APPENDIX C

TRIBAL FOREST PROTECTION ACT SUCCESS STORIES:

THE PARTIALLY FULFILLED PROMISE OF A LEGISLATIVE LANDMARK

By
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July 2012
(Updated December 2012)

EXECUTIVE SUMMARY

The Intertribal Timber Council (ITC), in collaboration with the Forest Service (FS) and Bureau of Indian Affairs (BIA), is undertaking a study to review implementation of the Tribal Forest Protection Act of 2004 (TFPA). This success story report is part of the larger study and was commissioned to identify accomplishments and lessons learned from TFPA projects on FS administered lands.

Eight years after the enactment of the TFPA, only ten Tribes and eight National Forests have implemented TFPA to any degree. This report examines six projects that participants identified as successful and provides a status report on the four others that were initiated, but did not proceed for a variety of reasons.

Methods of analysis included semi-structured interviews with key tribal and forest individuals who played a role in or had specific information about the TFPA projects identified in the FS 2008 Report to Congress and subsequently. This analysis is qualitative in nature and compliments the more quantitative survey sponsored by the ITC, FS and BIA under Phase One of the TFPA study.

Based on over 40 discussions and in-depth interviews, the common denominator for success centered on the leadership and persistence of key tribal and forest partners to overcome administrative obstacles. The stories of these six partnerships, as they expanded relationships from consultation to collaboration to find mutual benefit, form the core of this report. Four other TFPA initiated proposals or potential projects were substantially delayed or dropped because of purported concerns over the lack of local public support.

Local lessons that have implications for future projects include better communication and collaboration from proposal development to the selection of the instrument to implement the project. It is also evident that service-wide and regional initiatives to communicate the importance and generate support of TFPA are needed to increase utilization and effectiveness of the TFPA. Training should be developed and delivered. Local FS-Tribal Workshops are needed to identify potential TFPA projects. A technical support cadre, for post training assistance, would provide access to expertise in contracting, acquisitions and other skills to implement TFPA. National and regional budget direction could prioritize TFPA and support to regional efforts to protect tribal trust lands. A separate report, “Mobilizing for Success”, provides training modules and a communications plan with recommendations for increasing the use of this significant, but underutilized, legislative tool.

TABLE OF CONTENTS

The ITC believes the United States, as trustee, has an affirmative duty to protect Indian lands and forests.

Nolan C. Colegrove, Sr., President of the Intertribal Timber Council, Testimony, House Committee on Resources, Subcommittee on Forests and Forest Health, Hearing on HR 3846, April 21, 2004

INTRODUCTION

Tribes share over two thousand miles of boundary with the Forest Service (FS) and are critically affected by the millions of acres of watersheds managed by the agency. Overstocking of national forests has resulted in excessive fuel accumulations, deterioration of water resources, and growing threats from insect and disease infestation. Catastrophic fires have jumped FS (and other federal agency) boundaries and devastated reservations across the West.

The Tribal Forest Protection Act (TFPA) was enacted eight years ago in response to conflagrations. In 2002, the Rodeo-Chedeski fire burned approximately 280,000 acres on the Fort Apache Reservation in east-central Arizona, next to the Apache-Sitgreaves National Forest. The following year, during the summer of 2003, nearly 20 Indian reservations were burned by wildfires that came from adjacent federal lands, including those administered by the FS. In southern California alone, hundreds of thousands of acres went up in flames and fires completely burned over eight reservations and damaged three others. Lives were lost, tribal people were evacuated for months, homes and other structures were destroyed, and Tribes lost untold millions of dollars in resources and revenues as their economic foundations were affected.

The legislative response to wildfires that were burning up the west and southwest focused on the urban-wildland interface. There were discussions about including a tribal component in the Healthy Forests Restoration Act (HFRA), but the HFRA passed without an explicit tribal section in 2003. At the behest of Tribes, Senator Feinstein and then Representative Pombo championed the TFPA in their respective congressional chambers to enhance the ability of Tribes to undertake projects to reduce hazardous conditions on nearby lands administered by the FS and the Bureau of Land Management (BLM), which threatened Indian resources and lands held in trust by the United States. The Tule River Tribe, the Viejas Tribe and the Intertribal Timber Council (ITC) provided compelling testimony and the Department of Agriculture supported the bill. The TFPA was passed in 2004 with bipartisan support (see Attachment A).

The TFPA reflects a subtle, but significant shift in the government-to-government relationship; one that recognizes that Tribes have the right to seek changes in federal land management to protect their interests. No longer do Tribes have to wait for agencies to consult and take action. Tribes can initiate projects and propose actions and

the FS and BLM should give these proposals special consideration. (For more information on the TFPA and its implementation, please see the companion report "Mobilizing for Success".)

Eight years later, the ITC, the FS and the BIA is examining implementation of the TFPA. This success story report is one aspect of the larger inquiry. The major objective in this report is to identify and report on TFPA projects that demonstrate accomplishments at the local level for the FS and the Tribe, identifying factors that may assist others who are considering using TFPA. Conclusions and recommendations are also offered for consideration at a policy level to expedite TFPA implementation.

The TFPA is an authority that recognizes the truly unique relationship we have with Tribes. I think its use is critical to our shared stewardship of the land. It is a tool we intend to use more broadly with each passing year.

Corbin L. Newman. Regional Forester, Southwestern Region. Personal Communication, January 11, 2012

METHODOLOGY

I reviewed existing documents, in particular the FS's 2008 TFPA Report to Congress (see Attachment B), and interviewed key participants using a semi-structured format and protocol (e.g., all interviewees were asked common questions, but provided the opportunity to bring up additional related topics; see Attachment C for interview format). Personal familiarity with most of the projects in the 2008 report and experience in previous roles with the FS and a nonprofit organization combined with my long-term interest in TFPA were helpful in seeking out key contacts. However, the report, including the case studies and recommendations, reflects the information and emphases from the success story interviews and related written documentation.

The 2008 TFPA Report, which spanned 2004 to 2008, listed ten projects; those highlighted in bold below were identified in 2011-2012 by the project partners as successful:

- **The McGinnis Cabin Fuel Reduction Project** between the Confederated Salish and Kootenai Tribes and the Lolo National Forest;

- The Cascade Crest Forest Health Improvement Project between the Confederated Tribes of the Warm Springs Reservation and the Mt. Hood National Forest;

- **The Mill Creek (Roadside) Fuels Reduction Project** between the Hoopa Tribe and the Six Rivers National Forest;

- **The Sixteen Springs Stewardship Project** between the Mescalero Apache Tribe and the Lincoln National Forest;

- **The Lake Quinault Sewage Treatment Plant** between the Quinault Indian Nation and the Olympic National Forest;

- **The Parry Pinyon Pine Projection Project** between the Ramona Band of Cahuilla Indians, the Santa Rosa Band of Cahuilla Indians and the San Bernardino National Forest;

- The Black Mountain Fuels Reduction Project (also known as the Tule River Restoration Protection Project [TRRPP]) proposed by the Tule River Tribe on the Sequoia National Forest;

- The Sweetwater Fuel Break and Capitan Grande Fuels Projects between the Viejas Tribe, the Ewiaapaayp Band of Kumeyaay Indians and the Cleveland National Forest (two projects); and

- The Tree Felling Project between the White Mountain Apache Tribe and the Apache-Sitgreaves National Forest.

Subsequent to the FS report to Congress, an additional TFPA project was undertaken in 2009:

- **The Lost Burros Project** between the White Mountain Apache Tribe and the Apache-Sitgreaves National Forest.

The Case Studies for the six successful TFPA Projects are presented here. The other four TFPA projects recorded in 2008 are summarized in the status reports (see Attachment D).

CASE STUDY: THE MCGINNIS CABIN PROJECT

Photo Courtesy of Jim Durglo, CSK

This project provided the Confederated Salish and Kootenai Tribes (Tribe) and the Lolo National Forest with an opportunity to collaborate on work done on the national forest located in west central Montana next to the Flathead Indian Reservation. Previously, the Tribe and Forest had worked together suppressing fires. This was a chance to work together to reduce the threat of fire on the shared border.

The project was first envisioned as a fuels reduction project, but ultimately included precommercial thinning and commercial thinning of second growth Ponderosa Pine plantation areas, road construction and road maintenance. Under the Stewardship Integrated Resource Service procurement contract, the Forest paid for the thinning and the Tribe did the roadwork and received forest materials.

There were a number of issues the Forest and Tribe had to address before work on the ground could commence. This type of contract was new to the Forest and relatively new nationwide. Technical support and guidance were not provided.

> *"At the time we felt that we were on our own." Randy Hojen, Plains District Ranger*

In addition to a new type of contract, there were three parties that had to work together for the first time in new roles: the Tribe, the Forest Timber Staff and the Forest Service Acquisition staff. The contract preparation was lengthy and involved numerous meetings. Additionally, an issue emerged that 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. If Forest Service Handbook direction can be clarified in this regard, you may find an administrative/bureaucratic hurdle disappear, paving the way for an easier launch of a project through Acquisition (Contracting)." Loren Ebner, FS Contracting, Western Montana Acquisition Zone

A third issue was the posting a bond or letter of credit. Fortunately, the Tribe had a bank and could issue a credit for the service work, e.g., road construction.

The Forest and Tribe worked through these issues, the contract was awarded without competition and approximately 30% of the work was completed (650 acres are left) with great success. Then the market conditions changed. Most of the product consisted of pulp. Market fluctuations and the eventually the closure of Smurfit Stone Container mill, resulted in both the Tribe and the Forest agreeing to suspend the contract. Otherwise, the Tribe would have lost money.

There needs to be an outlet for the products (pulp and non-saw log) material before this project can proceed. The project will be revisited a year from now to see if the timing and the market conditions have improved.

There were a number of lessons learned. The Tribe had never dealt with the contracting side of a project. They were used to being the one issuing the contract, not implementing it. The contract was entered into at set rates for pulp and timber. The Tribe did not account enough for potential risk.

"With the uncertainty of the market, an agreement may have been more flexible." Jim Durglo, Department Head, Forestry Department, Confederated Salish and Kootenai Tribes

The Forest found that they could not just add more funding to the stewardship contract. They also have to provide a good rationale to revisit contract rates. Termination of the contract is not viable since the funds are assigned or obligated to the contract and cannot be easily transferred to a new instrument.

"In order to complete a project such as this, maybe the next contract would be a more conventional contract or a different mix." Wanda Smith, Supervisory Forester for the West Zone of the Lolo NF

Both the Tribe and the Forest agreed that the work as completed was successful and the relationship became stronger as the Tribe and Forest worked through the issues.

“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

CASE STUDY: MILL CREEK ROADSIDE FUELS REDUCTION PROJECT

Photo Courtesy Six Rivers National Forest

In the Northwestern portion of California, the Megram Fire devastated 125,000 acres of the Six Rivers and Shasta-Trinity National Forests in 1999. This is an area where three years earlier a major blow down contributed to high fuel accumulation next to the Hoopa Reservation. The smoke alone forced the evacuation of the most vulnerable tribal members. Afterwards, the Hoopa Tribe pursued ways to prevent the recurrence of this kind of fire.

In 2005, the Tribe proposed a stewardship project that was accepted the same year to treat approximately 2,000 acres in four phases:

- Phase One focused on the treatment of 27 miles/627 acres of roadside fuels;
- Phases Two and Three included stand improvements; and
- Phase Four consisted of 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% of Phase One has been completed for a variety of reasons. Factors include:

- Newly designated addition to a wilderness adjacent to the area made work more difficult due to the uncertainty about how to proceed;

- Little understood provisions in the master agreement, such as restrictions on the use of contractors, ultimately affected the project and resulted in the tripling of costs

- Fuel out on the ground was more numerous and complex than initially projected. Fuel loading and contract specifications exceeded the capabilities of local work force;

- The environmental compliance documents, which were not communicated at the outset, did not allow for certain types of equipment, which resulted in higher labor costs; and

- Travel time to the project was underestimated.

Lessons learned include:

- Use a stand-alone agreement that is specific to the project and does not have a lot of other conditions that are carried over from a master agreement or contract;

- Take into account worst-case scenarios, such as fuel loading;

- Estimates of time and labor need to be more realistic than conceptual;

- Agree on requirements (environmental, logistical, types and costs for reimbursements) ahead of time; and

- Develop a common understanding of expectations and reflect them in the agreement. Define what the Forest will do, e.g., burning and what the Tribe will do, e.g., piling.

Despite the obstacles and issues, both the Tribe and the Forest emphasized that the project accomplished a lot.

> *"Overall project was a success. The Tribe got a traditional trail protected and a fuel break." Darin Jarnaghan, Sr. Forest Manager, Hoopa Tribe*

"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 National Forest

CASE STUDY: THE SIXTEEN SPRINGS STEWARDSHIP PROJECT

Sixteen Springs Project
Post treatment Ponderosa Pine Stand
In Wet Burnt Canyon
Photo courtesy of Lincoln National Forest
Photographer, Mickey Mauter Oct. 28, 2010

The Mescalero Apache Tribe (Tribe) and the Lincoln National Forest (Forest) originally entered into the Sixteen Springs Stewardship Project to protect the lands and forest health in Otero County in New Mexico. This is a forest health improvement project that reduces hazardous fuels and fire risk to the Mescalero Apache Reservation, the 16 Springs community (the community is spelled differently from the project), and the Forest. Subsequently, the addition of the Perk-Grindstone project provided much needed protection for the Village of Ruidoso through a joint Tribe and FS shaded fuel break.

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 had gotten involved in the forest planning and submitted their proposal at a strategic time in the Forest's NEPA work. The Mescalero Tribe's support of forest management specifically increased support of management on the forest.

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 and maintain jobs within the local tribal and county communities, especially for those with specialized skills. (The estimated number of jobs created is 30.)

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 became 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 expand the contract work and were able to take advantage of economic stimulus funding for several years. However, that funding is no longer available and future funding is uncertain. Funds are needed to maintain the local work and skills.

The Forest is facing budget reductions so the Forest Supervisor is working with the Tribe on priorities and seeking additional funds through competitive programs such as the New Mexico Collaborative Forest 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*

CASE STUDY: QUINAULT WASTEWATER TREATMENT PLANT

Photo of Lake Quinault Courtesy of Gary Morishima

Located on the southwestern corner of the Olympic Peninsula of Washington State, Lake Quinault is 3.8 miles long by 2 miles wide with a surface area of just under 6 Sq. miles totaling over 3700 acres. The Lake is part of the Quinault Nation's trust lands and bounded by Lake Quinault Lodge, the Rain Forest Resort Village, the Olympic National Forest, Olympic National Park, private lands and numerous cabins and recreational developments.

In the interest of protecting the water quality of the Lake and Blueback, a Quinault National Treasure, a wastewater treatment plan was constructed on the Olympic National Forest from a variety of funds, including the Forest, local governments and the Tribe. With payments from other landowners and permittees, the forest entered into a service contract with the Quinault Nation to run the plant over the past three years. The project is quite unique, using new technology.

The Tribe and Forest have indicated that the partnership is working well. However, its future is unclear. It is an unusual situation to have the treatment plant on national forest lands and other options may be explored, including the option of transfer to the Tribe. This is the only type of TFPA project of its kind.

CASE STUDY: THE PARRY PINYON PINE PROTECTION PROJECT

Photo of Cahuilla-Apache young people on the Ramona Reservation
Courtesy of Daniel McCarthy.

In general, pinyon seeds are culturally important to many Tribes, but the pinyon tree is very slow growing and vulnerable to drought and fire. In particular, Parry Pinyon Pine(P. quadrifolia) highly regarded and sought by Southern California tribal peoples, 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 from the San Bernardino National Forest (Forest) to protect the remaining stands of Parry Pine from future catastrophic fires and the Parry Pinyon Pines Protection Project (Project) was launched. The Santa Rosa Band of Cahuilla Indians soon joined as a partner to the project since both reservations are within or adjacent to National Forest Lands.

The Project has taken place between 2006 and 2011 on the San Jacinto Ranger District and also on the Ramona and Santa Rosa Indian Reservations. Working on an informal basis, without a written agreement, the Forest and Tribes cleared away the 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, however, has been primarily on fuel reduction surrounding pinyon trees. It is more effective to protect the existing stands than to be constantly replanting due to the frequency of catastrophic fires

Hundred of trees have been protected and planted over several hundred acres on the national forest and on the reservations. On the national forest, 90 acres of limbing and brush reduction have been accomplished. Over 1000 hours were volunteered, including the participation of tribal members, young people, and the public, in support of the project over the 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:

- Enhancing the health and vigor of a culturally important natural resource and ensures against its loss;
- Providing an opportunity for public involvement and education; and
- Getting young people into the woods.

While this is one of the smaller TFPA projects, the cultural values being protected are great.

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

There are serous challenges to the continuation of this TFPA project. Despite the hundreds of hours of volunteered and contributed time, the forest staff position responsible for leading the project has been terminated due to lack of funding.

CASE STUDY: THE LOST BURROS TRIBAL FOREST PROTECTION ACT PROJECT

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

For generations, the Fort Apache Reservation (Reservation), located in east-central Arizona, contained one of the most productive forestlands in the Southwest. Then in 2002, the Rodeo-Chediski fire burned 276,000 acres on the reservation that resulted in destroying 35% of the White Mountain Apache Tribe's (WMAT) timber. Not only the forest was destroyed. The economy was devastated since WMAT's economic foundation is based on timber.

On May 26, 2009 the WMAT proposed a TFPA project to the Forest Service. On July 22, 2009 Regional Forester Corbin Newman approved the Tribe's TFPA Proposal, noting that the currently available funds would come from the economic stimulus funding under the America Restoration and Reinvestment Act (ARRA). Approximately $908,000 was available to the Tribe and the Apache-Sitgreaves National Forest (Forest) obtained an additional $92,000 of the ARRA funding to cover proposed training for tribal members and for administrative purposes. The proposal was successful because of its emphasis on the tribal job training and employment in an area where the Tribe faced 70-80% unemployment.

The WMAT and the Forest quickly entered into a participating agreement for the Los Burros Project, which had National Environmental Policy Act (NEPA) compliance work already completed, in order to reduce the threat of future catastrophic fires. The Project consists of three phases:

- Phase One covers preparation (layout, marking and cruising) with tribal crews covers approximately 4,500 acres;

- Phase Two is undertaken by a third party under a pre-existing stewardship contract with mechanized equipment; and

- Phase Three involves thinning trees in areas as determined from the previous two phases and will be conducted by the Tribe.

Training is embedded in Phase One, including classroom, field, and on-the-job training for cruising and other forestry work.

This TFPA project is one of three ARRA funded collaborations. The other projects consist of a native plant nursery and restoration of tribal lands. All these projects are a continuation of the Tribe's efforts to recover from the Rodeo-Chediski Fire. The TFPA project is the only project of its kind, incorporating three authorities: ARRA, TFPA and Participating Agreement.

There were a number of challenges the Tribe and Forest faced: timing, logistics and sustainability. ARRA proposals needed to be quickly developed. Fortunately, the Forest and Tribe had a good working relationship, which continued to be strengthened as they worked together. Additionally, Sonia Tamez, working through a nonprofit organization, was able to provide additional support and resources to the Tribe and Forest in pulling together the ARRA and the TFPA proposals. Dan Meza, Regional Tribal Relations Program Manager, was able to facilitate the approval of the proposals in the FS Southwestern Regional Office and organize regional support and resources for implementation.

The Tribe was already known for its hardworking crews and a shared concerned for preventing another catastrophic fire. There were several mechanisms in place that facilitated moving quickly on the ARRA projects. The Lakeside Ranger District had recently completed the NEPA work in anticipation of a collaborative project with the Tribe and already had a stewardship contract with another entity to perform the mechanized work (which became Phase Two of the project). The Lakeside Ranger District had an internship agreement with the Tribe and another District had completed a previous, smaller TFPA project (see Appendix E). These experiences contributed to a sound foundation for their working relationship.

There was also the need to quickly mobilize staff. The Tribe had intensive experience with the Rodeo-Chediski fire and subsequent recovery and so did the Forest. They were both able to redirect staff to the ARRA projects. The Tribe was also able to rehire members who had been laid off.

The importance of existing relationships, experience and strategic leadership is reinforced by a recent published study. The Forest Service's Pacific Northwest Research Station produced a report, "The Socioeconomic Assessment of Forest Service American Recovery and Reinvestment Act Projects: Eight Case Studies" in 2011. This report contains an examination of the TFPA project on the Forest and other projects on the Forest and the Reservation. The report found that existing collaborative relationships, with individuals and with organizations made it possible to quickly obtain and expend ARRA funds. Furthermore, the availability of projects that were already NEPA ready made it possible to apply the funds when they became available. The congruence of ARRA funded projects with community needs and capacity increased the socio-economic benefits. Additionally, the researchers found that local leadership had a community development orientation, which resulted in investments that will provide long-term community benefits, and projects on the Forest and on the Reservation. These projects are seen as having the potential to help transition communities to more diverse and sustainable economies (Burns, Deitrich, Mattor, and Wilson 2011, pages 38-49; http://www.fs.fed.us/pnw/pubs/pnw_gtr831.pdf).

There are administrative challenges as well as benefits of opportunities like ARRA funding. The ARRA funding came with additional paperwork and oversight, including monthly reports. Both the Tribe and the Forest learned the processes.

Programmatic agreements, such as the one that was negotiated between the Tribe and the Forest, can be quickly negotiated to take advantage of an opportunity like ARRA funding and provide the flexibility in cases where field conditions and requirements are not totally known ahead of time. However, such an agreement requires a match, which can be in funds or in-kind services. Tracking such a match is an additional administrative workload.

The FS reimbursement process, with the centralization in the Albuquerque Center, also required the Tribe and Forest spending additional time to organize, operationalize and implement it. It also meant clarifying the need for certain equipment and other purchases, responding to changing field conditions, addressing unexpected costs and needs in order to process the reimbursements.

In order to work through the logistical issues, management on both sides needed to be flexible, adaptive, strategic, and communicative. These challenges were not insurmountable, but they took time to address. The effort was worth it according to the participants and as the following example illustrates.

The Wallow Fire last year demonstrated the need for fuels treatment of the sort undertaken by the WMAT. Jonathan Brooks, tribal forest manager, observed that WMAT forest management strategies slowed down the Wallow Fire when it hit the Reservation. "Had this area not been thinned, logged, prescribe-burned, we wouldn't

have been able to do a burnout operation here – so the fire would've been able to come through here unchecked," (quoted by Brandon Quester, Cronkite News December 8, 2011).

Funding is needed to sustain the efforts into the future. Short-term stimulus funding helped during a critical time. Now the Forest will need more funds for planning, environmental compliance and implementation of future TFPA projects, some of which have already identified. The Tribe will also need funding to build on this success, acquire the equipment 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!" Jonathan Brooks, Tribal Forest Manager, WMAT

"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 quoted the Tribe's ARRA 2011 Newsletter Report

The next section of this report summarizes the findings from the six case studies focusing on several key aspects.

FINDINGS

- The TFPA is a **flexible** authority that can be employed to address a wide variety of local needs.

- A TFPA project's success critically depends on **local leadership** by the FS and tribal partners.

- **Systemic issues**, (e.g., lack of information, limited training, and reluctance to pursue projects that may lack local public support), have hampered utilization of the TFPA.

Flexibility—

Each TFPA project profiled here has its own characteristics and illustrates the flexibility of this legislative tool and the diversity of work that may be carried out. TFPA can be applied to large and small acreages, protect water quality and culturally important natural resources, can be funded by appropriated budgets or special funds, and can be of limited duration or on-going.

- The Confederated Salish Kootenai Tribes and the Lolo National Forest collaborated on the McGinnis Cabin Project. The Tribe and Forest executed their work through a relatively new procurement contract for a variety of activities, including biomass utilization, thinning, road building and road maintenance.

- The Hoopa Tribe proposed a four-stage fuels reduction project to the Six Rivers National Forest. The first stage was incorporated into the Mill Creek Roadside Fuels Reduction Project. Subsequent stages would be carried out in future projects.

- The Mescalero Apache Tribe has an on-going stewardship contract, with yearly task orders, with the Lincoln National Forest. They were able to utilize economic stimulus funding in addition to regularly appropriated funding.

- The Quinault Nation's project with the Olympic National Forest is designed to protect the water quality of Lake Quinault, which is surrounded by national forest, private landowners and developments.

- The Ramona Band of Cahuilla Indians and Santa Rosa Band of Cahuilla Indians both work with the San Bernardino National Forest to protect relatively small, but culturally critical Parry Pinyon Pine stands, on and off the national forest and tribal reservations. This is an on-going project undertaken by volunteers.

- The White Mountain Apache Tribe and the Apache-Sitgreaves National Forest entered into a participating agreement that incorporated capacity building, job creation and support. The Tribe and Forest were also able to access economic stimulus funding.

Leadership—

The success of each project depended on the leadership and persistence of the Forests and Tribes to overcome unique and systemic challenges, particularly the lack of information about TFPA implementation. In all cases, tribal and agency leaders at all levels of their respective organizations were committed to working through a government-to-government relationship to find new ways to take care of the land, and reduce the threats to trust lands and ancestral forests now managed by the FS. Participants in successful projects strengthened their working relationships and maintained open lines of communication during challenging times such as timber market fluctuations. Leaders had to be nimble and adaptive to changing circumstances, bold in pursuing opportunities like the economic stimulus funding, and collaborative to overcome barriers and setbacks together.

Systemic Issues—

Lack of Information

Repeatedly, the people interviewed for this report responded that the biggest challenge was the lack of information and direction on how to implement TFPA within the agency. Respondents stated that they did not know where to get guidance to address the questions that came up. Their inquiries sometimes extended over a period of months and sometimes questions were left unresolved.

The major issues that came up for the most part were not about TFPA itself. The individuals interviewed did not report any issues regarding the fundamental aspects of TFPA that emerged in the Phase One surveys of tribal and FS personnel, e.g., threats, adjacency. All indications are that the successful project partners were flexible in the interpretation of TFPA to their local situation.

Instead, issues were predominantly related to FS-wide administrative requirements. Many of the participants commented that more information was needed regarding the merits and constraints of using different FS instruments such as contracts and agreements. Several participants noted that they spent a considerable amount of time researching contracts. Additional respondents expressed concern over the consequences of contracts and agreements that did not work as well as expected or intended after the documents were signed and implemented. One FS contracting person indicated that he was not sure whether he had to comply with regulations regarding competition or whether he could rely on TFPA as an authority for sole source contracting.

Limited Training

There has been no training at the national level. A few individuals, tribal and FS, reported that they had attended either ITC sessions or Region 3 and 5 workshops. While training recommendations are covered in a separate report, "Mobilizing for Success", it is important to note here that training on TFPA, contracts and agreements is vitally needed. While accomplishments were substantial, with more training and technical support, future projects could be expedited.

Reluctance

The national forests in the examples discussed below hesitated to move forward when they anticipated appeals and litigation.

The TRRRP (formerly known as the Black Mountain Fuels Reduction Project) on the Sequoia National Forest has been substantially delayed because of concerns over the lack of external support for active management in the Giant Sequoia Monument area, including the proposed TFPA project. The Forest had to spend considerable time and funding for a major Environmental Impact Statement (EIS). While the former District Ranger was able to work with the Tribe to secure over two million dollars of funding for work on the tribal side of the border, seven years after the TFPA project was initially proposed and approved, the Forest's EIS is still not completed. However, the new Forest Supervisor has committed to the Tribe that this project is one of his highest priorities.

Two projects, proposed on the Cleveland National Forest by the Viejas Tribe and the Ewiaapaayp Band of Kumeyaay Indians, were stalled until recently. There had been local opposition to similar (nontribal) projects elsewhere on the forest. The current Forest Supervisor indicated in January 2012 that he is meeting with the tribal leadership to discuss going forward with these projects.

The Cascade Crest Forest Health Improvement Project developed by the Confederated Tribes of the Warm Springs Reservation and the Mt. Hood National Forest reportedly

did not go forward by mutual agreement. Initial reasons cited included opposition to similar (nontribal) projects elsewhere on the national forest and uncertainty about the viability of the TFPA project.

This bill will help make clear and identify our areas of responsibility and also raise the level of cooperation with all agencies involved.

Dave Nenna, Administrator, Tule River Tribe, Testimony, House Committee on Resources, Subcommittee on Forests and Forest Health, Hearing on HR 3846, April 21, 2004

CONCLUSION

Only six projects have been implemented over the eight years since TFPA passed. Each one of these projects reflects how Tribes and Forests overcame major obstacles through leadership and persistence to achieve significant forest health related objectives. Two of these projects, infused with economic stimulus funding, also exemplify how local employment can be improved. The relationships, which were established and strengthened, enabled the Forests and Tribes work through serious issues related to contracts and agreements, changing field conditions and fluctuating markets.

Two projects in particular, the Sixteen Springs Project and the Los Burros Project offer hope for the future. They illustrate how the FS is meeting its responsibilities to protect trust lands and resources at risk from threats of wildfires, insects and disease resulting from conditions on neighboring FS administered lands. These two projects have also demonstrated to the surrounding communities and to different environmental, conservation and industry interests how tribal involvement and TFPA can result in large-scale landscape treatments that benefit forests and communities.

The projects that were delayed or dropped suggest that the FS is reluctant to take action when local public support is in question regardless of threats to tribal rights and the intent of the TFPA. Three of these projects have approved TFPA proposals yet have to be implemented: the TRRRP, the Sweetwater Fuel Break and Capitan Grande Fuels Projects. Participants are working to see that these three projects will be implemented soon.

The TFPA Case Studies highlight not only successes, but also identify vulnerabilities and challenges. Most, if not all, of the success story projects are at risk due to lack of funding. However, as the examples illustrate, tribal stewardship has demonstrated the benefits of active forest management and has brought different interests to the table. This collaboration could be used to generate more funding to support forest management.

There needs to be strong leadership andsupport from the Washington Office of the FS, emphasizing TFPA through high level communications, training, workshops, technical assistance, and budget direction to expand these accomplishments. Specific recommendations follow.

TFPA is a vehicle of hope.

Merv George, Pacific Southwest Regional Tribal Relations Program Manager, October 9, 2011

RECOMMENDATIONS

1. Develop and deliver TFPA training, sponsored by the FS and BIA, nationally and regionally;

2. Communicate TFPA successes to Tribes, National Forests, communities, relevant agencies, and organizations;

3. Design and launch FS-Tribal Workshops for Tribes and Forests that share a border to identify potential TFPA projects;

4. Provide technical support through an interagency and Intertribal cadre of select individuals who have the expertise, experience and are available to assist Tribes and Forests as they develop TFPA projects; and

5. Support TFPA through budget direction, perhaps integrating it into existing related program emphases such as hazardous fuels reduction.

The TFPA Phase One survey as well as the success story interviews revealed that training is needed and would be welcomed. The specific components of that training are addressed in more detail in the " Mobilizing for Success" report.

Success stories should be communicated widely to highlight mutual benefits and included in training and workshops. Examples of the types of agreements, contracts and grants can also be shared (with sensitive information redacted) expedite future projects. There are a variety of ways to communicate the success stories for the benefit of future TFPA partners, such as special publications and websites. Future potential TFPA partnerships can build upon the work that has already been done in the six successful cases. In order to build more support for TFPA projects, success stories should be shared with key agencies, organizations and local communities as well. Please see "Mobilizing for Success" which contains a detailed Communication Plan.

Support should not end with delivery of training or the completion of a workshop or dissemination of successes. There should also be a technical support cadre available to help TFPA partners address questions that might arise and resolve any issues. Interest-

based negotiation training and conflict resolution assistance should also be provided as an adjunct.

Financial support for planning and implementation should also be provided. Budget direction should support existing and future TFPA projects. Such direction could also highlight existing funding that can be accessed and prioritized for TFPA projects. Recognizing the FS's responsibilities to protect tribal trust resources, lands and rights from threats originating from national forests should be acknowledged in the budget as one of the highest agency priorities given the federal trust responsibility.

There is uncertainty about how to fund TFPA. There is not currently a line item that would create a ceiling for TFPA expenditures so a variety of funds are available. Prioritization of TFPA projects, using existing line items that are appropriate to benefiting functions (e.g. fuels, forest health), should be provided in the national and regional budgets.

These recommendations for training, communications, TFPA workshops, technical support and budget prioritization are achievable and can make a difference. They are supported by the information gleaned from interviews for both the successful projects and the proposals that are still unrealized. Undertaking the training, technical support and budget prioritization will result in more effective implementation of the TFPA and ultimately redeem the agency's trust responsibility to protect tribal rights and also interests shared with the FS – healthy, resilient landscapes.

ATTACHMENT A

TRIBAL FOREST PROTECTION ACT
Public Law 108-278, signed July 22, 2004

H. R. 3846

One Hundred Eighth Congress of the United States of America

AT THE SECOND SESSION
Begun and held at the City of Washington on Tuesday, the twentieth day of January, two thousand and four

An Act

To authorize the Secretary of Agriculture and the Secretary of the Interior to enter into an agreement or contract with Indian tribes meeting certain criteria to carry out projects to protect Indian forest land. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the ''Tribal Forest Protection Act of 2004''.

SEC. 2. TRIBAL FOREST ASSETS PROTECTION.
(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—
(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and
(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(2) INDIAN FOREST LAND OR RANGE LAND.—The term ''Indian forest land or rangeland'' means land that—
(A) is held in trust by, or with a restriction against alienation by, the United States for an Indian tribe or a member of an Indian tribe; and

(B)(i)(I) is Indian forest land (as defined in section 304 of the National Indian Forest Resources Management Act (25 U.S.C. 3103)); or
(II) has a cover of grasses, brush, or any similar vegetation; or
(ii) formerly had a forest cover or vegetative cover
that is capable of restoration.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) SECRETARY.—The term ''Secretary'' means—
(A) the Secretary of Agriculture, with respect to land under the jurisdiction of the Forest Service; and
(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(b) AUTHORITY TO PROTECT INDIAN FOREST LAND OR RANGE-LAND.—
(1) IN GENERAL.—Not later than 120 days after the date on which an Indian tribe submits to the Secretary a request to enter into an agreement or contract to carry out a project to protect Indian forest land or rangeland (including a project to restore Federal land that borders on or is adjacent to Indian forest land or rangeland) that meets the criteria described **in subsection (c), the Secreta**ry may issue public notice of initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Indian tribe pursuant to section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275)), or such other authority as appropriate, under which the Indian tribe would carry out activities described in paragraph (3).

(2) ENVIRONMENTAL ANALYSIS.—Following completion of any necessary environmental analysis, the Secretary may enter into an agreement or contract with the Indian tribe as described in paragraph (1).

(3) ACTIVITIES.—Under an agreement or contract entered into under paragraph (2), the Indian tribe may carry out activities to achieve land management goals for Federal land that is—
(A) under the jurisdiction of the Secretary; and
(B) bordering or adjacent to the Indian forest land or rangeland under the jurisdiction of the Indian tribe.

(c) SELECTION CRITERIA.—The criteria referred to in subsection (b), with respect to an

Indian tribe, are whether—

(1) the Indian forest land or rangeland under the jurisdiction of the Indian tribe borders on or is adjacent to land under the jurisdiction of the Forest Service or the Bureau of Land Management;

(2) Forest Service or Bureau of Land Management land bordering on or adjacent to the Indian forest land or rangeland under the jurisdiction of the Indian tribe—

(A) poses a fire, disease, or other threat to—

(i) the Indian forest land or rangeland under the jurisdiction of the Indian tribe; or

(ii) a tribal community; or

(B) is in need of land restoration activities;

(3) the agreement or contracting activities applied for by the Indian tribe are not already covered by a stewardship contract or other instrument that would present a conflict on the subject land; and

(4) the Forest Service or Bureau of Land Management land described in the application of the Indian tribe presents or involves a feature or circumstance unique to that Indian tribe (including treaty rights or biological, archaeological, historical, or cultural circumstances).

(d) NOTICE OF DENIAL.—If the Secretary denies a tribal request under subsection (b)(1), the Secretary may issue a notice of denial to the Indian tribe, which—

(1) identifies the specific factors that caused, and explains the reasons that support, the denial;

(2) identifies potential courses of action for overcoming specific issues that led to the denial; and

(3) proposes a schedule of consultation with the Indian tribe for the purpose of developing a strategy for protecting the Indian forest land or rangeland of the Indian tribe and interests of the Indian tribe in Federal land.

(e) PROPOSAL EVALUATION AND DETERMINATION FACTORS.—In entering into an agreement or contract in response to a request of an Indian tribe under subsection (b)(1), the

(1) use a best-value basis; and

(2) give specific consideration to tribally-related factors in the proposal of the Indian tribe, including—

(A) the status of the Indian tribe as an Indian tribe;

(B) the trust status of the Indian forest land or rangeland of the Indian tribe;

(C) the cultural, traditional, and historical affiliation of the Indian tribe with the land subject to the proposal;

(D) the treaty rights or other reserved rights of the Indian tribe relating to the land subject to the proposal;

(E) the indigenous knowledge and skills of members of the Indian tribe;

(F) the features of the landscape of the land subject to the proposal,

including watersheds and vegetation types;
(G) the working relationships between the Indian tribe and Federal agencies in coordinating activities affecting the land subject to the proposal; and
(H) the access by members of the Indian tribe to the land subject to the proposal.

(f) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this Act—

(1) prohibits, restricts, or otherwise adversely affects the participation of any Indian tribe in stewardship agreements or contracting under the authority of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) (as amended by section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (117 Stat. 275)) or other authority invoked pursuant to this Act; or
(2) invalidates any agreement or contract under that authority.

(g) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the Indian tribal requests received and agreements or contracts that have been entered into under this Act.

Approved July 22, 2004.

ATTACHMENT B

Forest Service Report

Tribal Forest Protection Act of 2004

Public Law 108-278

Report to Congress

6/24/2008

Preface

The Forest Service and Indian Tribes share approximately 2,100 miles of contiguous boundary. In the summer of 2003, nearly 20 Indian reservations were devastated by wildfire that came from adjacent federal lands. The fires devastated tribal communities, destroying structures and costing tribes millions in lost resources and, tragically, a number of lives were lost.

The Tribal Forest Protection Act of 2004 (TFPA) (Public Law 108-278) was passed in July 2004 to help prevent such devastation in the future. It provides Tribes a tool to propose work and enter into contracts and agreements with the Forest Service or Bureau of Land Management to reduce threats to Indian trust land and Indian communities. TFPA authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed projects on agency land bordering or adjacent to Indian trust land.

Current Status

The number of contracts and agreements under the TFPA continues to increase; 10 projects were approved by the Forest Service between 2004-2008. The principle criteria for approving a project is when the project is targeted to address fire, disease, or other harm posed by National Forest System lands to tribal lands and communities, or where the National Forest System lands are in need of restoration. Proposals also address tribal concerns about protecting traditional and cultural resources on National Forest System lands.

Summary & Conclusion

TFPA was passed in July 2004 in response to devastating wildfires that crossed from Federal onto tribal land in the summer of 2003. TFPA provides a tool for Tribes to propose work and enter into contracts and agreements with the Forest Service or Bureau of Land Management to reduce threats on Federal land adjacent to Indian trust land and Indian communities. This problem is sizeable, because the Forest Service and Indian Tribes share approximately 2,100 miles of contiguous boundary. The TFPA authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed projects on agency land bordering or adjacent to Indian trust land.

During FY 2004-2008, 10 contracts and agreements were awarded. These contracts and agreements culminated in 23,230 acres and 51.5 miles of boundary being treated using the TFPA. A table listing the awarded contracts and agreements is included in this report.

Public Law 108-278—July 22, 2004

Tribal Forest Protection Act of 2004

Section 60.41f – Tribal Forest Protection Act Reporting

June 24, 2008

Region	Tribe	Name of Project	National Forest	Mechanism: Contract or Agreement	Contract Type	Purpose: (Fuel reduction; Invasive species; Urban interface)	# acres
1	Confederated Salish and Kootenai Tribes	McGinnis-Cabin Fuel Reduction Project	Lolo National Forest	Contract	Integrated Resource Service Contract	Fuels Reduction, Thinning	1,000
3	Mescalero Apache	16 Springs Stewardship Project	Lincoln National Forest	Contract	Integrated Resource Service Contract	Fuels Reduction, Urban Interface, Ecosystems Restoration	16,000

3	White Mountain Apache Tribe	TFPA-WMAT Tree Felling	Apache-Sitgreaves National Forest	Contract	Integrated Resource Service Contract	Removing trees from forest boundary	21.5 miles
5	Hoopa Tribe	Hoopa Tribal Forest Protection Act Project	Six Rivers National Forest	To Be Determined (TBD)		Fuels reduction	Approximately 20 miles
5	Ramona Band of Cahuilla Indians	Pinyon Perry Pine Protection Project	San Bernardino National Forest	Agreement		Fuels reduction, plant restoration	10 acres
5	Tule River Tribe	Tule River Reservation Protection Project	Sequoia National Forest	TBD		Fuels reduction and forest restoration	3,000 acres
5	Viejas Tribe and the Ewiaapaayp Band of Kumeyaay Indians	Sweetwater Fuel Break	Cleveland National Forest	Agreement		Fuels reduction	220 acres
5	Viejas Tribe and the Ewiaapaayp Band of Kumeyaay Indians	Capitan Grande Fuels Treatment Project	Cleveland National Forest	Agreement		Fuels reduction	3,000 acres
6	Quinault Indian Nation	Lake Quinault Sewage Treatment Plant	Olympic National Forest	To Be Determined (TBD)		Protection of resource of interest on Quinault Indian Nation lands	Approximately 30 miles of lakeshore, waterway, and aquatic resources

6	Confederated Tribes of the Warm Springs Reservation of Oregon	Cascade Crest Forest Health Improvement Project	Mt. Hood National Forest	TBD		Fuels reduction and forest restoration	1,000 acres

ATTACHMENT C
METHODOLOGY

TFPA SUCCESS STORIES
_____PROJECT COVER SHEET

FS Region/Forest/District:

Main Tribal Contact: Name_____ Position_____ Address: _____ Phone:_____ Email:_____ Main Forest Service Contact: Name_____ Position_____ Address: _____ Phone:_____ Email:_____ Basic Info (including source):
Brief Description of Project & Objectives:
Date Project Proposal Submitted by Tribe/Approved by RO:
Date Project was initiated on the ground:
Key Stages (if any):
Date Project was completed:
Type of Agreement or Contract:
Project and other Costs:
Photos: Time/Place/Photographer/Description:
Websites, Reports, Other Documentation (attach):
Other Information:
Related Training-Date/Time/Objectives/Materials:

_____TFPA PROJECT
INDIVIDUAL SUCCESS STORY INTERVIEW

Interview Date and Time: Name: _____ _____ Position/role at time of TFPA Project: _____ Current Position: _____ _____ Mailing Address: _____ Phone: _____ Email: _____
Brief Informal Description of Project & Objectives:
Costs:
On-The-Ground Accomplishments:
Other significant accomplishments:
FS/Tribal Relationship Before, During & After Project:
Obstacles/Barriers:
Keys to Overcoming the Above:
Lessons Learned:
Recommendations & Conclusions:
Photos (If Yes, see attached form):
Other Contacts:
Additional Comments:

Confederated Tribes of the Warm Springs Reservation of Oregon and the Mt. Hood National Forest

Cascade Crest Forest Health Project

The Tribe and Forest reportedly agreed not to pursue this project because of environmental opposition to similar projects elsewhere on the national forest. There may have been actual controversy associated with this project, but not a lot of information was available.

Tule River Tribe and the Sequoia National Forest

In 2008, the Tule River Tribe submitted a proposal to the Sequoia National Forest for a TFPA project in the Western Divide Ranger District located in the Southern Sierra in California. The project included a mix of shaded fuels, planted stand treatments, under burning, and prescribed burning including maintenance within the Giant Sequoia National Monument, managed by the Sequoia National Forest. The Regional Forester quickly accepted the proposal and the forest issued a Notice of Intent for the Environmental Impact Statement (EIS).

The TFPA project, named the "Tule River Reservation Protection Project" (aka the "Black Mountain Forest Protection Project), went forward for NEPA analysis. The Forest Service did complete a report titled "Fuels Reduction Plan, Black Mountain Giant Sequoia Grove", which served as an early step towards getting the TFPA project off the ground. The former District Ranger Forest also worked with the Tribe to obtain funding ($2.8 million) and otherwise support the fuels reduction work on the Tribe's side of the boundary.

After years of little movement on the EIS on the Sequoia NF's side of the boundary, due in part to the controversies associated with active management within the Giant Sequoia National Monument, the new Forest Supervisor, Kevin Elliott, has made the completion of the EIS one of his top three priorities.

The current planning schedule follows:

1. July 2012-Notice of Alternatives
2. Mid-September, 2012 Public Comment Period
3. Late Fall, early Winter, a Decision.

The Tule River Tribe and the Forest enjoy a good working relationship. They share concerns about the need to move forward with this project due to the fuels issues and the potential for a catastrophic fire.

For more information, please see:

http://en.wikipedia.org/wiki/Giant_Sequoia_National_Monument
www.tulerivertribe-nsn.gov/
www.fs.fed.us/r5/sequoia/

Viejas Tribe and the Ewiaapaayp Band of Kumeyaay Indians and the Cleveland National Forest

Two Projects: Capitan Grande and Sweet Water Fuel Break Projects

In 2003, fires raged across the landscapes of southern California, devastating reservations, burning eight of them completely. The Cleveland National Forest and the Viejas and Ewiiaapaayp Tribes (Tribes) recognized that they needed to work together to protect trust lands and the national forest from future fires. Referencing the Tribal Forest Protection Act (TFPA) the Cleveland National Forest and the Tribes entered into a partnership, documented into a Memorandum of Understanding to treat fuels, conduct prescribed burning and further develop and expand fuel breaks to protect tribal and national forest resources and local communities. Some of the work proceeded on the Viejas Reservation, but not on the Cleveland National Forest due to the concerns at that time about appeals and litigation for similar projects elsewhere on the forest.

The current Forest Supervisor indicated in January 2012 that he is meeting with the tribal leadership to discuss going forward with these projects. Additionally, the Heritage and Tribal Relations Program manager is working with the Fire Prevention Officer with the full support of the Forest Supervisor to complete necessary environmental compliance work.

White Mountain Apache Tribe and the Apache-Sitgreaves National Forest
Tree Felling and Fence Repair

Very little information is available about this project due to changes in Tribal and Forest personnel. The project contract in the Forest files did cite TFPA and indicated that the work started December 18, 2006 and ended October 6, 2008. Tribal crews felled trees and reconstructed fence along 21.5 miles of the boundary between the Reservation and National Forest. This section of fence was destroyed or damaged as a result of the 2002 Rodeo-Chediski Fire.

ATTACHMENT E

THE COLLABORATIVE FOREST LANDSCAPE RESTORATION ACT (CFLRP)

- Requests by the Secretary of up to $40,000,000 annually for fiscal years 2009 through 2019;

- Up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System (NFS) land for each proposal selected;

- Up to $4 million annually for any one project;

- Up to two projects per year in any one FS region; and

- Up to 10 projects per year nationally.

These funds are in addition to individual national forest and regional appropriated funds and can be applied to TFPA projects on national forests that meet these criteria.

See http://www.fs.fed.us/restoration/CFLR/index.shtml