

TRIBAL FOREST PROTECTION ACT TIP SHEET

The Tribal Forest Protection Act (TFPA) authorizes the Secretaries of Agriculture and Interior to give special consideration to tribal proposed projects meeting certain criteria on Forest Service (FS) or Bureau of Land Management (BLM) managed lands to protect the Indian trust lands and resources from threats such as fire, insects and disease:

- The Indian land (either tribal or allotted) must be in trust or restricted status and must be forested or have a grass, brush, or other vegetative cover.
- Burned-over land capable of regenerating vegetative cover also qualifies.
- The Tribe must propose its project to take place on agency managed land which:
 - borders or is adjacent to Indian trust land and:
 - poses a fire, disease, or other threat to the I trust land or community, or
 - is in need of restoration.
 - is not subject to some other conflicting agreement or contract, and
 - does involves a feature or circumstance unique to the proposing Tribe (i.e., legal, cultural, archaeological, historic, or biological).
- Tribal projects can be under Stewardship Contracting or “such other authority as appropriate.” This can include other types of contracting and agreements.
- Collaboration is encouraged to identify priority areas and projects.
- Within 120 days of a Tribe submitting a formal request the Secretary may issue a public notice of either initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Tribe.
- The agencies may:
 - use a best value basis (e.g., special consideration for local jobs and business), and
 - give specific consideration to tribal factors.

If the FS or BLM deny a tribal request may issue a notice of denial that identifies specific factors in, and reasons for the denial, identifies corrective courses of action, and proposes consultation with the Tribe on how to protect the Indian trust land and tribal interest on the FS or BLM land.

Tribal Forest Protection Act Proposal Template

The following template is designed to assist Tribes and Forests in developing and reviewing a Tribal Forest Protection Act proposal. The template is organized to highlight required categories of information; the specifics provided can be adapted, deleted or expanded as appropriate.

The actual proposal does not have to be presented in this format as long as all the relevant information is incorporated. It is critical to specify that this proposal is endorsed and transmitted by the tribal government and is accompanied by the appropriate signature.

Date: Add the date.

Purpose: The _____ Indian Tribe (Tribe) is submitting a proposal to the _____ National Forest to enter into an agreement and/or contract with the Tribe under the Tribal Forest Protection Act of 2004 and other authorities, as appropriate. The Tribe understands that the proposal outlined below is subject to the review of the _____ Regional Forester within 120 days of the submission of this proposal.

Indian Tribe: The _____ Indian Tribe is a federally recognized Tribe, per _____. The Tribe is governed by a constitution and bylaws that authorize the governing body to enter into agreements and contracts with federal agencies on behalf of the Tribe.

Indian Forest Land: The Tribe wants to protect _____ acres and/or _____ miles of tribal forestlands that are within the _____ Indian Reservation that adjoin the _____ National Forest. These tribal lands are in trust status.

Project Location: The Tribe is proposing a project on lands administered by the _____ National Forest in _____ County. These lands are located in _____ and are adjacent to/or near the _____ portion of the reservation. The project area encompasses portions of Townships _____. The attached location map displays the project area and the tribal trust lands to be protected.

Threat to Tribal Lands or Need for Restoration: (The example presented focuses on fuels, the threat of wildfire, and forest disease. Modify and adapt as relevant)

High accumulations of vegetative fuels exist throughout the area, posing a significant wildfire threat to the adjoining tribal trust lands and tribal community. The ___ Region of the Forest Service has identified the area as having a “very high” Fire Hazard and Risk Index and the _____ tribal community is considered a “Community at Risk”. The presence of _____ forest insects and/or _____ forest diseases combined with excessive surface fuels, overstocking of _____ trees, puts tribal trust lands at risk from fires and disease.

Other Factors: The area includes features unique to the _____ Tribe, including trust resources, treaty rights, and/or culturally important areas and resources. (Note: Sensitive information about the exact location of culturally important areas or resources does not have to be revealed in the proposal itself).

Project Objectives and Risk Reduction (Adapt as appropriate): As proposed, approximately _____ acres of land administered by the _____ National Forest will be treated through a series of fuels reduction and forest restoration projects strategically placed across the project area. Vegetation will be treated by a combination of manual, mechanical and prescribed burning methods to reduce fuel loads and tree densities. Please see attached map. These treatments will be implemented over a _____ year period. There are no known existing contracts or agreements that could conflict with this proposal.

The project is designed to reduce the risk to nearly _____ acres of tribal trust lands. The project will also benefit the _____ National Forest, several private ownerships and _____ state and local government lands. The project will compliment Tribal projects located _____.

Environmental Compliance: The Tribe understands that before the project will be implemented, the USFS will comply with the National Environmental Policy Act and other relevant laws.

Tribal Contacts: Names, emails, phone numbers and addresses for:
Chairperson
Administrator
Project Manager

FS Contacts: Names, emails, and phone numbers for:
District Ranger,
Forest Supervisor,
Forest Staff Project Coordinator (if any)

Attachments: Documentation of local consultation and collaboration between the Tribe and the Forest, as appropriate.

Map(s) illustrating:

1. Tribal trust lands at risk
2. Project location on national forest lands that pose threats or are in need of restoration.

Approval Letter

Once any issues are worked out, the Forest Supervisor recommends approval to the Regional Forester. The Regional Forester provides an acceptance letter to the Tribe.

Sample Draft Regional Forester Letter

Honorable _____

Address _____

Dear Chairperson ____:

I have received your ____ letter requesting consideration for the _____ Tribal Forest Protection Act Proposal. I have also received a letter from Forest Supervisor _____ recommending approval of your proposal.

The agency shares your interest in managing in this area and in reducing associated risks to tribal lands, resources, and people. The Tribal Forest Protection Act of 2004 provides an important authority for the Forest Service to consider, proposals brought forth by Tribes to accomplish these goals on National Forest System lands adjacent to tribal land.

I am pleased to accept your proposal. We want to work continue to work collaboratively with you as the Forest undertakes the necessary compliance with the National Environmental Policy Act and other laws. I am currently investigating the opportunities for funding this project to partner with the ____ Tribe in achieving mutual land management, community protection and employment goals. The Region will seek the necessary funds to complete the project. Should you have questions regarding the project, please contact the Forest Supervisor, at: _____. If you have questions regarding the agency's implementation of the Tribal Forest Protection Act, please contact our Tribal Relations Program Manager, _____, at: _____.

Sincerely,

_____, Regional Forester

_____ Region