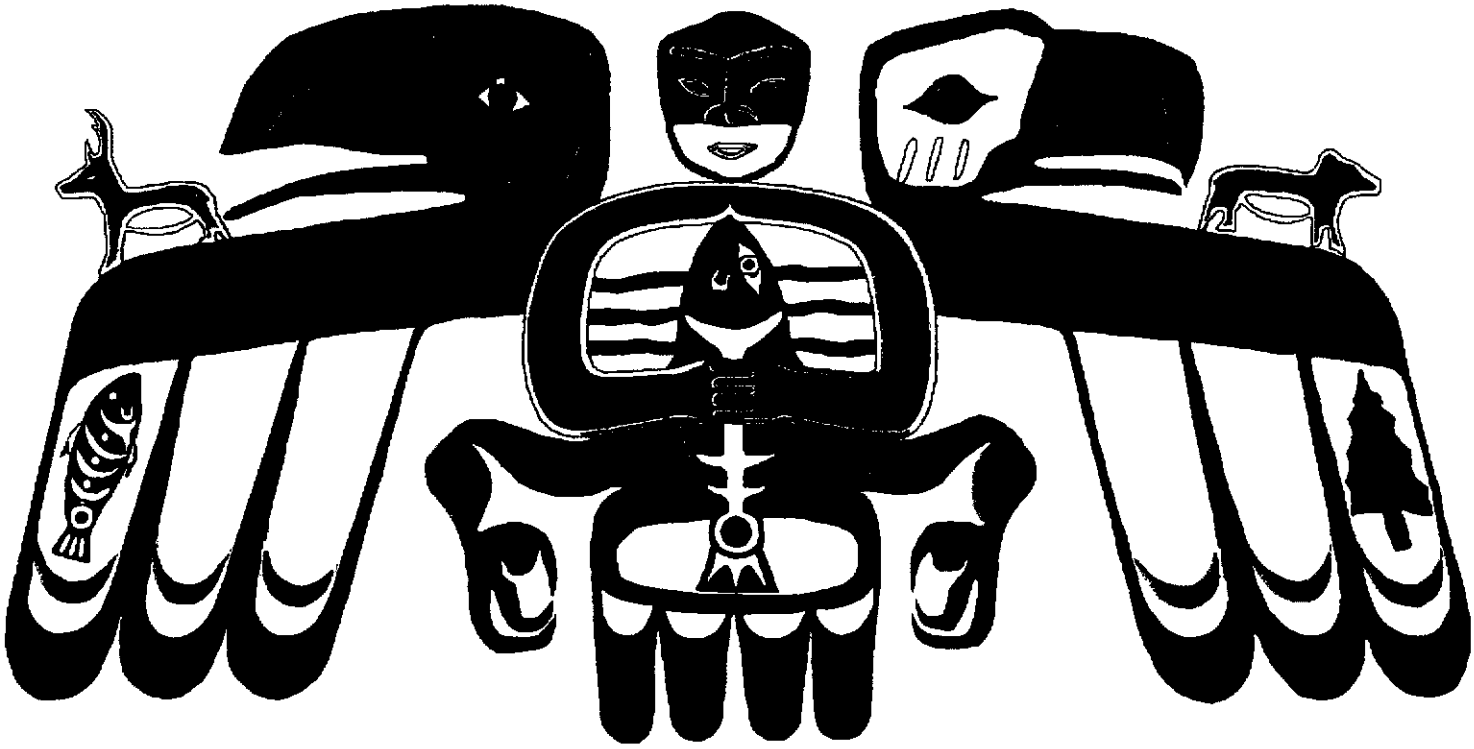
Twenty-Eighth Annual
National Indian Timber Symposium
April 26-29, 2004



The Changing Face of Forestry -
A Look at the Political, Social and Economic Challenges

Host: Quinault Indian Nation

Quinault Beach Resort & Casino
Ocean Shores, WA

TWENTY-EIGHTH ANNUAL NATIONAL INDIAN TIMBER SYMPOSIUM

The Changing Face of Forestry – A Look at the Political, Social, and Economic Challenges

April 26–29, 2004

SECTION 13: WORKSHOP 1: NON-TIMBERED FOREST PRODUCTS

TRIBAL HARVESTING ON BLM PUBLIC LANDS

Bruce Crespin, Coordinator
Northwest Forest Plan Interagency Tribal Monitoring
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CULTURAL PLANTS OF THE CHEROKEE

Tommy Cabe, Tribal Environmental Planner
Eastern Band of Cherokee Indians
Cherokee, NC

Q & A

CULTURAL RESOURCE PROTECTION – LAW ENFORCEMENT CONCERNS

Jared Eison, Natural Resources Investigator
Washington State Department of Natural Resources
Forks, WA

Q & A

MARKETING EFFORTS FOR NATIVE AMERICAN SPECIAL FOREST PRODUCTS

James R. Freed, WSU Extension Faculty
Special Forest Products
Olympia, WA

Findings and Recommendations

TRIBAL HARVESTING ON BLM PUBLIC LANDS

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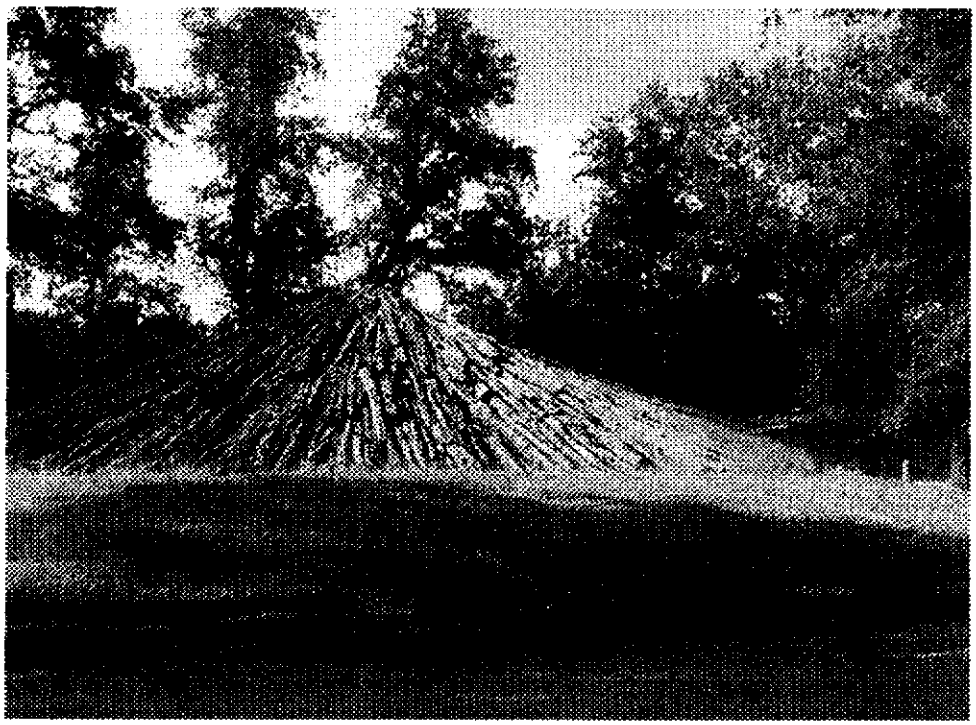
Introductory Note

This paper is intended to describe policies and regulations relevant to American Indian tribal gathering and harvesting of non-timber forest products on federal lands under the jurisdiction of the Bureau of Land Management (BLM) in the lower 48 states of the continental U.S.A. It is not intended to define tribal treaty rights, but rather to illustrate how traditional forest products may be obtained by individual tribal members, operating within the broad management practices of the agency.

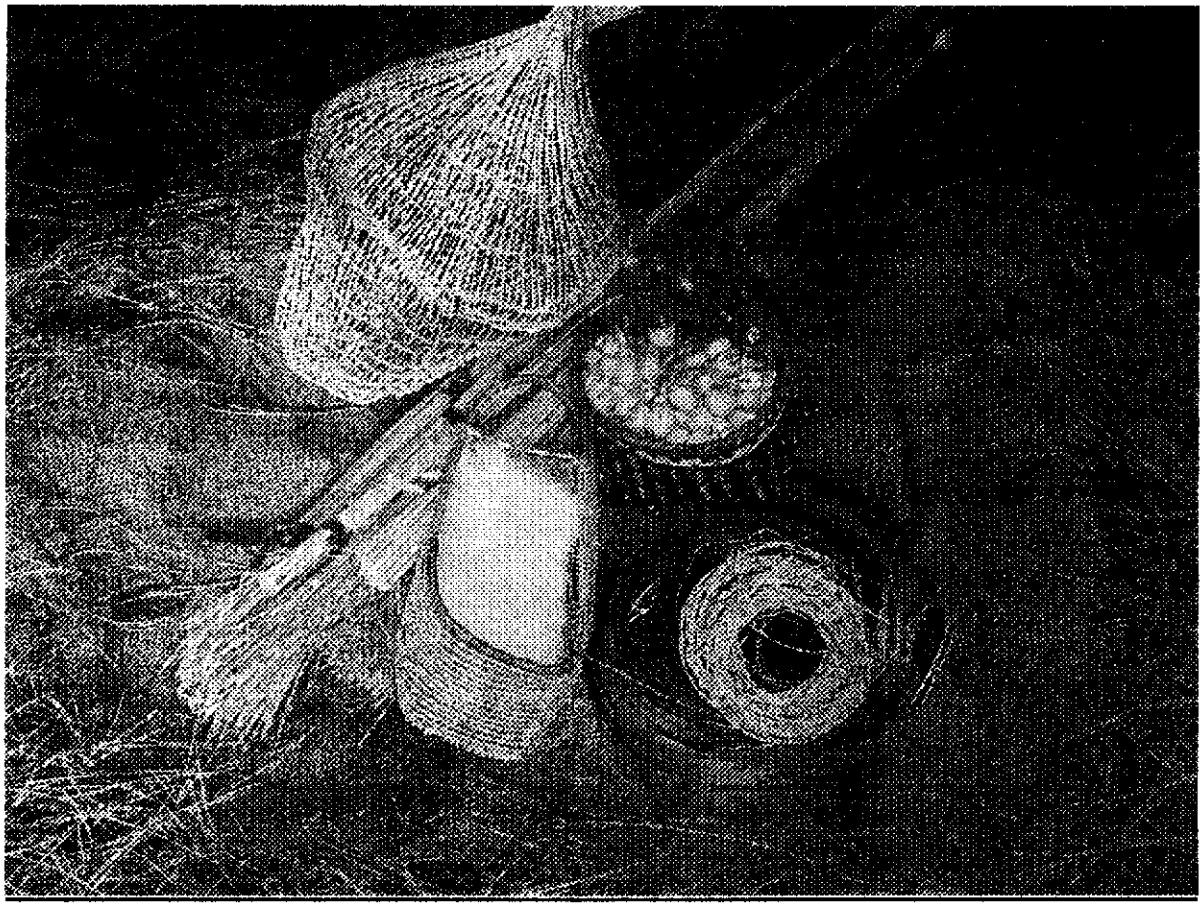
It is worth noting that the tribal governments of federally-recognized Indian tribes may obtain "free-use" timber and fuel wood from BLM public domain lands for community purposes, under 43 Code of Federal Regulations (CFR) 5511.3. In western Oregon the BLM Roseburg District provided a local Indian tribe with a red cedar log to split into planks for a semi-subterranean plank house structure, as part of a tribal education project, in the late 1990's (Wood, n.d.).



Ceremonial Roundhouse Structure Built with Federal Forest Timber for Tribal Community Purposes

American Indian tribal perspectives on forest values are holistic and deeply felt, because "...maintaining traditional ways is very important to many Indians for a variety of reasons. It provides a sense of cultural identity which contributes to individual and community health; it preserves a way of living that emphasizes sustainability; and it supports a local economy that not only represents material wealth to its participants but incorporates methods of sharing and trading goods that are part of the cultural heritage." (Intertribal Timber Council, 1993)

In the 1954 Indian Claims Commission Hearings it was stated that "...in the hearing for...Pit River Indians, evidence was presented that...55 plants were used for food, clothing, weapons, medicines, and houses...". (Smithsonian Institution, 1978)



Traditional Native American Baskets, Basket Materials, and Edible Roots

PACIFIC NORTHWEST AMERICAN INDIAN SPECIES OF TRADITIONAL INTEREST

(e.g., food, fiber, structures, implements, medicine, ceremony)

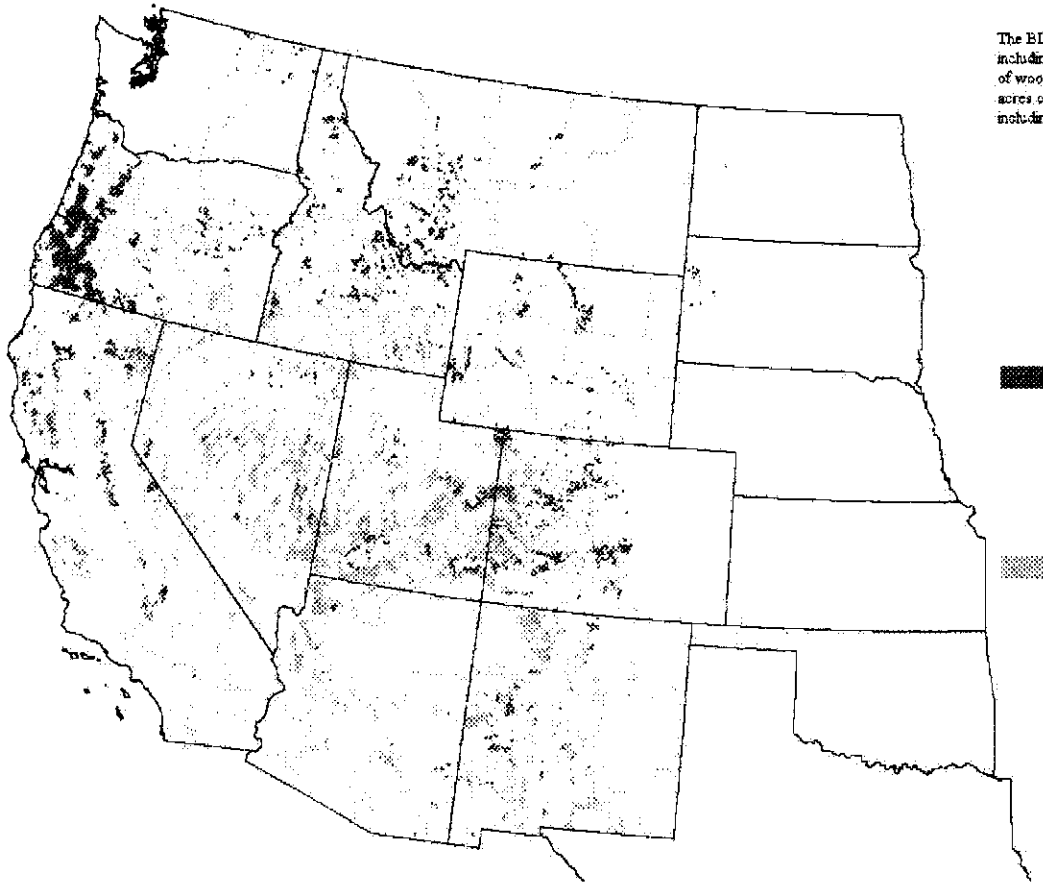
salmonids (anadromous)	bitterroot	willows
salmonids (resident)	biscuitroot (lomatium, var. spp.)	tules
whitefish	lilies (var. spp.)	cattails
sturgeon	brodiaea (var. spp.)	beargrass
lamprey (freshwater eel)	wild onion (var. spp.)	ferns (var. spp.)
sucker	wocas	Indian hemp
sculpin	wapato	grasses (var. spp)
mussel	camas (var. spp.)	sagebrush
deer (various species)	yampah (var. spp.)	hazelnut
elk	mushrooms (var. spp.)	ceanothus
moose	fungus (var. spp., e.g., black moss)	cedar (var. spp.)
mountain goat	manzanita (var. spp.)	redwood
bighorn sheep	huckleberry (var. spp.)	conifers (var. spp.)
grizzly bear	elderberry	alder
black bear	chokecherry	juniper
gray wolf	serviceberry	oak (var. spp.)
rabbits (var. spp.)	wild currant	mountain mahogany
grouse (var. spp.)	blackberry	yew
eagles (var. spp.)	wild rose	
hawks (var. spp.)	wild grape	
other raptors	wild strawberry (var. spp.)	
goose	wild mint	
duck (var. spp.)	Indian tobacco (var. spp.)	
heron	angelica	
swan		
quail (var. spp.)		
woodpecker (var. spp)		
flicker		

Adapted from Interior Columbia Basin Ecosystem Management Project (USDA/USDI, 2000)

[Not All-Inclusive]

High Country – Upland Gathering Sites & Sacred Areas

BLM Forest Types



The BLM manages 55 million acres of forests and woodlands, including 11 million acres of commercial forest and 44 million acres of woodlands within 11 western States and Alaska. Sixteen million acres of these lands are in need of ecological restoration work, including mechanical thinning and tree species reintroductions.

Productive Forest Lands

- Aspen-birch
- Douglas-fir
- Fir-spruce
- Hemlock-Sitka spruce
- Larch
- Lodgepole pine
- Ponderosa pine
- Redwood
- Western white pine

Woodlands

- Pinyon-juniper
- Western hardwoods

BLM Administrative Boundaries

Harvesting Non-Timber Forest Products

It is always "open season" on BLM lands for individual traditional tribal collectors to gather non-timber forest products, also termed "minor" or "special" forest products. Generally, BLM does not require any use permits for such activities, which are considered to be "casual use". "Casual use" is defined as "...any short-term noncommercial activity which does not cause appreciable damage to the public lands...". Permits are not required for obtaining reasonable amounts (i.e., "average person's use") of commonly available renewable resources, such as flowers, berries, nuts, seeds, cones, and leaves, for non-commercial free use, under 43 CFR 8365.1-5. BLM "reasonable" amounts are determined on a per state basis. In deference to state authorities, BLM follows state guidelines in setting total collection quantities per person, and informs collectors of additional state requirement for casual use. To illustrate, in Oregon and Washington the reasonable amount per person per year for beargrass is twenty-five (25) pounds and five (5) pounds, respectively, while for mushrooms it is five gallons *per species* per person per year, in both states. Thus, for mushrooms one is to limit collecting to one gallon of *all wild mushrooms* per person per day in Oregon, and a limit of three gallons of *all wild mushrooms* per person per day in Washington, even though the annual limit is five gallons per species per person per year in both states, according to Oregon BLM (BLM, n.d.a.).

It should be noted that American Indian tribal gathering may involve socio-cultural complexities, such as the fact that family members often obtain subsistence items, and perhaps also traditional non-timber forest products, for elders and others who are infirm or cannot obtain such products for themselves. It may be, for example, that an individual gathers basket materials or mushrooms for an elder who cannot gather for themselves. In such cases, it may seem reasonable for them to obtain the allowable amounts for the infirm person, in addition to their own personal limits, in accord with the spirit, if not the letter, of the law. Also, the reasonable quantities may seem insufficient to tribal traditionalists, especially if one is highly productive, such as weaving many varied baskets each year.

Allowable methods of gathering or harvesting particular products are more protective today than in the past, including provisions that guide harvest techniques for such products as beargrass, greenery (e.g., ferns), mushrooms, and roots. Interestingly, under 43 CFR 8365.1-5, plants for which general "free use" is not allowed in Oregon and Washington include bitterroot and yew trees, both of value to Indian tribal traditionalists, who have not been subjected to BLM management restrictions for these species.

Oregon has the greatest amount of non-timber products commercially produced than any other BLM jurisdiction, ranging from one-fourth to one-third of all annual agency production for the past twenty years. In fact, on BLM lands in Oregon and Washington tribal harvesting is known to include ferns, mosses, sagebrush, blue camas, bitterroot, biscuitroot, chokecherry, beargrass and mushrooms. Pinyon nuts are a key commodity of tribal interest not produced in Oregon, although they do come from California, Nevada, New Mexico, and Utah.

From 1992 through 2003, nationwide BLM total sales of special forest products varied from a low of $146,220 in 1999 to a high of $295,047 in 1998, with no discernible trend. Oregon BLM mushroom production has varied since the total sale value of $205 in 1992, to $21,756 in 2001. In Oregon, fern production grew from 64,463 bunches in 1993 to 144,833 bunches in 1994. Pine nut production in Utah grew from 1,050 pounds in 1998 to 8,790 pounds in 1999, while at that same time beargrass production in Idaho grew from 5,500 pounds in 1998 to 25,000 pounds in 1999 (BLM, 1992-2002; 1965-2001; n.d.d.). Evidently, over the past decade the commercial production of special forest products has expanded in ways that may not be anticipated, but that have the potential to affect tribal gathering and harvest of species key to the survival of tribal traditions and traditional economies. Such information is captured in the BLM Timber Sale Information System (TSIS), a database that includes

commercial sales of non-timber or special forest products across the agency, by region, by field office, or particular commodity. Detailed information profiling agency production over the years is available in the TSIS (BLM, n.d.d.). There is no system to track special forest products obtained as "casual use" or "free use", including tribal harvesting, such that no data exists to manage such demand, although tribal agreements and resource management plans may address such needs.

Non-Indian consumers of non-timber forest products whose "casual use" activities may pose conflicts for tribal traditionalists, or introduce competition for particular species, may include followers of "New Age" traditions, naturopathic healers, non-Indian "craftitioners", or others. Certainly commercial harvesting activities can and has affected tribal traditional uses, such as for floral greenery, pine nuts, basket materials, and yew trees. Sometimes the sharing of tribal knowledge about non-timber products has resulted in detrimental effects to tribal interests from competing or destructive, commercial or public land and resource uses.

BLM can restrict the commercial sales of non-timber or special forest products where it might affect special status species (e.g., endangered or threatened), certain protected landscape types (e.g., rocky outcrops, wetlands, riparian reserves), designated BLM Areas of Critical Environmental Concern (ACECs), wilderness areas and study areas (WSAs), or *where there may be conflicts with existing treaties with Indian tribes* (BLM, n.d.a.).

Tribal gathering and harvesting that occur on BLM lands may not be evident to federal land managers, since casual or free use without "permit" documentation facilitates individual privacy and non-disclosure by traditional practitioners. If potential for conflict arises, traditional tribal uses may be disclosed and affirmed. Protecting tribal interests may demand strategic approaches.

Addressing Tribal Conflicts in Use of Special Forest Products

BLM and other federal agencies are guided by certain specific policies, laws, regulations and procedures that may influence traditional tribal gathering and harvesting activities. Secretarial Order No. 3215, dated April 28, 2000, entitled "Principles for the Discharge of the Secretary's Trust Responsibility", includes provisions to "...Protect treaty-based fishing, hunting, gathering, and similar rights of access and resource use on traditional tribal lands...". BLM Manual Section 8160, dating from January 26, 1990, entitled "Native American Coordination and Consultation" and the companion handbook H-8160-1, dating from November 3, 1994, provide general procedural guidance for consulting with Indian tribes regarding varied activities, including the access to and harvesting of special forest products. The BLM land use planning and special designation processes (e.g., ACECs) are found in BLM Manuals 1601 and 1613, respectively.

The BLM 8160 Manual guides the management of special forest products, stating "...Proposed resource allocations and use authorizations should be sensitive to Native American requirements for the noncommercial use of renewable forest and woodland products (e.g., firewood, house logs, food plants, medicinal plants, ritual plants), and should accommodate demand when possible...Discretionary forest and woodland management activities (e.g., herbicide spraying, commercial pinyon nut harvesting) should involve tribal input, as appropriate" (BLM, n.d.b.)

Agency policy and guidance provide for review of agency proposed projects by Indian tribes, as part of the National Environmental Policy Act (NEPA) process. Over-the-counter projects proposed by non-tribal outside interests may also be considered by tribes in a NEPA process. Memoranda of Understanding (MOUs) or other agreements may prevent conflicts between tribal interests and agency activities, or can guide alternative dispute resolution processes that may become necessary.

An effective MOU between the Confederated Tribes of the Warm Springs Reservation of Oregon, Oregon BLM, several national forests in Oregon, and the BIA Warm Springs Agency is a prime example of a tribe using such an agreement to reinforce and sustain traditional tribal uses of cultural subsistence plants. The Tribe cites their Treaty and associated rights, tribal government resolutions and policies relevant to off-reservation activities, and developed a "reserved" section in the MOU, where tribal priorities proposed for follow up include "...facilitation of tribal member access to public lands...", and "...tribal use of timber and other forest products...". (Confederated Tribes, et al., n.d.)

A land use plan, or resource management plan (RMP) in BLM, may effectively address tribal interests, and can allocate resources and localities to tribal values and uses, in a public forum. In 1991, in Burns, Oregon, the BLM Three Rivers Resource Management Plan incorporated management priorities that effectively conserve 6,500 acres of public lands in eastern Oregon for tribal cultural uses, particularly gathering and harvesting various spring roots for traditional food (BLM, 1991). The Interior Columbia Basin Ecosystem Management Project (USDA/USDI, 2000) was based on extensive tribal consultation and coordination, and included contingencies to address "*ethnohabitats*" where tribal ecological values are found. The recent Management of Port-Orford-Cedar in Southwest Oregon: Final Supplemental EIS (USDA/USDI, 2004) involved key tribal authorship to develop relevant management orientations that are acceptable to tribes.

More recently, in south-central Oregon, the BLM Lakeview RMP proposes that several localities be set aside for tribal gathering of traditionally-used food plants. Key management goals are proposed to guide and incorporate tribal participation and preferences in public land management. For example, Management Goal #3 states, in part, "...In consultation with local Native American Tribes, take actions, including designating ACECs, to protect traditional religious sites, landforms, burial sites, resources, and other areas of interest...". Management Goal #4 states, in part, ."... In order to fulfill trust responsibilities with Tribal peoples, manage public land to sustain, restore, or enhance plant community health and cultural plants...". BLM proposes to "... meet subsistence needs of Tribes and Tribal communities to the greatest extent possible..." (BLM, 2003).

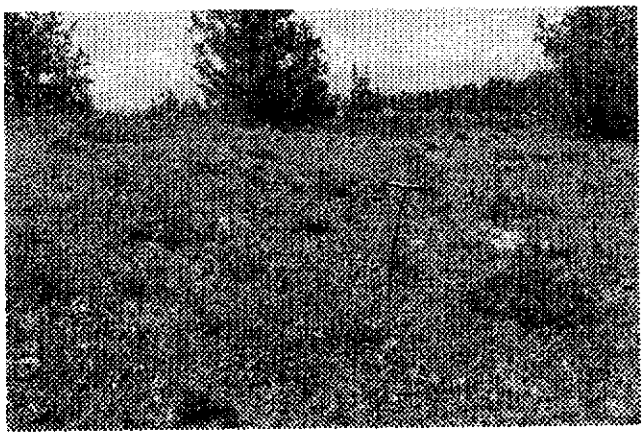
Areas of Critical Environmental Concern (ACECs) are BLM public lands requiring special management, with or without existing or planned developments or uses, to protect and prevent permanent damage to important historic, cultural or other values.

The Biscuitroot Cultural Area of Critical Environmental Concern (ACEC)

The Three Rivers RMP proposed a vanguard special designation to protect and perpetuate traditional tribal subsistence practices near the town of Burns in eastern Oregon. This involved a "high-visibility" allocation of 6,500 acres to a proposed "Biscuitroot Cultural ACEC", where tribal traditional uses were recognized to be dominant and priority land uses. Scoping sessions were provided to the Burns Paiute Tribal Council and the Cultural Committee of the Confederated Tribes of the Warm Springs Reservation. The draft land use plan was provided for tribal review and comment, while field visits with traditional tribal elders and tribal officials were undertaken, to refine areas of concern and to ensure the common understanding of all involved. Livestock grazing and gravel pits for road aggregate, certainly status quo activities in rural areas throughout the West, were the mainstream multiple uses occurring within the proposed cultural reserve.

Ultimately, BLM management supported the protective proposal, receiving specific support from environmentalists and tribes, but with initial concern from ranchers and county commissioners, who viewed this as a conflict with their established land uses. Finally, the concerned Indian tribes and the BLM were able to overcome opposition, primarily due to the fact that tribal proponents viewed this as a

significant protective allocation, with multiple use management that could include livestock, if properly managed. The gravel pits were terminated when the lease term expired, as these were incompatible with the conserved landscapes. The ACEC special designation has been shown to be an effective tool to focus management priorities and to resolve complex multiple use conflicts (BLM, 1991; Crespin, 1991).



< Spring Root Fields in Juniper Woodland

< Bitterroot with Digging "Stick" or *Capon*

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n.d.b. *Native American Coordination and Consultation.* BLM Manual Section 8160. (1990)

n.d.c. *General Procedural Guidance for Native American Consultation.* BLM Manual Handbook Section H-8160-1. (1994)

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Crespin, Bruce

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Wood, Al

n.d. *Personal Communication*

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Burns District Office
HC 74-12533
Highway 20 W.
Hines, Oregon 97738

September 1991

Proposed Three Rivers Resource Management Plan

and Final Environmental Impact Statement

Volume II - Appendices

Table 15. Descriptions of Existing and Proposed ACECs (continued)

Biscuitroot Cultural ACEC

The proposed Biscuitroot Cultural ACEC of 6,500 total acres is located approximately 27 miles east of Burns, Oregon, and includes two associated parcels, both of which are transected by Highway 20. These two parcels, which aggregate approximately 2,170 acres and 4,330 acres, are in the vicinity of Stinkingwater Pass and are primarily oriented north-south, following major ridgeline trends in the Stinkingwater Mountains. The elevation of the proposed ACEC ranges from 4,280 to 4,995 feet. Access is afforded by high standard gravel roads and by unimproved dirt roads linked to county and state road systems.

The general location of the Biscuitroot Cultural ACEC is on a plateau northeast of Harney Valley. This locality is a fault block mountain near the juncture of three major physiographic provinces, the Blue Mountains, the Owyhee Uplands, and the Basin and Range. The plateau is characterized by basalt flows, rimrock, gentle to steeply sloping uplands, and scablands with bare rock or a thin soil mantle.

Soils in the ACEC are generally shallow, well drained, loams and clayey loams that are stony, frigid, and xeric. The Stinkingwater fault block forms a divide, with runoff to the west draining into the Harney Basin and other waters flowing into the Malheur River system. Generally, the ACEC has little surface water available other than from a few ephemeral drainages, such as Little Pine Creek, McMullen Creek, and other unnamed seasonal streams, although springs are found on sloping rocky uplands above Little Pine Creek.

The ACEC features open, stiff sage/bunchgrass vegetation communities, with scattered juniper groves and perennial forbs that include several edible plants that are culturally valuable to Native American traditionalists.

For generations, Native Americans have used localities in and around the Biscuitroot Cultural ACEC in the Stinkingwater Mountains for harvesting root crops such as Biscuitroot (Lomatium spp.), bitterroot (Lewisia rediviva), wild onions (Allium spp.), and other species (e.g. Perideridia bolanderi, Fritillaria pudica) during late spring. Indian people from surrounding regions who came here to occupy dry camps among the large juniper trees, dig roots, and socialize included the Harney Valley Paiute, Warm Springs Indians, Bannocks, Shoshones, Umatillas, Yakimas, Suprise Valley Paiutes, and Northern Nevada Paiutes. (Couture, 1978; Couture, Housley, and Ricks, 1986) Root harvesting was an integral feature of aboriginal culture in the Northern Great Basin and Plateau regions (Toepel, Willingham, and Minor, 1979), where roots were intensively exploited during annual root camps of numerous small family-based groups with attendant social interactions.

These plant resources have great value to contemporary Native Americans as a cultural resource because their continued use is one of the few traditional activities that is still practiced. The seasonal and social aspects of this activity persist to this day. The particular localities where the target plant species are harvested provide a significant source of root crops, offering not only nutrition but also an important cash crop for trade among Indian people Couture, 1978).

Not all "root" fields in the general region are harvested. The high quality and quantity of roots available in these root zones is noteworthy and could not be replaced by shifting use to other less preferred areas, especially since the preferred fields have, in effect, been "cultivated" by the long tenure of aboriginal harvest practices. Moreover, particular campsites here are reutilized by families repeatedly. In recent years, the ACEC area has been utilized by Indian people from Burns, Warm Springs, and Owyhee, Oregon; Yakima, Washington; Fort Hall, Idaho; Fort Bidwell, California and Fort McDermitt, Nevada.

The primary management goal of the Biscuitroot Cultural ACEC is to ensure the opportunity to continue the traditional practices of root gathering by contemporary Native Americans in these localities used by generations of Indian people. This will be accomplished by protecting the habitats of culturally important plants and by minimizing any conflicts posed by competing land uses.

This resource and its cultural use is sensitive to certain other local land uses, primarily gravel pit activities (concurrent use is not desirable; pit expansion is a threat) and livestock grazing (excessive congregation causes soil compaction; drought year foraging on cultural plants). Additionally, the potential for increased Native American use pressure in the future could affect the quality and quantity of the available root crop.

The primary management actions which will be undertaken to attain the management goal will be the cessation of gravel pit activities upon lease expiration, and restrictions on the use of ORVs. New surface disturbances, plant habitat modifications, and cattle-congregating practices (e.g., salting, turning out, etc.) will be prohibited within the ACEC. A separate management plan will be developed for the ACEC subsequent to the ROD. This plan will be comprehensive in nature and reflect the allowable uses and constraints shown in Appendix 1, Table 16 and the procedures noted in the management decision.

Table 16. Recommended Management/Use Constraints in ACECs

Area Title	Acres	Land Tenure Adjustment	Major Rights Of Way	Commercial Timber Harvest	ORV Use	Wild Horses	Fire Livestock Grazing	Suppression Activities	Prescribed Burning	Vegetation Treatment
South Narrows ACEC	160	Z1	R	N/A	L	N/A	P	P	R	R
Diamond Craters ONA/ACEC	17,056	Z1	R	N/A	L	N/A	P	P	P	P
Silver Creek RNA/ACEC	640	Z1	R	P	L	N/A	P	R	R	R
Silver Creek RNA/ACEC Add.	1,280	Z1	R	N/A	L	N/A	P	R	R	R
Foster Flat RNA/ACEC	2,690	Z1	R	N/A	L	P	P	P	R	R
Dry Mountain RNA/ACEC Add.	2,084	Z1	R	P	L	N/A	R*	R	R	R
Kiger Mustang ACEC	64,639	Z1	R	N/A	O	R*	R*	O	R	R
Biscuitroot Cultural ACEC	6,500	Z1	R	N/A	L	R*	R*	P	P	P

Fluid Energy Minerals	Solid Leasable Minerals	Mineral Materials	Locatable Minerals	Camping	Organized Public Activities	Wood Gathering	Plant Collection	Education (Repeated Consumptive)	Rock Hounding
NSO	NL	P	R	P	P	N/A	R	R	R
NSO	NL	P	W	R	R	P	P	R	P
NSO	NL	P	R	P	R	P	R	R	R
NSO	NL	P	R	P	R	P	R	R	R
NSO	NL	P	R	P	R	N/A	R	R	R
NSO	NL	P	R	P	R	P	R	R	R
NSO	R	R	R	O	R	R	O	R	O
NSO	NL	P	R	R	R	R	R	R	R

Z1 = Zone 1, retention and acquisition.
P = Prohibited use or action.
R = Restricted use or action.
R* = Restricted to provisions of AMP or HMAP.
O = Open to use or activity.
N/A = Not applicable.
L = Limited to existing roads and trails.
NSO = No surface occupancy.
NL = No leasing.
W = Withdraw from mineral entry.

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Kermit Johnson – 307-775-6068 [*Stewardship Contracting*]

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BLM LAND-USE PLANS IN-PROGRESS

ALASKA
Aleutians
Area 1002
Bristol Bay
CRSA
Central Yukon RMP
Chakachamna
Glen MFP
Goodnews Bay
Kodiak
Mat-Su/Anchorage/Kenai
Northeast NPR-Alaska
Northwest NPR-Alaska
Peninsula
Southeast
Southwest Planning Area
Steese RMP
Utility Corridor RMP
Wainwright/Greely RMP
White Mountain RMP

ARIZONA
Aqua Fria NM
Arizona Strip RMP
Bradshaw-Harquahala RMP
Gila Box Riparian NCA
Goldwater Range
Grand Canyon-Parashant NM
Ironwood Forest NM
Lake Havasu RMP
Las Cienegas NCA
Sonoran Desert NM
Vermilion Cliffs NM

COLORADO
Canyons of the Ancients NM
Colorado Canyons NCA
Gunnison Gorge NCA
Little Snake RMP
Northern and Eastern CO RMP
Roan Plateau
San Juan/ San Miguel RMP

CALIFORNIA
Alturas RMP
California Coastal NM
Carrizo Plain NM
Eagle Lake RMP
East San Diego RMP
King Range NCA
Northern & Eastern Mohave RMP
Otay RMP
Santa Rosa/San Jacinto Mtns NM
Ukiah RMP
West Mohave RMP

IDAHO
Birds of Prey NCA
Brumeau MFP
Craters of the Moon NM
Pocatello RMP

MONTANA
Dillon RMP
Powder River/Billings RMP

NEW MEXICO
Farmington RMP
Socorro RMP
White Sand RMP

NEVADA
Black Rock/Emigrant Trails RMP
Elko RMP
Las Vegas RMP
Nellis RMP
Wells RMP
Tonopah RMP
Winnemucca RMP

OREGON
Brothers/La Pine RMP
Cascade-Siskyou NM
Lakeview RMP
Steens Mountain CMPA
Western Oregon RMPs
Western Washington RMP

UTAH
Box Elder RMP
Grand RMP
Price RMP
Richfield RMP
San Juan RMP
Vernal RMP

WYOMING
Buffalo/Powder River Basin RMP
Cody RMP
Grass Creek RMP
Great Divide RMP
Green River RMP
Kemmerer RMP
Lander RMP
Newcastle RMP
Pinedale RMP
Platte River RMP
Snake River
Washakie RMP

1

Cultural Plants of The Cherokee

TOMMY CABE, Tribal Environmental Planner
Eastern Band of Cherokee Indians
Cherokee, NC

2

Introduction

History of Tribal Land Utilization
Harvesting, Cultivating and Efforts
Management Past and Present

3

Topics of Discussion

Impacts of growth and nontraditional use
Preserving Native Knowledge
Agency Agreements

4

History of Utilization

River Bottom Settlements where most of the plants were abundant. Some plants where used for medicinal purposes
Others where used for food
Ceremonial harvesting
Cleansing using the River (Long Man)

5

Harvesting, Cultivating and Efforts

Seasonal Harvesting usually spring through the fall (especially with most edible plants)

Festival Events (Ramp Festival)

Cultivating - Community Seminars along with local agencies (TEO,NRCS,GSMNPS,EPA)

Techniques

6

Ramp Plant

7

Management Past and Present

Historical Impacts
Cultural Knowledge preserved
Management efforts such as food plots and cultural plots
Restoration efforts on river banks using native seed
Present utilization of all cultural plants through public surveys and outreach events
On the ground projects and monitoring

8

9

Agency to Agency Results

Backyard Ramp Patch Project
River Cane Symposium
Mushrooms
American Chestnut
Native Tree Seedlings

10

Topics of Discussion

- Impacts of Growth and NON –Traditional Use
- Preserving Native Knowledge
- Agency Agreements

CULTURAL PLANTS OF THE CHEROKEE

Question & Answer Session
Workshop 1, Tommy Cabe

[Unidentified female] On your ramp groups, do you eat them fresh or do you dry them? Do you cook them? Who…?

Tommy Cabe, Tribal Environmental Planner, Eastern Band of Cherokee, Cherokee, NC We'll do several different things. A lot of people will take them and harvest them, clean the, wash them, eat them right then. In my family, we took them and froze them. A lot of people will take them and boil them before they freeze them, and then there are others that can them. They stay pretty good. They don't lose their potency. They're kind of strong. That's how we preserve them throughout the year.

[Unidentified male] One of the slides that showed the old river beds, were you able to incorporate a salvage program or anything before any construction was done in that area?

Tommy Cabe, Tribal Environmental Planner, Eastern Band of Cherokee, Cherokee, NC In the past, or in the present?

[Unidentified male] That question would also apply to the agency, the other agencies that you deal with, like with timber programs, Forest Service, and other government agencies. Do you have a salvage program that you are able to work with?

Tommy Cabe, Tribal Environmental Planner, Eastern Band of Cherokee, Cherokee, NC I don't believe so, sir. I don't think that we do. I'm not familiar with that term, the salvage program for the Eastern Band.

Any more questions?

[Unidentified female] [Unintelligible question]

Tommy Cabe, Tribal Environmental Planner, Eastern Band of Cherokee, Cherokee, NC How hard was it to get into growing the mushrooms? It wasn't hard. What we had to do for that workshop is, we had to bring a fresh white oak sapling, so you're talking about a tree that's three to four inches in diameter and about five to six feet tall. And the reason for that, was they already had logs there that w3ere inoculated with the mushrooms so it was like an exchange. So we took that log and gave it to them and they had them inoculated What they do is, they drill holes in them and inoculate them with mushroom and they grow. There's a methodology they give out to you on how to monitor them, and how to care for them.

[Unidentified female]	Do you have a contact place for them?
Tommy Cabe, Tribal Environmental Planner, Eastern Band of Cherokee, Cherokee, NC	Yes, I sure do. I could give that to you after I get done, absolutely. I'd be more than glad to. Anything else?

CULTURAL RESOURCE PROTECTION
LAW ENFORCEMENT CONCERNS

Jared Eison
Natural Resources Investigator
Washington State Department of Natural Resources
Forks, WA

The forestlands contain many important resources other than timber products. Unfortunately, these non-timber products are often overlooked and they are facing ever-expanding dangers from illegal harvesting and environmental changes. We refer to these non-timber products as "Specialized Forest Products" and the sale of these products has become a multi-million dollar business in Grays Harbor County Washington alone. If efforts to preserve these plants are not enacted quickly, we will lose not only the revenue from the sales, but also a part of our heritage.

Some key points to remember when managing these resources is to keep the number of permitted harvesters at a level which will support a sustainable yield and institute a system which will deter potential thieves. The number of harvesters will vary with different areas; however, you must be aware that copies of legal permits on reservations sell quite readily on the black market so you must be selective about the harvesters that receive permits. The illegal harvesting is harder to control, as these thieves do not care about whose land they are on and whether their harvesting methods are affecting the future yield, they just want to make a quick dollar without being caught. The following are some methods of controlling illegal harvesting that have been employed by various agencies and landowners with great success.

- Laws were enacted allowing the seizure and forfeiture of all equipment (including vehicles) used by illegal harvesters
- Fines for violations in some jurisdictions were raised to $5000
- Permit systems were implemented requiring every harvester have a permit on their person
- Vehicle registrations laws and/or policies were enacted by various landowners requiring every vehicle to have a placard displayed
- Roads leading into high theft areas were closed by using gates or ditching to control vehicle access thereby forcing illegal harvesters to park in plain sight along the main road
- New lock systems have been installed that utilize non-duplicable keys
- Maps and copies of identification card have been attached to SFP permits, including transportation permits

As you can see, protecting these resources will take great efforts as these products are highly sought after in the floral, medicinal, and landscaping markets. The recent expansion of the sale of these products into the European market has only compounded these problems.

Specialized Forest Products

Listed below are some examples of non-timber or specialized forest products. There are many others that are not listed here. Many more are being added to the list every year as new markets, and uses are discovered.

- **Floral Greens**
  - Salal
  - Huckleberry
  - Ferns
  - Moss
  - Scotch Broom
- **Medicinals**
  - Cascara
  - Yew
  - St Johns Wort
  - Others
- **Ornamentals**
  - Huckleberry
  - Cedar boughs
  - Pine boughs
  - Ferns
  - Moss
  - Various Native trees and shrubs
- **Mushrooms**
  - Chanterelle
  - Mautsatakie
  - Boletus
  - Chicken of the woods
  - Morels
  - Many others,
- **Cedar Salvage**
  - Shake Blocks
  - Shingle Blocks
  - Poles
  - Fence materials
  - Burls
  - Other ornamental items (i.e. Stumps, etc)

The History of Specialized Forest Products

The history and problems associated with specialized or non-timber forest products can be traced by the size of the available market. Originally, the main market for the harvested products was limited to floral and medicinal companies in the Untied States. This helped keep the theft problems in check, as this market was relatively small in comparison to today's market. Today we find that thefts are becoming more commonplace as the floral companies have successfully introduced these products to overseas markets where they have become high dollar and high demand items. This expanded overseas market has resulted in higher demands for products and harvesters. Not surprisingly, this has led to an ever-increasing theft and in some cases, an over-harvesting problem.

- 1980's market was relatively small - minimal pickers
- Early 1990's market started opening up harvesting increased
- Mid 1990's market increased dramatically, thefts correspond
- Late 1990's market exploded due to the opening of the European floral market, theft rates skyrocket
- 2000 thefts decrease due to emphasis in the Quinault area
- 2004 thefts on the rise again

A One Week Look At the Theft Problem

A five-day long emphasis resulted in the following statistics. This emphasis was conducted in the Quinault area in conjunction with the Washington State Department of Natural Resources, Quinault Indian Nation, Grays Harbor County Sheriffs Department, United States Border Patrol, many local landowners/private timber companies and forest security personnel.

- 119 Arrests of Non-Tribal members
- 77 deportations of illegal immigrants
- 96 Gross Misdemeanors filed
- 5 felonies filed
- 2 firearm seizures
- 3 Search Warrants Obtained & Served
- 9 buying stations cited

The Dangers

With more and more people wanting to harvest specialized forest products it is not surprising to see the rise of "Territorial wars". To put this into simple terms, the amount of land available to harvest on is not enough to meet the needs of the increased population of SFP harvesters and fights ensue over who gets to pick SFP's in particular areas. The recent influx of other ethnic groups only compounds this problem. This problem was mainly limited to mushroom harvesters for a long time, however recent events seem to indicate the problem is broadening.

- One person fatally shot over salal in 1998 within 15 miles of the QIR
- One person fatally shot over SFP's in 1999 within 8 miles of the QIR
- Fights increasing between groups of pickers
- Use of weapons becoming more common

The motive

The motive for these crimes is the same as many others, money! Most of the persons that harvest these products are migrant workers that would never be able to make this amount of money in their native countries. A proficient harvester can make $200 a day or more, usually tax-free. Because many harvesters usually share an apartment their cost of living is low, which only adds to their profits. The following are some dollar figures that were derived from buyer records.

- Statewide sales slowed by $ 1.2 million during the week of the emphasis
- Buyers average $ 42,000 per week in transactions
- SFP business in Grays Harbor is $12 - $14 million per year for the past two years
- 12 cargo containers shipped from Grays Harbor County per month at $55,000 each
- There was 0 % compliance with SFP laws

The Needs for Management

- **To protect resources for the future**

  Without proper management and enforcement techniques, many specialized forest products could be over-harvested. This could affect cultural uses and gathering if any of those plants or trees are harvested commercially. For example, many basket makers had problems finding suitable beargrass for basket making due to the over-harvest by illegal harvesters.

- **To reduce over-harvesting**

  Sustainable harvest levels can be established prior to issuing a permit. The permit or contract should contain strict, but easy to understand, language specifying acceptable harvest levels and list the penalties for exceeding them. Any penalties should be severe enough to deter any over-harvesting and should include language that you allow the issuer to default any performance bonds to collect monetary penalties.

- **To reduce theft**

  Persons who purchase or lease a certain area for harvesting tend to police it themselves; furthermore, they are more likely to report any illegal harvesting activities they encounter.

- **To protect wildlife**

  Many illegal harvesters are suspected of poaching wildlife, such as deer and elk to help offset their grocery bills. Currently there is not evidence to substantiate this; several sites have been found containing the bones of about ninety deer and elk. Nearby refuse dumps of certain ethnic food items and harvesting remnants suggest that illegal harvesters may have dumped the bones.

Management of SFP's Commercial Harvesting

- **Will it be allowed?**

  Are the dollars generated enough to compensate for the added expense and potential theft problem generated by "Black market permits". Is there a theft problem that might be curbed by opening the area to legitimate managed harvest?

- **Sustainable yield?**

  Will the harvested product be able to re-grow quick enough, could the cultural or traditional uses be impacted? How will this harvest potential affect the harvesting of other products?

- **Cultural/Historical sites nearby?**

  Harvesters generally scour the forest looking for product and may stumble upon culturally or historically significant sites. These discoveries make these sites susceptible to thefts and vandalisms.

- **Contract Compliance?**

  Will additional personnel be hired to oversee contract compliance and enforce contractual issues? If harvesters do not see compliance officers on a regular basis, they may tend to get greedy and take more than allowed. This lack of presence could also lead to increased theft problems in these and other areas.

- **Similar Specialized Forest Products in nearby areas?**
  As mentioned before "Black market permits" are a hot item as they could potentially save a thief from taking a trip to jail. Some people who hold valid permits also use them as a "License to steal" along a particular road system or surrounding areas. Be sure to include stiff contractual penalties for any fraudulent use.

- **Can permittee(s) be trusted?**
  Establish good working relationships with surrounding landowners and enforcement entities so that problematic harvesters can be kept track of. Communication among landowners and enforcement people is imperative if you plan to keep questionable operators from obtaining valid permits on your land.

Specialized Forest Product Buyers

- **Educate buyers on laws**
  Get the local law enforcement to visit buyers to educate them on the laws and regulations for purchasing specialized forest products.

- **Provide a sample purchaser record form books which includes SFP laws**
  Find out what information is required to be kept by law and provide law enforcement with a sample form before they visit the buyers. You should also include copies of the applicable laws with these forms.

- **Identify and document SFP buyers**
  Finding the SFP buyers is often difficult at best. Typically, these operations take place in a yard, carport, or garage making them hard to identify. The easiest way to find them is to follow the harvesters when they take their product in to sell it. Many of these operations are questionable at best and frequently change locations.

- **Are all SFP's covered in the permit requirements**
  Oftentimes some specialized forest products are overlooked when laws are written and others suddenly became SFP's overnight because of a changing and ever-evolving market. As new products become SFP's they should be added to the permit requirement laws to close potential loopholes as soon as possible.

- **Laws be created to crate a standardized record keeping format**
  If all SFP buyers were required to keep the required information in a standard format, it would make the inspection process much easier. If standard forms were available the excuse "I didn't know that I needed to record that" would be harder to use in court.

Tribal Involvement

- **Tribes should identify culturally important resources that are commonly stolen**
  The impacted resources may not be included in the permit laws, which could create a loophole where permits are not needed.

- **Local Law Enforcement should be shown examples of the product and any permits that are needed to harvest them**
  Most law enforcement officers are "Street Cops" and may not understand forest product issues. Some may have never seen some of the products involved and they may not know what a valid permit looks like.

- **Joint enforcement efforts should be undertaken**
  Most local agencies share the same problems and joint efforts will help pool the resources to make efforts more effective. If enforcement efforts are effective, the word will spread quickly and the thieves will move to other areas where enforcement may be lacking.
- **Theft in the 1990's made it hard for Quinault basket makers to find suitable beargrass, other cultural SFP's could follow**
  Any cultural resources that can be adversely affected should be protected through proper management and enforcement.

Permits

- **All harvesters must obtain permits**
  This will help enforcement determine who is stealing products and will help generate revenue.
- **Sales should be "Lump sum"**
  This will help eliminate the need to scale product and will encourage the permit holder to police the area as they now have a monetary interest in keeping the products from being stolen.
- **Permits should expire with contract**
  All permits should expire concurrently with the contract to help deter theft.
- **Areas must be well marked**
  This will eliminate the wrong area excuse by clearly identifying the harvest and do not harvest areas.
- **Penalties included in contract**
  Civil penalties are much easier to enforce than criminal charges, but they cannot be imposed if they are not included in the contract.
- **Only "Original" permits accepted**
  Original copies are much harder to forge than Xerox copies are. If copies must be xeroxed, the copy should be required to have an original stamp or signature on it to make it valid.
- **Attach copy of area map & Drivers license**
  General law enforcement personnel may not be able to identify the permit area using a legal description. A vicinity map showing known landmarks will help to identify the permit area. If the permittee is required to attach a copy of his photo identification this will help eliminate the "Musical permit" problem as well as the wrong area excuse.
- **Inform local L.E. of permit requirements**
  Law enforcement cannot enforce the laws if they do not know what they are and what the products are. Contact your local law enforcement and arrange a day to show them examples of products and permits.

Controlling Access

- **Gate main roads**
  The use of gates will help funnel the vehicle traffic through certain areas to help facilitate monitoring. Multiple lock boxes can be helpful if there are multiple ownership or contractor issues.
- **Ditch spur roads**
  Ditching is an effective way to stop vehicle traffic from entering a road. This too will help funnel vehicle traffic.

- **Gate keys must be "Non-duplicable"**
  The strongest gate in the world will not help if anyone can go to the local hardware store and have keys copied. Non-duplicable keys are more expensive, but they help maintain control of the gate system.
- **Monitor traffic**
  Find out what roads are being used, then find out why. If there are no particular reasons for traffic to be on a roadway, the area may be experiencing theft problems.
- **Establish random check stations**
  Check stations will help ensure that all harvesters are permitted. Some jurisdictions allow check stations and others do not. Be sure to check the local laws before conducting a check station. If check stations can be conducted randomly, the thieves will look for other places where they are less likely to be caught.

Click here to view Mr. Eison's PowerPoint presentation.

Click here to view the Q & A for Mr. Eison's presentation.

Jared Eison is an enrolled Quinault Indian who works for the Washington State Department of Natural Resources as a Natural Resource Investigator assigned to the Olympic Region. He prepared this information. His duties include investigating cases involving natural resources, as well as protecting these lands against damage, theft, trespass, and environmental damage. Prior to this Jared worked for the Quinault Indian Nation Department of Natural Resources as a Resource Protection Officer. Jared brings with him sixteen years of law enforcement experience, seven of which are in the natural resource field specializing in crimes against natural resources. He can be reached at the following if you have any questions.

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CULTURAL RESOURCE PROTECTION - LAW ENFORCEMENT CONCERNS

Question & Answer Session
Workshop 1, Jared Eison

Sylvia Carden, Colville Tribe, Spokane, WA

My name is Sylvia Carden from the Colville Tribe. I talk with a lot of the elders over there, and we have a problem getting cedar roots for baskets and stuff. Do they ever consider working cooperatively with our tribe? Because we were driving over here and the woman that was with me, we looked and there's a place where they had a bunch of slash and everything laying out there from cedar trees, and it just bugs us to drive by there and see it not even being used.

Jared Eison, Investigator, Washington Department of Natural Resources, Forks, WA

To tell you the truth, I'm not sure if Colville is in a different region. That's northeast. I'm in the Olympic. I know the Olympic's worked with a lot of local tribes to try to make sure their needs are met, giving out firewood permits to different, various tribes, some other stuff.

Any other questions?

MARKETING EFFORTS
FOR
NATIVE AMERICAN SPECIAL FOREST PRODUCTS

James R. Freed
WSU Extension Faculty
Special Forest Products
Olympia, WA

UNIQUE OPPORTUNITIES

Traditions, Customs, Native Knowledge

As a marketing analysis is conducted for the entrance into the special forest products markets, tribal forestry programs coordinators must take every effort to insure the protection and expansion of the traditional practices. Tribal customs and native knowledge within their community must be the filter on what is to be marketed and to whom it will be marketed.

Safe and Sustainable Foods

When designing marketing programs for all food products the needs of the individuals and families that make up the Native American community must come first.

Part of any marketing effort for wild or cultivated foods must take into consideration the goals of providing the peoples of the specific tribe or nation with food products that will improve the nutritional quality of their diets, increase the buying power of the family budget for foods and improve the selection of foods available to all tribal members, but targeting seniors, Women, Infants, Children and at-risk individuals.

Traditional Markets and Trade Program

A high priority should be place on development of traditional and new products that support the reestablishment of the extensive historical marketing networks between native peoples.

Value Added Through Scarcity

Limit the number of products, the form of the products, volume of production, or method customers can obtain products as tools for adding value to products and protecting natural and community resources.

SAMPLE MARKETING PLAN

Marketing Pyramid

The base of the pyramid is the highest priority programs. They are the ones that only Native American families and organizations have access to. As you move up the pyramid products become available to the general public in small certified quantities.

Goal: To limit the volume of raw materials harvested, to increase the demand for Native American traditional products, to protect the natural resources, to protect traditional knowledge and stabilize product prices.

Method: The tribal members under the lead of the Elders will look at all potential marketing projects and apply the following criteria.

- **Highest Priority**

  INDIVIDUAL TRIBAL MEMBERS AND THEIR IMMEDIATE FAMILIES

  Knowledge, skills, products and services of individuals and families will be theirs to use as they choose.

  Example:

  Native plants used for medicines, foods and cultural activities where the knowledge of traditional harvesting, processing and use is held within a given family.

  Validation Authority

  Ultimate Validation of marketing potential: An individual or family

- **Priority Level Two**

  THE HOME NATION MEMBERS ONLY

  Members of the home nation will have the only access to the Products and Services under this priority level

  Example:

  Native plants or the products from them that where the use is restricted to the Tribal Members based on tradition and culture.

  Validation Authority

  Ultimate Validation of marketing potential: Tribal Counsel and Cultural Committee

- **Priority Level Three**

NATIVE AMERICANS, ALASKANS AND FIRST NATION PEOPLES

Goods and services to be marketed under this priority level will be restricted for sale or traded to other Individuals or Families of Native American, Native Alaskan and First Nations Peoples of Canada.

Example:

Raw and processed products that are designed for personal or cultural used by other native peoples only.

Validation Authority

Ultimate validation authority rests with the selling tribe's cultural committee and tribal elders.

- **Priority Level Four**

NATIVE AMERICAN, NATIVE ALASKAN, FIRST NATIONS PEOPLES OF CANADA AND ABORIGINAL PEOPLES ORGANIZATIONS

The goods and services under this priority level will be made available to other organizations of native peoples on a Business-to-Business partnership

Example:

Products that are processed and packaged with the label of another Native American organization for their use in they're marketing and trade efforts.

Validation Authority

Ultimate Validation of marketing potential: Tribal Counsel and Cultural Committee

- **Priority Level Five**

NON-NATIVE PEOPLE WHO HAVE PARTICIPATED IN A TRIBAL CERTIFIED AND OPERATED TRAINING PROGRAM

Goods and services available under this priority level will be available only to individuals and families who have participated in a Training programs conducted by the tribe marketing the products or one of its members and only for personal use by the purchasing party.

Example:

Individuals and families interested in having access for personal use of an individual product or a collection of products would participate in educational programs conducted on tribal lands.

Activities

The range of activities would go from a long weekend to one-month programs.

Instructors and Presenters

The individual or family would be working with the tribal cultural, medical, natural resources and wellness professionals.

Housing

The individual could choose to live in tribal owned facilities, with a tribal member or in a traditional hunting, fishing or berry gathering camp.

Short-term goal

Individual and families would experience a healthier life style based on **TRIBAL PRODUCED PRODUCTS AND TRADITIONS.**

Long-term goal

To establish a market for tribal produced products that would be available only to the people who went through these educational programs.

Validation Authority

Ultimate Validation of marketing potential: Tribal Wellness professionals and Cultural Committee, Tribal Elders

- **Priority Level Six:**

PROFESSIONALS WISHING TO USE NATIVE AMERICAN PRODUCTS OR TECHNIQUES AS PART OF ONGOING BUSINESS.

This program would similar to Priority Level Five with the exception it would be designed to train and certify professionals in the proper way to use Native American produce products as part of their individual professional business.

Certification renewal

Renewed must be accomplished every Three Years.

Continuing Education Credits and For College Credit

Continuing Education Credits (CEU) would be organized in partnership with Native American College, Land Grant University and Local Community Colleges.

College Credit would be arranged through the Indian College program or another 4-year college.

Trade Mark and labeling

All Products sold, as part of this program would be for sale only with the label of the approving tribe on them. They could only be resold or used as part of a business when there was an attached information sheet that explained their use and importance to the approving tribal peoples.

Validation Authority

Final validation of marketing programs would be tribal marketing committee

- **Priority Level Seven**

NON-TRIBAL PEOPLES EXPERIENTIAL NATURAL RESOURCES PROGRAMS

Goods and services available to individuals, families and nonprofit organizations

Guided experiences.

A local tribal member who was trained and certified in working with individual and families to obtain a natural resources based experiences would be the direct contact.

Guide training

The guides would be trained in wild crafting, survival, traditional story telling, food preparation, public speaking and first aid.

Example:

Mushroom harvest and River Canoe Trip. This could be an overnight experience. The first day would be a guided trip into the forested natural lands. The guide would provide information on the tribal stories and myths. They would provide hands-on experiences in locating and harvesting mushrooms. The participant would learn about the conditions needed to insure a sustainable supply of mushrooms. The evening meal would be designed around the foods found in the forest or produced by a tribal person from the forest. If the trip continues over night, then there would be a morning mushroom gathering experience, where the mushrooms are saved to be processed and shipped to the participant if necessary. The second day would include a float trip down a river in a traditional vessel. The guide would explain the relationship between healthy forests and healthy waters. The participant would have an opportunity to fish in a traditional manner with any catch available for a meal or to process for the participant's future use in the community kitchen.

Post Experiential Purchasing

The participants would have an opportunity to purchase tribal products at a discount to other non-natives because of their involvement in the outdoor experiences.

Future experiences

To maintain their discount privileges, the participants will need to participate in tribal-sponsored outdoor experiences every five years.

Similar programs would be developed for berries, herbs, fruit, wildlife, craft materials, nuts and vegetables.

Teaching Teams

If one person did not have all the skills necessary for a high quality experience, or if the experiences were to last for a longer time, then teams of people would conduct the programs. Teams would include people from the forestry, fish, wildlife, water quality and cultural programs within the Tribe or Nation.

Interns

These kinds of programs would provide great summer jobs or internships for local native college students.

Validation Authority

Ultimate validation of marketing potential: Tribal elders, Tribal Business committee, tribal cultural committee

- **Priority Level Eight**

RETAIL CONSUMER DIRECT MARKETING

These products would be available to any individual or family wishing to purchase directly from tribal business or individuals.

Restrictions

The products under this priority level could only be purchased for personal use and not for resale.

Direct Marketing Efforts

These products would be sold using any of the following direct marketing efforts:

Farmers markets, roadside stands, portable sales booths, portable market vehicles, internet websites, promotional catalogue, retail routes, wholesale direct marketing to specialized business.

Example:

Portable Farm and Forest Produce Stand. This would be a 1-ton truck remodeled to look like a rustic farmers market. It would have cool and frozen storage capabilities.

The Stand would take fresh and processed products from the forest and waters of the tribe or nation.

Sales locations

- Organized farmers markets within tribe's area

- Employee parking areas of private business and government
- Festivals sponsored by Native Americans and communities
- Camp Grounds located on State, National and Private Lands

Products

All products produced by the native peoples would be eligible to be sold as part of any direct marketing effort.

Wild flowers, floral greens, Christmas wreaths, grave blankets, jams, jellies, teas, fruit leathers, fruit raisins, bentwood boxes, dried fish, processed wild game to complete freeze dried meals are just a few of the potential products.

Promotion all activities

All products promotional efforts would incorporate information about the native peoples. They would explain how the purchase of products would be benefiting the Peoples of that community and the Natural Resources they Nation depend on.

Validation Authority

Ultimate Validation – Tribal elders, Marketing committee, tribal business committee

- **Priority Level Nine**

BUSINESS TO BUSINESS VALUE ADDED PRODUCTS

Products Designed for marketing under this priority level would be value added products designed from joint marketing efforts with other non-native business.

Example:

Fresh salad mixes using native and cultivated plants. A joint marketing effort with Wholefoods Stores. Products would be labeled with the producing people's label. Displays would be designed to show where the products were produced and the people who produced them.

Example:

Fruit Leathers would be produced using native berries. A joint marketing effort with a fruit leather company like Stretch Island Fruit of Washington state would be organized. Product would have a special joint label. Product would be labeled with the name of the tribe. Example: "Makah Wild Berry".

Example:

Fresh and processed foods for catering companies and chefs of high quality restaurants located through out the state and region where the producing tribe is located.

International markets – providing consumers in Europe and Asia with traditional native products.

Validation Authority

The Ultimate authority for validation for products as part of this level would be the Tribal Business Committee

- **Priority Level Ten**

WHOLESALE COMMODITY MARKETING

The target audience for this marketing effort would be business wishing a high quality product that was produced in a sustainable manner with some value added activities associated with its sale.

Labeling and Branding

Products sold here would only have a label that showed they were produced by an individual Native American community for the wholesale company.

The consumer would need to look very closely to know that it came from a Native American producer.

Mass Production

The products in this priority level will be products that can be mass-produced. They would be of good quality but not at the level of quality produced by a master craft person. This is where the community commercial production facilities would be used most efficiently. It is also an area where part-time help and summer help would be most valuable.

Value Added activities

The major value added activities in this area will be:

1. Harvest and concentration of products – movement of product from the forest or sea to be processed.
2. Grading and scaling
3. Form change – fresh to canned or frozen
4. Labeling and Packaging – private labeling for companies (Kroger, Safeway, Albertson)
5. Storage – cool, freezer, heated, dry, high humidity
6. Transportation – movement to customers processing centers, ships, planes.
7. Guarantees and Insurance – assurance that the products will be delivered as requested or they will be replaced.
8. Financial Programs – providing funds to support the production and delivery of the products, managing credit card purchased.
9. Health Permits – Certifying that product is free of pest and diseases

Validation Authority

Ultimate Validation of Marketing Potential: tribal business committee

- **Priority Level Eleven**

COMMERCIAL VENDORS

This is an operation where the Native American Nation has little or no involvement in any of the activities necessary to produce a final product and deliver it to the ultimate consumer.

Space and Building leasing

An individual or company would lease the rights to harvest a product on the Tribal lands or from the waters under control of the Native American nation.

Least profitable

This priority level would be the least profitable for the native peoples. The greatest generation of income would be if the company needed to have a work force from the tribe or nation.

Return on Labor

Most generation of dollars would be in the form of returns on labor. Almost all the income and profits from these kinds of activities move outside the local community.

Minimum Wage Jobs

Participation in these kinds of program would only occur when it was the only way to generate jobs for tribal members.

Example

Production of native landscape plants in a greenhouse and nursery environment by a commercial nursery wholesaler.

They would use existing facilities on a lease bases or develop new ones on leased lands.

The management and marketing would be preformed in the company's home office.

Some small benefits

Free plants for reforestation
Used building when they company moves on

Overall Program Value Added Efforts

- Certification programs

If a Native American community develops a marketing system similar to the one that I have mapped out it would be an integral part of a tribal enterprise certification program.

The certification program would be designed to enhance, promote and protect all the resources of the tribal peoples.

Once in place it would be the backbone of all marketing efforts. All products would base on supporting the certification programs. All promotions would educate the buyers and the public of the certification program and how their purchases would support it.

- Marketing Certification Programs

Not only would the certification programs support the test marketing of all products but once tested they would be the focus of all future marketing efforts.

Example: The outdoor education programs that enable people to experience the beauty and culture of a Tribe or Nation could be designed to provide experiential learning for forestland managers.

People who might want to partner with the local tribe or nation in marketing products would pay to go through a program where they became certified in the management of their lands, the harvesting of the products and the handling of the products to insure the quality that the marketing under the Native American label required.

Tribes could sell there brand or seal of approval. This seal would be on all products tribal and non-tribal to show that is was produced under the strict guidelines of the tribal certification program.

The key to making tribal marketing so special forest products work is to make it special in the market place. Tribes must not try to compete with other commercial endeavors but must develop products that are truly unique to there people.

If you try to market tribal products like MacDonald's markets meat your will only make pennies on the dollar of the potential.

If you use the Lobster model people will look for your products because of quality and uniqueness. They will by from you because they want to not because they need to. And we all know that people pay more for what they want than what they need.

Always realize that all tribal practices and skills do not need to be shared with non-tribal buyers. The best way to create a sustainable market is to limit the products available for sale.

FINDINGS & RECOMMENDATIONS

Non-Timbered Forest Products Workshop I
The Changing Face of Forestry - A Look at the Political, Social and Economic Challenges
April 29, 2004
Ocean Shores, WA

Panel Members: Bruce Crespin, Coordinator, Tribal Monitoring Program, NW Forest Plan
Tommy Cabe, Tribal Environmental Planner, Eastern Band of Cherokee Indians
Jim Freed, Special Forests Products Specialist, Washington State
University Cooperative Extension, Department of Natural Resources
Jared Eison, Washington State Department of Natural Resources

Moderator: Raymond Tsumpti, Jr., Presale Forester, BIA Warm Springs Agency

Goal: We will be looking at what progress has been made since the last time this topic was addressed, and what we can do to address some of the problems we are still encountering.

FINDING 1: There is limited professional training on non-timbered forest products.

RECOMMENDATION 1a: BIA, Tribes and Universities need to work together to identify possible training collaborations.

RECOMMENDATION 1b: The ITC's Education Committee should organize and offer more professional training.

FINDING 2: Sufficient funding for non-timbered inventory analysis on tribal and non-tribal lands is lacking.

RECOMMENDATION 2a: The BIA and ITC should develop an initiative to determine requirements for inventorying and managing non-timbered forest products.

RECOMMENDATION 2b: The ITC should provide grant sources through their web site links.

FINDING 3: There is a lack of guidelines for harvesting rights on non-tribal lands.

RECOMMENDATION 3a: Tribes and USDA, DOI with tribal off-reservation responsibilities need to develop policy guidelines regarding harvesting and gathering rights by tribal members on public lands.

FINDING 4: Non-timbered forest products generate a great interest in domestic and foreign markets.

RECOMMENDATION 4a: The BIA needs to develop a database that lists potential products, purchasers and prices for non-timbered forest products.

FINDING 5: Non-timbered forest products discussed here have great appeal with non-Americans, especially with Europeans and Asian markets.

RECOMMENDATION 5a: BIA should undertake an initiative to develop a marketing strategy to improve opportunities for tribes to export non-timbered forest products.