



Intertribal Timber Council TIMBER NOTES

Fall 2013

2014 Symposium Will Be June 23rd – 26th



Elder Coeur d'Alene Men



Howard Teasley, Jr.

I would like to welcome the Intertribal Timber Council guests and colleagues to Northern Idaho, the panhandle of the state, and visit The Coeur d'Alene Tribe, June 23rd

– 26th, 2014, Worley, Idaho for the Thirty-Eighth Annual National Indian Timber Symposium. The theme of this year's symposium is in preliminary or draft form. ***"Managing Trust Land Amongst Non-Trust Neighbors: Working Together for the Greater Good"***. Here are a few words on the history of the Coeur d'Alene Tribe.

Because there was always a commitment to the future, so will there always be a commitment to the past. The

modern Coeur d'Alene Tribe is the sum of uncounted centuries of untold generations. In the tribe's own ancient language, it is called Schitus'umsh, meaning "Those who were found here" or "The discovered people". In this remains a land abundant in beauty and resources, a legacy of leadership, and a lineage that continues from the time immemorial. The Coeur d'Alenes are who they always were and who they will always be.

The first white people to encounter the Coeur d'Alene's were French trappers and traders. It was one of these Frenchmen who found the tribe to be vastly experienced and skilled at trading, thus the name "Coeur d'Alene," meaning "heart of the awl." The nickname stuck. One Frenchman described the tribe as "the greatest traders in the world."

Here is another word in Coeur d'Alene Language to learn and take with you "Lim lemtsh" or thank you.

We are currently preparing for our quarterly meeting in Portland, OR, on December 10th -12th, 2013. This is where the symposium committee and the staff of the Coeur d'Alene Tribe will solidify the rest of the symposium details for next spring.

See you in Worley !!

Thank you - Qe'ciyew'yew 🌲

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President's Message

by Phil Rigdon



Phil Rigdon

ITC members and guests, good day. As I write this article, political differences in Congress about funding the implementation of the Affordable Care Act ("Obamacare")

have stalled legislation to otherwise temporarily extend appropriations past the October 1, 2013 start of FY 2014, and as a result much of the federal government has just shut down. It is not clear how long this dispute will last or how severe it could become, but its interruption of the federal government's ability to meet its trust, treaty and programmatic obligations to Indian Country is having a disproportionate impact on tribes and our members. I should note that the ITC is not being affected by the shutdown, but throughout B.I.A. and tribal offices, and out on the ground, tribal and B.I.A. forestry and other programs are being disrupted, and there is no certainty when or how this will end.

Since the Summer Newsletter, a lot has been happening. In September, the Board met at the Coeur d'Alene Resort and Casino, which is the site of next June's Symposium, and the facility, with a new addition and expansion, is really beautiful. For those of you interested in golf, its Circling Raven course is world-class.

In next summer's Symposium sessions, there will certainly be a lot to talk about. The roll out of IFMAT is progressing, with the prospect of its being featured in an upcoming Indian forestry edition of the forestry journal Evergreen. Other press coverage has continued, including an op-ed article on IFMAT by Drs. John Gordon and John Sessions, and we have taken the IFMAT report to Washington, DC in discussions with Administration officials and Capitol Hill offices. We are working to arrange a Congressional oversight session to further the examination and understanding of the report, although the current chaos in Congress poses some

hurdles. And an implementation plan within Interior is being pursued.

On July 11, I had the opportunity to testify about tribes and wildland fire, the IFMAT report, the Tribal Forest Protection Act implementation report, and Anchor Forests before a House Natural Resources Committee oversight hearing on forest management and fire. The testimony was well received, with lots of supportive questions from both Republicans and Democrats about tribal forestry practices. The testimony's discussion about difficulties in implementing TFPA also struck a chord with the Committee, so that, when Chairman Doc Hastings' big forestry bill (H.R. 1526, The Restoring Healthy Forests for Healthy Communities Act) was marked-up on July 31, Rep. Steve Daines (R, Mont.) added an amendment designating TFPA projects as a "priority" for the Secretary of Agriculture. The House passed the bill on September 20, although its future in the Senate is uncertain. The US Forest Service has also responded positively to the TFPA report, committing to the formation of a team to implement the report's recommendations.

During the House forestry and fire hearing, DoI Office of Wildland Fire Director Jim Douglas was also a witness, and in a conversation we talked about his visiting Yakama, and in September, he did, joined by Kim Thorsen, Interior's Deputy Assistant Secretary for Public Safety, Resource Protection and Emergency Services. It was a cordial and informative visit, and representatives from several other tribes also attended, leading to wide-ranging discussions about fire issues and practices throughout Indian Country.

In late September, Don Montanic and I attended the National Association of State Foresters' Annual Meeting, where my remarks to the assembly covered IFMAT III, TFPA and Anchor Forests. Don and I were able to visit with NASF President Chris Maisch of Alaska, Ag. Deputy Secretary Butch Blazer, and many of our other state forester colleagues. Collaborative forestry remains a key issue for NASF, and there was a lot of interest expressed in

Anchor Forests. After attending NASF in West Virginia, I was able to spend a day in Washington, DC making the rounds on Capital Hill and in the Administration, keeping discussion of our issues there up to date and on-going.

Also with regard to Anchor Forests, during our last Symposium at Menominee, Fond Du Lac Forester Al Murray brought word of Fond du Lac and other Wisconsin forestry stakeholders' interest in pursuing an Anchor Forest initiative there, so this summer ITC Board Member Gary Morishima joined them for a discussion and tour regarding the Anchor Forest idea. U.S. Senator Tammy Baldwin (D, Wisc.) also participated. Elsewhere in Indian Country, it should be noted that U.S. Senate Indian Affairs Committee Chair Maria Cantwell (D, Wash.) and Senator John Tester (D, Mont.) spent a day late this summer visiting the Confederated Salish and Kootenai Tribes, where forestry and fire issues were part of the discussion.

So, although the federal government is struggling through a shutdown, gridlock, and funding and other uncertainties, the ITC has been active, and the increasing interest and attention in tribal forestry is encouraging. 🌲



The Intertribal Timber Council Newsletter is published three times a year by the Intertribal Timber Council Executive Committee as a service to Tribes/Native Alaskan Corporations with timber resources or interest. We encourage information relating to Indian forestry to be submitted for publication and welcome suggestions.

Write or call the ITC office:

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Education Committee

by Orvie Danzuka, Chairman



Orvie Danzuka

The Education Committee has finalized dates for the 2014 Truman Picard Scholarship Announcement. The Deadline this year is January 17, 2014. If you are interested, or know someone interested, please encourage them to submit an application before the application deadline. Visit the ITC website or call the ITC office for more information. In addition, announcements will be sent out to tribes and agencies.

The Truman Picard Scholarship is offered annually to Native Americans pursuing higher education in the field of natural resources. In light of tuition hikes in the recent past the Education Committee has decided to increase the scholarships by \$500 for each category. This equates to \$2,000 for high school recipients and \$2,500 for undergraduate and graduate recipients.

The increase in scholarship amount will result in a decrease in scholarship

recipients if we were to disburse the same amount in 2014. Given the same amount, the number of scholarships would decrease by six total. This will once again increase the level of competition, so please spend adequate time preparing your application and ask for feedback from trusted individuals.


Scholarship applicants will be rated on five criteria: application letter, resume, academic merit, reference letters, and financial need. The application letter needs to address the students' interest in natural resources as well as their commitment to their education, community and culture. Please do not sell yourself short, this scholarship is very competitive and finding references who can detail your accomplishments is very important.

There will be a Scholarship Selection Committee who will review the applicants and grade them on the above criteria. It is important for all applicants to understand that the awards are not based on any political influence or by the amount a tribe participates with ITC. Picard Scholarships are all based on the merits of the students and the potential they will bring to Indian country natural resources.

Individuals selected for an ITC scholarship who declare an eligible major at the University of Washington or Salish Kootenai College and who are eligible for resident tuition will receive full in-state tuition for the academic year that the ITC scholarship is in effect. The Education Committee will be sending out letters to other schools in which previous recipients have been enrolled to hopefully "spread the wealth" to students attending their respective schools.

Another measure undertaken by the committee will be to approach the Western Forestry Conservation Association once again to explore future workshops with the intent of utilizing the proceeds to increase the scholarship pot. I have made contact with the director and they are happy to work again with ITC.

The committee would like to reach out to past scholarship recipients to find out where you are and what you are currently doing. We will be sending out a short form and we hope you will consent to a brief article in our newsletter.

You can get more information by calling the ITC office or visiting the website. 

Awards Committee

by Jonathan Brooks



Jonathan Brooks

hints about the nomination process;

- Only Complete Applications are accepted. Visit: www.itcnet.org/about_us/awards.html, to download a nomination packet with instructions and details.
- Individual Achievement Awards are nominated by Geographic Region (Northwest, Lake

States, Northern, Southwest, and Eastern), and are awarded one per person every 5 years)


- There is one National Forester of the Year Award which can only be awarded once during a person's career.
- Nominees can be from various organizations whether Tribal, Federal, State, Academia or the private sector, that have contributed significantly and influentially to Tribal forest management.
- The deadline for submitting nominations is **Friday, January 17, 2014 by 5:00 pm PST**.
- Nominations can be email, postal mailed, or faxed to ITC (if faxed, an original copy must

also be mailed).

Email: itc1@teleport.com

Fax: 1-503-282-1274

Mail: Awards Committee,
Intertribal Timber Council,
1112 NE 21st Avenue, Suite 4
Portland, OR 97232

On behalf of the Awards Committee, thank you for your consideration and your nominations of our colleagues who are deserving of these awards. It is a great honor to serve this organization and I look forward to receiving and reviewing this year's nominations. If you have any questions about the awards or nomination process, feel free to visit the website, call the ITC office (1-503-282-4296), or contact me. I can be reached via email at jbrooks@wmatforestry.com or at 928-338-5838 or 928-594-0451. 

BIA – Central Office Forestry

by Faline Haven, Acting Chief Forester



Faline Haven

As we move into the new fiscal year, it appears that the Federal Government will operate on a continuing resolution and the Department of Interior travel restriction and hiring freeze will remain in place. The Central Office will strive to continue to provide timely and quality service to the Tribes and BIA Regions. The Coop Program has been funded for 2014, but at a reduced rate of students in the program. The ITC contract was extended for the year beginning April 1, 2013 and ending March 31, 2014.

Branch Office of Forest Resource Planning

Branch Office of Forest Resource Planning (BOFRP) is planning to have a booth at the American Indian Science and Engineering Society National Conference in Denver, October 31-November 2 along with the Division of Water and Power and Geospatial Services.

BOFRP is in the process of developing a strategic plan that will outline the core missions and goals to better serve and cooperate with Tribes and Regions. As with any organization, it is necessary to step back and evaluate what changes are necessary to keep it viable. Earlier this year BOFRP determined that an independent review was necessary as part of the planning process. Dr. Tom Burk of Burk & Associates of St. Paul Minnesota was hired to do a program review. Dr. Burk met BOFRP staff on August 26 and 27. He discussed current data processing, Forest Inventory data storage requirements, inventory methods and alternative forest inventories. The final report should be ready by October, 2013.

The largest challenge to providing necessary services is dealing with the shortage of staff and funding issues. The staff here should be commended for the work they are doing, in spite of

being shorthanded, in providing technical assistance to the Regions and Tribes. Bill Yemma and Chad Wallace are still on details to Realty and Geospatial Services, so currently only Stacie Holms, Karen DeBord and David Wilson are providing Inventory and Planning technical assistance to the field, but also providing support to Central Office.

Forest Management Inventory and Planning (FMI&P)

BOFRP has implemented staff assignments to three Geographical Service Centers for more efficient project planning. Previously all Inventory planning was handled by one staff member. The overall goal is to provide one point of contact within the three service centers. Work is being done to coordinate the transfer of planning and projects each staff member may be working on outside of their newly assigned Service Centers. The assignments are: Dave Wilson is assigned to the Northwest Service Center and is the POC for Northwest and Rocky Mountain Regions; Karen DeBord is assigned to the Southwest Service Center and is the POC for Navajo, Pacific, Southwest, and Western Regions; and Stacie Holms is assigned to the Eastern Service Center and is the POC for Alaska, Eastern, Eastern Oklahoma, Great Plains, Midwest, and Southern Plains Regions.

Northwest Service Center: Work continues in the Northwest Region on fall inventory startups. Colville, Nez Perce and Fort Hall have either started or are expected to start in the fall. Data cleaning and processing is scheduled to start in the upcoming weeks on the Kalispel CFI in order to get the inventory analysis completed this winter. As time permits, all CFI inventories within the region will be imported into the current database structure. This will allow the ability to analyze any inventory within a short period of time. Scheduling of inventories has been completed for the region. The schedule has been adjusted to ensure an inventory is done prior to the forest management plan expiration or does not get out of date. The remaining reservations that need forest management plans have become a pri-

ority for this office and the region. A scoping meeting is planned to get the tribes involved in the upcoming project. One tribe has submitted an agreement for the transfer of their CFI data to the LANDFIRE program. Work is progressing on this as time permits.

Work in the Rocky Mountain Region continues on supporting the field inventories at the Crow and Wind River reservations. Planning has commenced between BOFRP and the region on next year's projects. The emphasis next year will be to collect and analyze form class data to get a better handle on the volume estimates for each of the reservations.

Infodat: The Infodat database has been expanded to include as much historical data as possible for the FMIP, Forest Development and Timber Sale programs. Annual report data since 2001 has been loaded into the database and reports are being developed to present the data.

Eastern Service Center: This summer, three new CFI systems were installed in the Great Plains Region. These include the Cheyenne River Sioux Tribe, the Santee Sioux Tribe of Nebraska, and the Yankton Sioux Tribe. Three 2012 Great Plains inventories were cleaned and processed for analysis: Crow Creek Sioux Tribe, the Lower Brule Tribe, and the Sisseton Wahpeton Oyate.

BOFRP assisted with the Eastern Cherokee Forest Inventory Analysis which is now near completion. We provided Forest Vegetation Simulator (FVS) runs and other technical advice. We are also providing technical support for the Cheyenne-Arapaho Tribes Forest Management Plan.

BOFRP is currently working on a new electronic file folder structure. This will improve the organization of CFI databases and other inventory materials, including electronic documents housed in the National Indian Forest Management Library.

The Forest Management Planning Initiative is continuing with the objective to develop forest management plans for all forested reservations by 2015. Currently 197 of the 307 (64%)

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forested reservations have forest management plans which cover 93% of Indian forested lands. The performance target for this fiscal year is to have 221 or 72% of reservations with plans that cover a total of 94% of the forest lands. We think that the target is obtainable.

The Funding and Position Analysis report has been drafted and is in the review process. The final report will be completed and available September 16, 2013.

National Advanced Silviculture Program (NASP)

The memo requesting Regional nominations for the eighth offering of the National Advanced Silviculture Program (NASP) will soon be distributed. Applications for this program will be accepted until October 25, 2013. As in the past, Central Office will pay the estimated tuition of \$16,000.00 per student, which includes room and board. The sending unit will be responsible for covering other costs related to attendance including salary, minimal per diem, and travel to and from each course. NASP is a 9-week advanced study of silviculture and related forest management topics taught in 4 modules at 4 universities across the country. A copy of the memo describing the program will be posted on the home page of the ITC website as well as on the DF&WFM's Silviculture SharePoint site. To date we have had 27 BIA and Tribal foresters attend and expect to send 2 – 3 again next year. Questions or comments about this program may be directed to Karen DeBord, (720) 484-3214, karen.debord@bia.gov.

Wildland Fire Management Program

Operations: During the last week of August, the national planning level (PL) reached a level 5. Most of the large fire activity was not on trust land. The PL ranges from one, indicating minimal activity, to five, which signals very high activity. The raised level reflects a high degree of wildfire activity, a major commitment of fire resources, and the probability that severe conditions will continue for at least a few days. After a busy August, appreciable precipitation

was received in Washington, Oregon, Idaho, Montana, Utah, Colorado and Wyoming, reducing the national PL to 3. California is still in fire season but they have also received some precipitation allowing them to get the upper hand on their ongoing large fires. This late in the fire season, fire activity levels are not expected to be as high as it was in August and fire resources are able to get well needed rest.

Notable fires on trust during this quarter were 1) Mile Marker 28 fire started on Yakama Agency. The last reported size was 26,094 acres, 2) Silver fire in Pacific Region, started on August 7. The fire originated on state lands. It burned in Riverside County, near Banning, CA. and the 2006 Esperanza Fire. Structure loss has occurred. CDF, BLM and BIA lands affected. 3) Sunnyside Turnoff, Warm Springs reservation, NW region, 4) Mountain fire, Agua Caliente band of Cahuilla Indians; Pacific region, 5) Dance Fire, N. California; Pacific Region, 6) Firestone Flat, Flathead tribe, NW Region; Flathead tribe, 6) Cattleguard fire, Duck Valley Shoshone Tribe; Western Region, West Side complex, Warm Springs, OR.

IHC's: All the BIA hotshot crews have been heavily engaged in fire suppression efforts around the country. The southwest IHC's are nearing the end of their activation period, since those crews normally come on earlier to be prepared for the start of the early southwest fire season. Crews from the Northern climates are brought on later, due to the later start of their fire season.

Safety: The 2013 fire season, thus far has resulted in a number of fatalities and injuries. The most notable is the loss of nineteen firefighters from the Granite Mountain Hotshots, a Forest Service sponsored Interagency Hotshot Crew (IHC).

BIA had its share of incidents; most of the injuries have been minor. However, a fatality did occur during a pact test in the Southwest Region. The Accident Investigation for the Northern Pueblo Agency work capacity test is being worked on. The toxicology/autopsy reports will take 7-10 weeks.

The final report will be presented to the Fire Director mid-September.

BAER: BAER teams have worked on plans for the Mile Marker 28, Sunnyside Turnoff, Mountain, Dance Fire, Firestone Flat and Cattleguard incidents.

Fire Planning: The Fire Planning (FP) staff completed several tasks during the past few months. These are:

1. Complete an in-depth survey of each fire program in Indian Country. The survey data collected provides a snapshot of each fire program in fiscal year 2012 (itemized preparedness budget expenditures). This is important for two reasons; a) the previous snapshot of Indian Country is outdated (2003), and b) the data collected was essential in the creation of the "Indian Country Fire Management Current Situation" report. The latter item is key in communicating the reliance Indian Country has on the Administratively Determined (AD) workforce and Tribal contributions in achieving our high initial attack success rate.
2. Other accomplishments the FP staff achieved is providing Wildland Fire Decision Support System (WFDSS) to various regions during the current western fire season. This included WFDSS support for ongoing wildfires in the Pacific, Rocky Mountain, Northwest, Southwest, and Western Regions.
3. Lastly, FP staff provided Fire Program Analysis (FPA) support for Spokane, Colville, and Confederated Salish and Kootenai Tribes. This support included assisting these Units in migrating from their previous Fire Planning Unit (FPU) and creating new Tribal-only FPUs. The primary concern is the previous FPU (partner) make-up produced detrimental FPA initial response simulator (IRS) and large fire module (LFM) outputs

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BIA Central Office Forestry by Faline Haven, Acting Chief Forester

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used in the DOI Hazardous Fuels Prioritization and Allocation System (HFPAS) program.

Model 52 Vehicle Sales: Recently, BIA-NIFC facilitated four sales at Fort Apache Reservation, Arizona; Eagle Butte, South Dakota; Dulce, New Mexico; and Missoula, Montana. A sale of five vehicles at White Earth Reservation, Naytahwaush, Minnesota is currently in process.

To date, 59 vehicles have been sold, reinvesting proceeds to the Model 52 Program as follows:

Fort Apache, AZ	\$ 12,641
Eagle Butte, SD	\$230,813
Dulce, NM	\$222,136
Missoula, MT	\$126,803
Total	\$592,393

The BIA has established vehicle replacement criteria based on operational experience and life cycle costs. Outlined in the BIA National Fleet Management Five-Year Plan (2010) vehicle replacement criteria for Type 6 Model 52 engines is 100K miles and/or 8 years; Type 4 Model 52 engines is 100K miles and/or 12 years. Model 52 engines, having met replacement criteria are returned to their respective Model 52 Center and subsequently sold via GSA Auction. As part of fiscal/property exchange/sale rules, the proceeds are returned to the Model 52 program budget to fund future vehicle purchases/fabrication of new engines.

With the continuance of reduced federal budgets, these sale proceeds allow the Model 52 Program to further their mission in helping Indian Country wildland fire programs.

Hazardous Fuels Program:

There has been a major break in proceedings of Hazardous Fuels Prioritization and Allocation System (HFPAS) for at least FY13. In collaboration with and consensus of Interior Fire Directors, Office of Wildland Fire (OWF) and Interior Fire Executive Council, two of the eight major components of HFPAS will be paused to explore, develop, evaluate, and test improvements in both the EMDS and PPS components.

- IFEC has determined that there is need for validation and potential opportunity for technical improvement to the Ecosystem Management Decision Support (EMDS) and Project Priority System (PPS) components of HFPAS. To provide Department of Interior (DOI) and bureau staff ample time to accomplish this, IFEC will rely on the most current HFPAS information for the FY 2013 HFR allocation.

- An IFEC subcommittee consisting of the Fire Directors from Bureau of Indian Affairs (BIA), Fish and Wildlife Service (FWS), National Park Service (NPS) and Bureau of Land Management (BLM), advised by the DOI Fuels Program Coordinator will develop a list of the considerations to be used to arrive at an allocation for each Bureau. Each consideration will be assessed for its relative impact to each Bureaus allocation. The most current HFPAS information will be adjusted based on the evaluation of the management considerations.

- EMDS: Will not be fully utilized in FY13.

- PPS: Will not be utilized in FY13.

- Secretarial Priorities will continue as the authoritative practice for all Fuels projects.

- Programmatic funding: Programmatic funding has been calculated for each DOI Fire Bureau. Programmatic funding was based on 50 percent of the latest three-year rolling average (2010-12) total HFR program allocation. BIA Programmatic funding for FY 13 is \$19.6 million (minus \$1.4 million from FY12).

- President's Budget is \$145,315 million (minus \$37,706 million from FY12 enacted)

- House Mark \$167,315 (minus \$15,706 million from FY12 enacted)

- FY 2013 Preliminary Program of Work (PPOW): Instructions and operational procedures are being finalized and prepared for roll out to the Regional Office and field units.

Fuels Funding Swept:

- DOI Suppression funding had projected going deficit by roughly \$30 million post FLAME Act transfer.

- Burned Area Rehab, Fuels, Facilities were all notified of the need to recall funds.

- During Regional Fuels staff was notified months in advance of this possibility

- Regional Fuels staff were told not to leave large amounts of unobligated funds in Fuels

- BIA recalled approximately \$1.2 million Fuels dollars.

LANDFIRE Progress: NIFC staff is meeting with technical experts from BOFRP, Southwest Regional Office, Fort Apache and San Carlos Agencies to finalize protocols developed at Fort Apache for converting CFI data to Fuels models. Our expectations are to have a national process for converting CFI data into a direct deliverable to LANDFIRE as Feedback data.

Wildland Fire Prevention: To date for the fiscal year 2012(October1, 2011-September 30, 2012) there have been 4524 fires, burning 123,655 acres in Indian Country. Of those fires, 1,365 are Incendiary which includes arson, which is 30% of BIA/Tribal fire starts. Incendiary fires burned 13,214 acres on Trust land to date.

BIA NIFC continues to work with Regional WUI/Prevention Staff in wildfire prevention and investigation and prevention operations.

Notification of Required use of Cooperative Agreement Templates in response to Office of Inspector General's Independent Report on the "Bureau of Indian Affairs

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Wildland Fire Suppression” (Report No. ER-IN-BIA-0016-2009)

A memorandum was sent to the BIA Regional Directors on Monday, September 9, 2013 notifying of the policy that standardized templates for cooperative agreements are required to be used in the disbursement of non-recurring funds for wildland fire program preparedness, hazardous fuels reduction and suppression programs. P.L. 93-638 contracts and Title IV self-governance funding agreements for compacting tribes will be used for recurring funds only. The memo will implement recommendations 1, 2, and 6 from subject report.

Background:

OIG Report No. ER-IN-BIA-0016-2009 discusses deficiencies in BIA's control of wildland fire suppression funds that increase the risk of fraud, waste, and abuse. Based on the increased risk, six recommendations were developed to improve BIA control over the use of wildland fire suppression funds. Recommendations 3, 4, and 5 have been implemented. Recommendations 1, 2, and 6 follow:

Recommendation 1: BIA, in coordination with the Office of Solicitor, should determine when to use each of the following agreements with tribes: P.L. 93-638 self-determination contracts, P.L. 93-638 cooperative agreements, and non-P.L. 93-638 cooperative agreements, as well as when to use other funding mechanisms. BIA should then establish and implement appropriate policy.

Recommendation 2: BIA should develop and require the use of a standardized template for each type of tribal agreement (funding mechanism). Each template should provide clear instructions to ensure consistency and must identify, at a minimum:

- a. Which responsibilities are to be performed by a tribe and which by BIA;
- b. How and when the responsibilities of each party are to be carried out;

- c. What costs can be charged to the agreement;
- d. What invoicing and billing procedures to follow, including timing of invoice submission; and
- e. What documentation/support is to be provided and maintained.

Recommendation 6: BIA should develop and implement policy and procedures to ensure prompt recording of wildland fire suppression obligations/expenses and prompt payment of expenses. At a minimum, such policy and procedures should:

- a. Outline clear responsibilities and establish time frames for BIA review and approval of financial documents; and
- b. Ensure that tribal agreements reflect the established time frames (see recommendation no. 2).

Policy:

All tribal programs that receive recurring funds for preparedness, prevention, hazardous fuels reduction and suppression programs will use P.L. 93-638 contracts or Title IV self-governance compacts to manage and disburse funds.

All tribal programs that receive non-recurring funds for preparedness, prevention, hazardous fuels reduction and suppression programs will use cooperative agreements authorized by the National Indian Forest Resources Management Act, 25 U.S.C. § 3115(a)(1)(C), and 25 C.F.R. Part 163 Subpart E, *General Forestry Regulations, Cooperative Agreements* to manage and disburse funds.

Cooperative agreements developed to disburse non-recurring funds must address the timing of invoice submission and invoice payment. The attached cooperative agreement templates include the needed provisions for the specific timing to use and provide a basis to negotiate with the tribe. However, at a minimum, no invoice should be invoiced later than 90 days from the completion of the work. All acceptable invoices must be processed no later than 90 days from receipt (based on invoice submission date in conjunction with the work completion dates). See

template Article VII. O. and Appendix 2. D. 2. for specific verbiage.

These policies must be implemented and the provided templates in place by September 30, 2014.

Please contact Lyle Carlile, Director, Branch of Wildland Fire management, at (208) 387-5697 for additional information.

Climate Change

The announcement of tribal grants for climate adaptation planning is awaiting signature. \$600,000 is available. Proposals from tribes can include a range of climate adaptation planning and travel. Proposals will get priority ranking for; supporting multiple tribes, tribal government (multiple programs) adaptation plans, leveraging any other funding or technical support, and travel reimbursement for attending climate change training, forums or cooperative adaptation groups. The Regions also got \$9,000 each to support tribal and BIA climate adaptation. Deadline for grant proposals is November 12th. (We know that they might make it hard for a few tribes to get a tribal resolution so call ahead if you have to send the resolution after the deadline.

Carbon Sequestration Policy

The Solicitor has the opinion almost ready and a draft policy will follow. The key questions to be addressed are: is carbon a trust asset, is a carbon contract on tribal fee land an encumbrance?

Policy: There is strong White House support for climate adaptation planning in general and for the Tribes in particular. The Secretary of Interior mentioned tribal support at every speech we've seen, the President's Climate Action Plan specifically noted that the BIA would be the focal point for supporting tribal communities. The FY14 budget has \$8 million for BIA climate adaptation and another \$2 million for Ocean planning and adaptation. If any of that money makes it through to a real budget we will be able to reach more tribes and expand the emphasis on data and vulnerability assessments. 🌲

Washington DC Update

by Mark Phillips and Matt Hill



Mark Phillips

As of this mid-September writing, Congress has returned from its five week August recess and, despite being faced with a full and critical agenda, has been brought to a near halt by its increasing partisan divides. In the House, a no-compromise group of fiscal conservatives are splintering from the Republican majority, occasionally depriving it of the votes needed to pass bills. And the conservative cast of the bills that do pass the House run aground in the Democratic Senate. Moreover, conservatives in the Senate are working to block consideration and passage of bills brought to the Senate floor by its Democratic leadership. So, all in all, most significant legislation is now high-centered; even if it does manage to pass its respective Chamber, it is bitterly opposed in the other Chamber. For a bill to become law, it must pass both Chambers in the same form, and in this Congress, it appears increasingly difficult for the two Chambers to reach that compromise. Legislation that is hung-up, dead or dying as a result of this partisan divide includes the Farm Bill, immigration reform, regular FY 2014 appropriations, and as of today, a continuing resolution to keep the government funded past September 30, a mere nine days away.

1) Continuing resolution dispute threatens federal shut down

An immediate and prime example of Congressional dysfunction is its effort to keep the federal government funded and operating after the September 30, 2013 conclusion of Fiscal Year 2013. With no regular FY 2014 appropriations bills completed, a temporary extension of current funding, called a “continuing resolution” or “CR,” is needed. On Friday morning, September 20, the House passed a continuing resolution, House Joint Resolution 59, to keep the government operating at FY 2013 amounts, including the sequester, until December 15, 2013. But at the insistence of conservative House Republicans, the Republican leadership added a provision

to prohibit the funding (and, hence, the implementation) of the Affordable Care Act, or “Obamacare.” The 230 aye to 189 no vote on House passage of the CR was almost entirely on party lines.

Upon House passage, the resolution is now transferring to the Senate, where the Democratic majority is opposed to defunding Obamacare and plans to remove that provision. Efforts by conservative Senators Ted Cruz (R, Tex.) and Mike Lee (R, Utah) to prevent its removal could slow the resolution’s consideration, but revision and passage are expected late in the week of September 23, after which it will go back to the House with just a few days remaining until October 1, when, without a CR, the government runs out of money and non-essential governmental services will shut down.

As of this writing, it is not clear what the House will do with a Senate CR that does not defund Obamacare, but by the time this is published, those results will be known.

Except for the defunding of Obamacare, the text of H. J. Res. 59 is straight forward and not contentious. Two provisions of some interest are Section 126, which provides the Interior Department an additional \$36 million for fire suppression and rehab (\$15 million for rehab), and Section 127, which provides the Forest Service \$600 million extra for suppression. These are amounts over the FY ‘13 post-sequester amounts and can also be used to repay any accounts from which money was borrowed to pay this summer’s suppression costs.

2) House passes Hastings forestry bill with TFPA “priority” provision

Also on Friday, September 20, the House voted 244 ayes to 173 noes, largely along party lines, to pass H.R. 1526, House Natural Resources Committee Chairman Doc Hastings’ (R, Wash.) “Restoring Healthy Forests for Healthy Communities Act.” The bill’s basic purpose is to compel more timber harvest in National Forests, but the 130+ page bill contains many other provisions in its five titles, including an amendment in Section 203(c) sponsored by freshman Rep. Steve Daines (R, Mont.) that makes forest fuels reduction and health projects proposed under the Tribal For-

est Protection Act a “priority” for Secretarial implementation. Daines’ amendment was adopted on a bipartisan voice vote during the bill’s July 31 mark-up and approval in the Natural Resources Committee. When Congress returned from its August recess, the bill was reported (H. Rpt. 113-213) and taken to the House floor.

ITC President Phil Rigdon testified regarding TFPA implementation hurdles and other tribal forestry issues, including IFMAT III and Anchor Forests, at a House Natural Resources Committee hearing July 11, 2013 on forest management and fire that set the stage for Hastings’ big forestry bill. President Rigdon’s testimony was well received by both the Committee majority and minority, eliciting many interested questions and prompting Rep. Daines’ amendment to make TFPA projects a “priority” for implementation by the Agriculture Secretary.

In the Democratically controlled Senate, H.R. 1526 is considered dead, although some of its issues may get considered in separate Senate bills. Senate Energy and Natural Resources Committee Chairman Ron Wyden (D, Ore.) opposes the bill’s restrictions on federal environmental laws and its proposals to transfer some federal forest land and management to states and other parties. The White House also issued a veto threat September 18 based on similar objections.

H.R. 1526’s Title I contains Hastings’ mandated USFS harvest language, requiring that at least one “Forest Reserve Revenue Area” (FRRA) be established in every unit of the National Forest System, that each FRRA contain at least 50% of the commercial forestland in the unit capable of producing 20 cubic feet of timber per acre (wilderness and the like excepted), and that each FRRA be managed to annually generate no less than 50% of its sustained yield. FRRAs shall not “be construed to limit or restrict ... valid and existing rights, ... including

(Continued on page 9)



Matt Hill

Washington DC Update

by Mark Phillips and Matt Hill

(Continued from page 8)

rights of any federally recognized Indian tribe.” It also reduces compliance requirements for NEPA and the ESA.

Title II authorizes the Agriculture and Interior Secretaries to conduct fuels reduction or health projects in “high risk areas” designated on federal public forestland by state governors, with timber harvest and livestock grazing eligible as part of a project. Projects submitted by governors, and under the TFPA, are to be given priority (Sec. 203(c)).

Title III seeks to address reduced federal timber revenues for western Oregon counties by dividing BLM’s “O&C” forest lands in western Oregon into “O&C Trust” lands to be managed under state law (to facilitate harvest and payments to counties) and shifting O&C old growth over to the Forest Service. The title, sponsored by Rep. Peter DeFazio (D, Ore.), the new Ranking Democrat on the full Committee, also authorizes the creation of 17,500 and 14,800 acre reservations for the Cow Creek and the Confederated Coos, Siuslaw and Lower Umpqua Tribes in Oregon.

Title IV authorizes a Community Forest Management Demonstration Project that specifically recognizes NAGPRA and tribal consultation.

Title V reauthorizes and amends a variety of existing authorities, including -

- authorizing state Good Neighbor cooperative agreements or contracts with the USFS or BLM to conduct fuels, disease, harvest, and health projects (Sec. 503), and
- reauthorizing Stewardship Contracts of up to 20 years through FY 2017 (Sec. 504).

Upon House passage, the bill was transmitted to the Senate, where it will be referred to Wyden’s Energy and Natural Resources Committee.

3) Deep appropriations cuts face resistance.

The House and Senate Appropriations Committees have reported most of their regular FY 2014 appropriations bills (House: 10 of the 12 annual bills have been reported; Senate: 11 of 12). The Interior, Environment and Related Agencies bill, which funds BIA, IHS and the Forest Service, has not been reported yet in either Chamber. But

Republican insistence on deep cuts will likely derail the FY 2014 appropriation process and lead, once again, to full year funding through one or a series of continuing resolutions, with or without a temporary shutdown.

In the House, the Republican FY 2014 budget resolution (which sets overall revenue and spending parameters) is requiring such deep cuts in many of the regular FY 2014 domestic appropriations bills that Republican defections threaten the ability of those bills to pass the House, despite Republican control. While the House has passed its FY ’14 appropriations bills for Defense, Homeland Security, Military Construction/Veterans, and Energy and Water Development, the House Republican leadership had to pull the FY 2014 Transportation/Housing appropriations bill out of floor consideration July 31 when it looked as if the bill may not attract enough votes to pass. At \$44 billion, \$4.4 billion below the FY ’13 sequester amount, Democrats and some moderate Republicans think it cuts too much, and some conservative Republicans think it does not cut enough. In combination, they starve the bill of the votes to pass. Other deeply cut House FY ’14 domestic appropriations bills face similar difficulties.

The Senate has not passed a single FY 2014 appropriations bill, and on August 1, the Senate Republicans successfully filibustered the first FY ’14 bill to come to the floor, preventing the sixty votes needed to shut off debate and proceed to consideration of the FY 2014 appropriations bill for Transportation - Housing. Senate Republicans objected because, in their opinion, the bill’s \$54 billion spending amount is too high (FY ’13 pre-sequester: \$51.7 billion). They prefer the \$44 billion in the House version, which was unable to pass the House.

4) FY ’14 Interior appropriations

As of this writing, the FY 2014 appropriations bill for the Interior, Environment and Related Agencies has not been reported in either the House or the Senate, although some draft details have been released in both Chambers and are discussed below. But in all likelihood, the deep partisan and fiscal differences between the Republican House and the Democratic Senate will prevent the finalization of a regular FY 2014 Interior

appropriations bill, and FY 2014 funding will probably come in the form of a full year continuing resolution.

4A) House Interior Appropriations

The House Appropriations Subcommittee for Interior, Environment and Related Agencies approved its FY 2014 draft bill July 23 on a party line vote, with Ranking Democrat Jim Moran (D, Va.) walking out in protest and all other Democrats expressing deep opposition. The FY ’14 bill totals \$24.3 billion, down \$5.5 billion, or 19%, from FY ’13’s \$29.8 billion pre-sequester. There were no amendments offered. All Members of the Subcommittee noted that this is one of the FY 2014 approps bills with truly deep cuts - at least 20 entire agencies or programs are eliminated, the EPA is cut by 34% - but Republicans said the budget deficit does not give them a choice. During the mark-up, it was noted this bill is a reduction of 25% from the FY 2010 appropriation amount.

Full House Appropriations Committee consideration of the bill began July 31, but the number of amendments and lengthy discussion prevented the bill’s being approved and reported out of committee before Congress left for its August recess. Although Congress returned September 6, the Committee has yet to resume the bill’s consideration.

Because of the contentious nature of the bill, not many details have been released. A draft committee report has been issued, but it lacks much specificity. For instance, no individual program amounts within the BIA Operation of Indian Programs account, such as Forestry, have yet been detailed. More information will be available when - and if - the Committee approves and reports the bill.

In the meantime, a review of available materials indicates the following:

- 1) FY 2014 BIA Operation of Indian Programs (which covers almost all BIA programs except construction) in the bill: \$2.159 billion. FY ’13 post-sequester: \$2.258 billion.
- 2) The Subcommittee rejected the BIA’s request to separate and cap funding for contract support costs.
- 3) IHS receives \$3.7 billion for services and \$417 million for facilities, said to be level-funded at its FY 2013 post-sequester level.

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Washington DC Update

by Mark Phillips and Matt Hill

4) The DoI Office of Wildland Fire appears to be funded at a total of \$778.9 million (FY '13 pre-sequester: \$711 million) as follows:

- \$281.9 million for preparedness, including \$183 million for Hazardous Fuels, an increase of \$87 million to bring the fuels budget back to the FY '12 level.
- \$285.9 million for suppression (this amount is redirected into the OWF appropriation from unexpended funds in the DoEnergy Advanced Technology Vehicle Manufacturing Loan Program), and
- \$211.26 million for other operations.
- \$92 million is separately provided for FLAME.

It was also mentioned during the Subcommittee mark-up that the bill includes \$130 million for new fire aircraft.

5) For the Forest Service -

- State and Private Forestry gets \$156.6 million (FY '13: \$253 million pre-sequester),
- National Forest System gets \$1.477 billion (FY '13: \$1.536 billion pre-sequester), and
- Wildland Fire Management gets \$2.894 billion (FY '13: \$2.371 billion pre-sequester).

6) Sec. 417 of the bill extends the current Forest Service Good Neighbor program beyond current participants Colorado and Utah to all states with National Forests.

7) Sec. 457 of the bill permanently amends the Federal Water Pollution Control Act to prohibit stormwater discharge permits for silviculturally-related roads and activities.

4B) Senate Interior Appropriations

On August 1, the Senate Appropriations Committee issued its draft FY 2014 Interior, Environment and Related Agencies Appropriations bill and a draft of its committee report, called an "explanatory statement." The Senate draft FY '14 Interior approps bill totals \$30.8 billion (House: \$24.3 billion) and provides the Administration's increased funding requested for BIA Forestry (\$48.7 million vs. FY '13 pre-sequester of \$43.9 mil-

lion). In BIA Trust - Natural Resources Management, the only cut from the Administration's request is reducing Cooperative Landscape Conservation (climate change) from \$10 million to \$5 million. The Senate bill, like the House, rejects the Administration's request to create a separate, capped appropriations account for 638 contract support. The Senate bill also keeps funds for DoI hazard fuels at FY '13 levels of \$145 million and boosts fire suppression funding for DoI to \$285.8 million (+ \$12.9 million above FY '13 pre-sequester) and for USFS to \$680 million (+ \$143.8 million above FY '13 pre-sequester).

In the draft bill's general provisions, Sec. 431 extends Forest Service authority to enter Stewardship Contracting projects until September 30, 2019. Secs. 433 and 434 extend Utah and Colorado Good Neighbor authority for one year.

This Senate draft FY '14 Interior Approps bill will probably never become law, and given Republican objections, may not even pass the Senate.

5) Farm Bill:

After unexpected conservative House Republican votes against the original House Farm Bill (H.R. 1947), in combination with expected Democratic "no" votes, surprisingly defeated the bill 195 ayes to 234 noes on June 20, the House leadership fashioned a new bill (H.R. 2642, the Federal Agriculture Reform and Risk Management Act - FARRM Act) that removed the food stamp provisions (aka SNAP) that had been a point of objection among conservative Republicans and then, on July 11, barely pushed the new bill through the House 216 to 208. The Senate immediately condemned the removal of the food stamp program and, upon receiving H.R. 2642, replaced its text with that of the Senate's bipartisanly-passed Farm Bill (S. 954) and on August 1 appointed conferees to resolve differences with the House. As of this writing, the House Republican leadership has not appointed conferees and reportedly is in a quandary on how to proceed, concerned that any conference bill containing compromises on food stamps and other issues (Senate conservation requirements for farm subsidies) will again be rejected by the House.

The current farm bill authorization expires September 30 2013, leaving

Congress only a few remaining working days in September to figure some way out. One potential avenue could be to add a simple extension of current Farm Bill law onto the appropriations continuing resolution also needed by October 1. That would, however, also extend the current food stamp program, and so could rile up the conservative House Republicans once again.

Below is a list of Forestry provisions of interest in the House (Title VII) and Senate (Title VIII) versions of the Farm Bill.

- Tribal watershed assistance, never funded, is repealed in both the House (Sec. 7005) and Senate (Sec. 8003).
- State watershed assistance, never funded, is repealed in the House bill (Sec. 7002).
- Separate notice, comment, appeals, and pre-decisional objection processes for USFS land and resource plans are repealed in the House (Sec. 7006).
- Funding for the Community Forest and Open Space Conservation program is limited to \$1.5 million annually in the House (Sec. 7103).
- Stewardship contracting is reauthorized until September 30, 2018 in the House (Sec. 7204) and in Senate Sec. 8204 is entirely rewritten as an amendment to the Healthy Forest Restoration Act (HFRA) authorizing contracts for 5 to 10 years.
- National Forest Critical Areas may be designated by the Ag. Sec. for application of expedited HFRA environmental, appeal, and judicial reviews, and cat-X may be applied to projects of less than 10,000 acres in the House bill (Sec. 7302). The Senate applies similar HFRA procedures to designated NF "treatment areas" (Sec. 8203).
- Tribes are authorized on trust and fee land to participate in the Healthy Forest Reserve System in the Senate (Sec. 8205). HFRA allows land owners to get paid for permanent easements, 30 year contracts, or 10 year cost-share agreements that support

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ESA, biodiversity improvement, or carbon sequestration.

- State Good Neighbor authority would, at the Ag. Sec.'s discretion, allow states to conduct forest improvement, health and fish and wildlife projects on National Forest lands in the state in the House bill (Sec. 7304).
- An Ag. Dept. report on the ability of NF units to provide needed wood to local facilities is in the House bill (Sec. 7406).
- An Office of Tribal Relations is directed to be established by the Secretary of Agriculture in the Senate bill (Sec. 12207).

H.R. 2642 – the new House Farm Bill – does include the Herrera-Beutler Forest roads / Clean Water NPDES permit waiver as Section 11323. Herrera-Beutler's amendment was originally added to the first House Farm Bill, which was defeated. In the Senate, Senators Ron Wyden (D, Ore.) and Mike Crapo (R, Idaho) wrote Sen. Debbie Stabenow (D, Minn.) and other Senate conferees August 8, 2013 urging conference adoption of House Section 11323.

6) Sealaska land

The House Natural Resources Committee marked-up and approved Rep. Don Young's Sealaska lands bill (H.R. 740) on June 12, and the explanatory committee report (H. Rpt. 113-203) was issued September 10. The bill to complete the conveyance of federal land to the Sealaska Native Corporation pursuant to ANCSA includes a provision (Sec. 7(d)(1)) to extend the Tribal Forest Protection Act to all Alaska Native corporate land. The ITC supports finalization of Sealaska's ANCSA land conveyance, but has expressed concern about Section 7(d)(1) because TFPA is based on the federal fiduciary obligation to protect trust forestland, and Alaska Native corporate forests are private lands generally subject to state law. Sen. Lisa Murkowski's version of the legislation (S. 340) was approved with an amendment in the nature of a substitute by the Senate Energy and Natural Resources Committee on June 18. As approved, it is considerably different than Young's, and does not include the TFPA provision. S.

340's committee report (S. Rpt. 113-98) was issued September 10, 2013.

7) Tribal energy bill

The House Natural Resources Committee approved Rep. Don Young's Native American Energy Act (H.R. 1548) on a 25 to 15 roll call vote June 12. The bill, which generally seeks to facilitate Indian energy production, includes Section 8, the Tribal Biomass Demonstration Project, that will mandate four TFPA projects a year for each of the next five years. In considering the bill, the Committee adopted only one amendment, adding a definition of "Indian tribe" to Section 7, which seeks to protect tribal energy development from casual legal intervention by requiring plaintiffs to pay fees and damages to tribes if the plaintiffs, after obtaining a preliminary injunction or administrative stay, lose on the merits of the case, and to post surety bonds for such payments. The Committee has not yet issued its explanatory report on the bill.

In the Senate, Vice Chairman John Barrasso (R, Wyo.) has not yet reintroduced his tribal energy bill.

8) Forest roads / Clean Water

The Forest roads / Clean Water issue (the 9th Circuit Court decision in *NEDC v. Brown* to require EPA pollution discharge permits for stormwater from forest road ditches) continues to become more complicated. Following the 9th Circuit ruling and while the matter was awaiting Supreme Court review, EPA on December 7, 2012 published a revised Clean Water Act Silviculture Rule attempting to clarify that permits are not needed for forest roads and forestry activities. But the Supreme Court's March 20, 2013 decision in *Northwest Environmental Defense Center v. Decker* (a related case that was the vehicle for arguments), while upholding EPA's regulatory authority, did not overturn the 9th Circuit's decision regarding the Clean Water Act discharge permit issue, and remanded the case back to the lower courts. On August 30, 2013, the 9th Circuit sent the case back to the U.S. District Court for Oregon with complex instructions, reviving the litigation.

During this court and EPA activity, House and Senate bills (H.R. 2026, S. 971) to clarify that silviculture roads and activities are exempt from Clean

Water point source permits have been introduced, but have not even had hearings in committee. The text of the House bill was added as a floor amendment to the initial House Farm Bill (H.R. 1947), which failed, but the provision was included in the revised House Farm Bill (H.R. 2642, Sec. 11323), which has passed the House. The Senate-passed version of the Farm Bill does not include a forest roads / Clean Water provision. Sens. Wyden and Crapo wrote Senate conferees on August 8 urging Senate adoption of House Sec. 11323.

The House draft FY 2014 Interior Appropriations bill does include a permanent Clean Water Act amendment (Sec. 457) to settle the matter, but the Senate draft FY '14 Interior Approps bill does not have any similar provision. In the meantime, permits are waived through the end of FY 2013 pursuant to PL 113-6, the FY 2013 full year continuing appropriations law, in which Division F Section 1101 extends the FY 2012 waiver in PL 112-74, Division E (FY '12 Interior Approps) Section 429. It remains to be seen if a continuing resolution needed to extend funding into FY 2014, which starts October 1, will also extend the waiver. Now, with the law suit muddled and renewed into the uncertain future, a permanent and clear legislative solution is needed.

9) Stewardship Contracting

Stewardship end-result contracting authority, originally authorized in the FY 1999 Interior Appropriations Act, expires September 30, 2013. The Senate draft FY '14 Interior Approps bill Sec. 431 extends the authority until September 30, 2019. The House draft FY 2014 Interior Appropriations bill does not appear to address Stewardship Contracting. Rep. Hastings' big forestry bill, H.R. 1526, Sec. 504, (see above) reauthorizes Stewardship Contracts through FY 2017 for terms of up to 20 years, although that bill will not get done before October 1, if ever. In the Farm Bill, the House version extends Stewardship Contracting until September 30, 2018, and the Senate version rewrites Stewardship Contracting in a more limited fashion (5-10 year contracts) as part of the Healthy Forest Restoration Act. At this point, at least a temporary extension of Stewardship

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Research Sub-Committee

by Adrian Leighton and Laurel James



Adrian Leighton

It's Fall. There is a nip to the air, and it is time for pumpkins, colorful leaves, and ... conferences. If you are headed to the Society of American Foresters annual meeting in Charlotte,

South Carolina, stop in for the two tribal forestry panels on Saturday, October 26 where President Phil Rigdon, Don Montanic, Jim Erickson, Darin Jarnaghan, Steve Andringa, Gary Morishima and Serra Hoagland will be presenting.

The Research Subcommittee met during the annual Board meeting at the Coeur D'Alene Resort on September 11, 2013 and revisited three important ongoing efforts:

Chris Farley, with the USFS Research and Development Washington

Office announced that the draft Tribal Engagement Road Map is available for comment, and that tribal consultation will begin soon (hopefully by the time you read this, the government will be up and running at ummm, full speed). I will be collecting comments from research sub committee members and other interested ITC members, and will draft a report by December 1 for the ITC Board to consider at the December Board Meeting in Portland. If you would like to provide comments, please email them to me at adrian_leighton@skc.edu before November 29.

The USFS Fire Lab and Salish Kootenai College continue to work on an M.O.U. that will provide greater online journal access to ITC members. Although this has been in the works for a long time, it is moving forward and should be up and running soon.

During the meeting, Ed Brunson, BIA Board Representative to the Joint Fire Science Program joined us by con-

ference call. Ed reported on the overall current structure and organization of the JFSP and there was a larger discussion of how tribes could participate for fully and successfully in JFSP grant

opportunities. The JFSP Board is willing to hear suggestions from ITC about different mechanisms to increase tribal involvement. Jim Durglo of Operations and myself will follow up with Ed, and then ITC should have some direct input to JFSP by the December Board Meeting. If you have any thoughts on this, please contact me at the email above.

Finally, Vita Wright of the Northern Rockies Fire Science Network announced that they have submitted an abstract for a Traditional Ecological Knowledge and Fire Science presentation at the Large Fire Workshop that will be hosted in Missoula, MT in May 2014. The Network is seeking assistance from interested tribes and tribal fire professionals to make this a success. This presentation would be a follow up to the Fire and TEK workshop held at Salish Kootenai College in November 2012.

As always, please get a hold of myself or Research Sub Committee co-chair Laurel James if you have any questions, ideas or agenda items for the December meeting. 🌲



Laurel James



Photo from a forestry and biomass training put on in Fort Yukon by SKC's Rob Kenning (left) and SKC student Hanah Funke (4th from left) for students from Fort Yukon and Haskell Indian Nations University.

Washington DC Update

by Mark Phillips and Matt Hill

(Continued from page 11)

Contracting needs to be included in the FY 2014 continuing resolution.

In the Senate, Sen. Jeff Flake (R, Az.) and Republican cosponsors introduced July 16, 2013, a bill (S. 1300) that would add revised stewardship contracting to the Healthy Forest Restoration Act. The bill would extend stewardship contracts through FY 2023 for terms of 5 to 10 years, allow the federal government to spread out its costs for potential contract cancellations (instead of having to obligate that expense all at once),

set up a contract monitoring program including tribes, and ascribe fire liability as in timber sale contracts. The bill was referred to the Senate Energy and Natural Resources Committee, where the Public Lands, Forests and Mining Subcommittee included the bill in a July 30 hearing on more than a dozen bills.

10) Land-out-of-trust bill

On July 17, House Indian and Alaska Native Affairs Subcommittee Chairman Don Young (R, Alaska) introduced H.R. 2718, his American Indian Empowerment Act, a bill to require the

Secretary of the Interior to take land out of trust status at the request of a tribe in order to facilitate development of the land and its resources. The bill, based on Young's similar legislation from last Congress, would shift the land to a restricted fee tribal land status, with restrictions against alienation and encumbrance, including taxation, but would allow the tribe to lease and issue easements on the land without Secretarial approval. The bill was referred to Young's Subcommittee in the House Natural Resources Committee. 🌲

Operations Committee

by Jim Durglo, Chairman



Jim Durglo

The ITC Operations Committee met on September 11th and held some great discussion on a number of topics, including, but not limited to:

TFPA Analysis-

An implementation team is currently being identified to begin working on an implementation strategy.

Anchor Forest- Steve Andringa, Yakama, gave the committee a report on the progress of the Anchor Forest pilot project. I encourage you to give Steve a call if you are interested in this project. Don Motanic will be presenting the Anchor Forest concept at the Annual SFI conference in San Antonio, Texas on September 18th as part of a panel discussion. Steve Andringa will be presenting at the Annual SAF National convention in Charleston, South Carolina on October 26th, 2013.

Indian Forest Management Assessment III (IFMAT)- The ITC will continue to build on a coalition of

partners including member Tribes, the National Association of State Foresters and the Western Governors Association. ITC is working on scheduling congressional hearings. It would be very beneficial if member Tribes accompanied President Rigdon during his testimony.

Evergreen Magazine Issue- ITC has received a great set of articles that focus on the IFMAT III report and the three themes- Fire, Investment, and Transformation. Stay tuned for this upcoming publication.

Climate Change- In the recent testimony submittal to the Senate Committee on Indian Affairs for the April 24, 2013 Oversight Hearing on 'The President's Fiscal Year 2014 Budget for Tribal Programs: ITC supports the FY14 requested increase in BIA Cooperative Landscape Conservation (CLC) funding to \$10 million. There has been little or no funding for tribal participation in the Interior's previous CLC initiatives. The Bureau of Indian Affairs has a climate change coordinator and currently has a notice out for grant funding availability. \$600,000 is available for tribal climate adaptation planning.

Climate change information is available on the web at <http://tribalclimate.uoregon.edu>. This is the link that outlines the collaborative between the University of Oregon and the Forest Service Pacific NW Research Station. You can link to other sites of interest from here as well.

Thanks to those that continue to participate in the Operations Committee and we always look for new members. The next scheduled Operations Committee meeting will occur on December 11th, 2013 in Portland, Oregon. We hope to see you there. 🌲



Photograph of the Firestone Flats Fire, taken by Judy Reese on August 27, 2013. Flathead Indian Reservation, Montana.

Technical Specialist

by Don Motanic



Don Motanic

Tribal Forest Health Concerns Shared by State Foresters

Phil Rigdon, President, ITC made a presentation to the National Association of State Foresters on September 23, 2013 in Hot Springs, VA to promote Indian forestry and to also ask the state foresters to follow the coalition between the ITC and the state foresters through

their tribal relations committee.

The chair of the NASF Tribal Relations Committee, Chris Maisch, Alaska State Forester is now the President of NASF. Chris was once a forester with Tanana Chiefs Native Corporation, which is a member of ITC. The ITC's Operations Committee has quarterly conference calls with the NASF tribal relations committee.

The state foresters have other committees that would interest tribes and such a committee is the forest health. This state forester committee focused on invasive species in the Midwest and east which was also a focus for the 2013 Annual Indian Timber Symposium. The committee wants to coordinate its activities with not only the U.S. Forest Service but other De-

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NASF Field Trip – George Washington National Forest Stewardship Project

Fire Technical Specialist

by James R. Erickson



James R. Erickson

Cohesive Strategy: The three-year effort to develop a National Cohesive Wildland Fire Management Strategy is coming to a culmination this fall and winter with the Phase III Risk

Analysis report: <http://www.forestsandrangelands.gov/strategy/documents/reports/phase3/CSPHaseIIIReportNationalRiskAnalysisDraft20130802.pdf> and a National Action Plan. This report details risks and opportunities facing our nation in dealing with wildland fire and its impacts on people and resources. I encourage everyone to familiarize themselves with three key components of this report: 1) Barriers to success (pages 18-20; 2) critical success factors (page 20); and 3) the twelve policy option maps (page 43). These will provide you with a good idea of possible ways to restore healthy landscapes, provide for fire-adapted communities, and insure safe and effective fire response. Keep in mind that addressing excessive fuels is key to all three goals.

Tribes and agencies should recognize that the challenges and solutions to wildland fire cross all landscapes. Because of this, efforts to address fire will be cross-jurisdictional. Forming and maintaining local, effective working relationships is essential to the future of resource and wildland fire management. Tribes and agencies are encouraged to work with the three regional strategy committees (Northeast, South, West) to help implement national and regional action plans.

Safety: The 2013 fire season resulted in a number of fatalities, including nineteen members of the Forest Service sponsored Granite Mountain Hotshots. Indian country experienced one fatality during a pack test in the Southwest Region. Fire fighters are reminded to remain vigilant at all times. The loss of even one life is tragic to families and communities.

As the fire season begins to ease

across the Northern tier, the fire risk tends to move across the country to places like southern California and the Southeast.

Fire Planning:

- **Indian Country Fire Management Current Situation Report:** The BIA NIFC fire planners have recently completed a survey of Indian country fire programs to evaluate 2012 preparedness budget expenditures. Information collected will be used to prepare a report "Indian Country Fire Management Current Situation" to describe the state of Indian country fire budgets and shortfalls. This report should compliment the recently completed IFMAT report, an independent review of Indian Forestry and Fire. The fire report is due out this fall.
- **FPU Re-alignment:** Three Northwest Tribes, Spokane, Colville and the Confederated Salish and Kootenai Tribes, are proceeding to form their own Fire Planning Units (FPUs) for FPA analysis. These re-alignments stem from concern that the make-up of previous FPU partners produced detrimental outputs (Initial Response Simulator and Large Fire Module) in the Department of Interior Hazardous Fuels Prioritization and Allocation System (HFPAS) as it affects allocation of fuel funds.

Fuels Management: Fuels funding continues to be a high priority for ITC and Tribes. The current situation of declining federal appropriations seems in direct conflict with the primary findings of the National Cohesive Wildland Fire Management Strategy. Key issues include:

- **ITC letter to Sally Jewel:** The Intertribal Timber Council (ITC) submitted a letter to Sally Jewell, Secretary for the Department of Interior (DOI), on June 7, 2013 stating dissatisfaction with the HFPAS outputs and funding impacts on BIA fuel allocations for 2012. The ITC requested the

Department of Interior to set the BIA/Tribal allocation at 25% of the DOI Hazardous Fuels Reduction appropriation but no less than \$50 million annually. In addition, the ITC requested an opportunity to meet Secretary Jewel to discuss tribal concerns. Tribes sharing these concerns are encouraged to send letters of support to Secretary Jewel

- **Validation of EMDS and PPS:** The Interior Fire Executive Council (IFEC) recognized tribal and bureau concerns about the HFPAS process and determined a need for validation and technical improvement of the Ecosystem Management Decision Support (EMDS) and Project Priority System (PPS). Changes are planned to develop a system that coordinates the departments of Agriculture and Interior fuel funding allocations systems. The DOI OWF has extended an invitation for tribal representatives to advise six DOI fuels task teams to address these tasks:

1. Quantify the scope of needed fuel treatments
2. Develop methodology to prioritize treatments
3. Evaluate data and fire modeling needs
4. Determine how to measure program effectiveness
5. Evaluate role of community assistance programs
6. Provide guidance to DOI and bureaus on how to satisfy federal trust responsibility for Tribes and establish effective consultation

The ITC is coordinating tribal representation for these advisory positions. These individuals will provide advice to DOI OWF and feedback to Tribes through the ITC Fire technical Specialist reports and newsletters.

- **2014 Fuel Funding Allocation:** By the time you read this article our federal government should be well into a continuing

(Continued on page 15)

Fire Technical Specialist

by James R. Erickson

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resolution to fund 2014 in short spurts. The news for fuels is devastating as the departments, bureaus and agencies appear to be directed to use the Presidents budget proposal of \$95.9 million for fuel funding, a drop of nearly \$87 million (48%) from 2012 levels. It appears this level might not even cover base personnel costs. How sequester will affect this amount is yet to be seen.

Prevention: Arson fires accounted for 30% of all BIA/tribal fire starts so far this year. This number is still a significant impact on tribal resources and operating budgets. Fire prevention offers Indian country and our nation one of the most cost effective ways to control fire costs and unwanted impacts. Reducing both accidental and incendiary ignitions should be a priority for all Tribes and agencies. DO your part to reduce unwanted fires.

Cooperative Agreement Templates: The Office of Inspector General (OIG) issued report No. ER-IN-BIA-0016-2009 that discusses the deficiencies in BIA control of wildland fire suppression costs that increase the risk of waste, fraud and abuse of suppres-

sion funds. The BIA recently released a policy on September 9, 2013 requiring standardized cooperative agreement templates to be used in disbursing non-recurring funds for wildland fire program preparedness, hazardous fuels reduction and suppression programs. P.L. 93-638 contracts and Title IV self-governance funding agreements for Tribes will be used only for recurring funds. The just released policy also requires that all invoices be submitted within 90 days of the completion of work. Delayed billing by Tribes and agencies has been a significant issue in the past.


2014 Fire Budgets: Bad news or worse news, take your pick. What levels wildland fire will be funded at this coming year is impossible to predict. The President's budget calls for an overall reduction of the DOI wildland fire budget from \$826.4 million in 2013 to \$776.9 million in 2014 (\$49.5 million). Reductions to hazardous fuels funding accounts for \$49.4 million. This trend is particularly disconcerting in light of the findings of the National Cohesive Wildland Fire Management Strategy Phase III report (pending) that identifies treating of fuels as the key to solving our nations wildland fire crisis.

Suppressing fires will continue to be

an essential strategy over the foreseeable future due to the scale of the fuels crisis facing our country, especially on federal lands. But suppressing fires only treats symptoms that delay the inevitable; increased numbers of large fires and resource damage. Only by addressing the fuels situation can we gradually turn the corner on escalating suppression costs.

A comparison of the 2013 full year continuing resolution and the 2014 President's proposed budget follows:

Category	2013 Full Year CR (Thousands)	2014 Proposed (Thousands)
Preparedness	279,508	281,928
Suppression	276,508	285,878
Hazard Fuel Reduction	145,315	95,935
Burned Area Rehab.	13,025	16,035
Fire Facilities	6,127	6,127
JFSP	5,990	5,990
Total	826,388	776,893

Fire Contact List: Over time tribal and agency retirements, job changes, and other personnel actions require that I review and update my ITC fire email lists. If I should accidentally purge you from my list or you know someone who would like to receive email updates of current and pending wildland fire issues, please have them send an email request to jim.erickson@couleedam.net. 

Technical Specialist

by Don Motanic

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partment of Agriculture Agencies that work with invasive species such as the Animal and Plant Health Inspection Service (APHIS).

The committee would like to have better access to the US Forest Service research community, which is also a concern with tribes. The committee was interested in any tribal research working on forest health issues, so I sent them a link to latest symposium forest health workshop.

The Continental Dialogue on Non-Native Forest Insects and Diseases is another organization that is working with tribes, state and federal partners. A link to their website is:

<http://www.continentalforestdialogue.org>

NASF passed a resolution concerning forest health and you can see the resolution by connection to this link:

<http://www.stateforesters.org/aphis-and-invasive-forest-pests-resolution>

During the NASF National Meeting field trip, the local district staff for the George Washington National Forests made a presentation on how they were using communication material produced by the Wildlife Management Institute to promote young forest. The Young Forest Project Communication Handbook can be downloaded from this site:

http://www.youngforest.org/documents?field_resource_type_value=training

Donate Cars to Support ITC

The Intertribal Timber Council has signed an agreement with Donate to Charity to process donated cars to help fund ITC.

The ITC has received donated cars, from the Portland, Oregon area and hopes to receive more nation-wide with more promotions.

Anyone can donate their car to Donate to Charity in any part of the country. They will accept late model cars and provide the tow if the vehicle has enough value to fix and provide funds to the ITC.

For more information see:

www.donateforcharity.com 





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