borders or is adjacent to Indian trust land and
- Poses a fire, insect infestation, disease, and/or other threat to the Indian forest land or rangeland or a tribal community; or
- Is in need of land restoration.

TFPA Basics

The US Forest Service administered area for the TFPA proposal:

- Should present or involve a risk to a feature or circumstance unique to the proposing Tribe (e.g., a risk to treaty rights; or biological, archaeological, historical, or cultural features), and
- Should not be subject to some other conflicting agreement or contract.

TFPA Basics

- The US Forest Service may respond to tribal proposals (approve or deny) within 120 days.
- While TFPA provides a lot of discretion to the agency, Executive Orders, agency policy and many protocol agreements encourage timely responses.
- TFPA authorizes US Forest Service & BLM to enter into contracts and/or agreements directly with the Tribe or consider tribally-related factors when selecting the contractor and/or cooperator.
- Collaboration prior to the submission of a formal proposal contributes to success.

TFPA Basics

The US Forest Service can enter into an agreement or contract in response to the proposal with agency appropriated funds and/or other appropriate sources of funding.

Third parties may be involved in funding and doing the work on the ground.

TFPA Basics

For contracts, the US Forest Service can use “best value” and give special consideration to tribally-related factors such as, but not limited to:

- The status of the Indian Tribe;
- The trust status of the Tribe’s land;
- The cultural, traditional, and historical affiliation of the Tribe with the land subject to the proposal.

Collaborative Planning under The Tribal Forest Protection Act of 2004

Why is this authorized?

- U.S. Government responsibilities & interests
 - Sovereign rights, Treaty & Trust responsibilities.
 - Forest Service mission and values.

- Tribal rights and interests
 - Sovereign rights, Treaty rights & reserved rights.
 - Cultural, Natural and Economic values & interests.

TFPA Principles

- Projects are on US Forest Service (or BLM) lands in proximity to Tribal lands,
- Projects protect or enhance resources of importance to Tribes,
- Tribal partnerships are clear in development and implementation of the projects.

Questions or comments?

12/17/2018