



# INTERTRIBAL TIMBER COUNCIL TIMBER NOTES

Winter ~ 2023



Tony Incashola, Jr.

## OPERATIONS COMMITTEE

First, I hope everyone had a great holiday season. The Operations Committee meeting held Wednesday December 14, 2022, in sunny San Diego. The meeting was the first in person meeting in two years. Unfortunately, I was unable to attend in person; however, I was able to participate via Zoom. We had participation from multiple tribes, ITC, and BIA representatives. There are a few updates to share.

**IFMAT IV:** The Indian Forest Management Assessment Report is a congressionally mandated report to be performed every ten years. the report is designed to be an independent assessment of Indian forest lands by professionals and experts in the natural resource field. The fourth Indian Forest Management Assessment Team (IFMAT)

is led by Co-chairs John Gordon and John Sessions. The ITC IFMAT oversight committee met the day before the Ops committee to provide comments on the draft IFMAT IV report. Discussion on ITC and tribes' priorities, capacity and how to message the findings of the report took place in both IFMAT oversight and Ops committees' meetings. ITC oversight committee has provided comments to the IFMAT team and meet again mid-January for additional feedback to help ensure it helps the messaging of the findings to the target audience. IFMAT team is scheduling to have a final report out before June 2023 and lead panel discussions at next year's Symposium.

The committee will also be working on the implementation process of the finding and recommendations. An implementation plan will be developed to address the correction of findings and coordination with administration to implement the recommendations.

### **Bipartisan Infrastructure Bill:**

A new notice for BIL Ecosystem Restoration project proposals will be sent out to tribes and ITC by time this newsletter will be sent out. With a tight turnaround due in January to the BIA. FY2023 funding is expected to be \$10 million for BIA projects. If you did not receive notice or developed a late proposal, they could still be funded as BIA plans to have a second round of funding in June possibly. For more information, please see

ITC website or contact your BIA regional office.

Ecosystem Restoration Work Group (ERWG) is also planning to release a guide showing what funding is available and what other projects were approved last year to help tribes develop future projects for coming years.

### **Workforce Development Coordinator:**

ITC has secured funding for the Workforce development coordinator through USFS and BIA Division of Wildland Fire Management. The position will be housed at Salish Kootenai College. This position will be tasked with implementing and coordinating the ITC Workforce strategic plan. Workforce coordinator would update the strategic plan with current timelines and begin with implantation. If your tribe is interested in more information, please see ITC website to download the strategic plan.

### **New Wildland Firefighter Pay:**

ITC continues to work with Office

*(Continued on page 2)*

### TABLE OF CONTENTS

Operation Committee . . . . .	1
President's Message . . . . .	2
Wildland Fire Technical Specialist . . . . .	3
Awards Committee. . . . .	4
BIA Forestry and Wildland Fire Management . . . . .	5
Legislative Update. . . . .	10
Symposium Committee . . . . .	12
Education Committee . . . . .	15

## President's Message

by Cody Desautel



Cody Desautel

Happy New Year. I hope that everyone had a chance to enjoy the holidays with their families. After almost two years we met person for the December board meeting and enjoyed our customary Christmas dinner with the ITC family. It was great to see everyone and get back to some sense of normalcy. We continue to work on several important and urgent projects. Some of this material will be covered in more detail in Matt Hill and Tony Incashola's reports, but I want to mention them here.

With the November elections complete we have some changes in Congress. With the House majority flipping to Republican, we await the appointment of new committee chairs. We expect the new com-

mittee chairs will be Representatives familiar with tribal issues and will reach out to them early to engage on tribal priorities. By the time the newsletter is released we should also have an Omnibus for fiscal year 2023 appropriations. The Consolidated Appropriations Act was passed by Congress on December 23, 2022, and is headed to Presidents desk for signature.

We are also exploring opportunities to expand tribal authorities on adjacent federal land in the next Farm Bill. The 2018 Farm Bill had two major provisions that benefited Indian Country, with expansion of P.L. 93-638 contracting to Tribal Forest Protection Act Projects and inclusion of Tribes and counties in Good Neighbor Authority. There was one small issue with the language expanding Good Neighbor Authority, which we are confident will be addressed in the next Farm Bill. We are also working on language to improve authorities for co-stewardship and co-management on federal land. A recent press release November 30, 2022, from the U.S. Forest Service referenced 11 co-stewardship agreements that had been signed with 13 different tribes, with an additional 60 agreements in various stages of review. Joint Secretarial Order

3403 on "Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters" prompted both USDA and DOI to develop a mechanism to meet the requirements of this S.O. We have solicited the help of appointees from past administrations along with experts in Indian law to review current authorities and opportunities for expand tribal influence on management in their traditional territories.

The fourth Indian Forest Management Assessment is almost complete. As required by the National Indian Forest Resource Management Act this decadal report will be presented to Congress in the spring of 2023. The findings and recommendations from this report will be used to bring awareness to both the funding discrepancies in Indian country compared to other federal land management agencies, and the accomplishments that small investments in Indian forestry and fire management can achieve. An implementation plan will be developed after the report has been presented to Congress, and to the ITC general membership at the 2023 symposium. We expect the findings will be consistent with the three previous reports. While we

*(Continued on Page 3)*

## Operations Committee

by Tony Incashola, Jr.

*(Continued from cover)*

of Wildland Fire and Department of Interior to remedy the language in the Bipartisan Infrastructure Bill under section 40803(d)(4)(b) where it authorizes supplemental salary increases for wildland fire fighters. This language included all federal employees within the U.S. Forest Service and Department of

Interior as wildland fire fighters. However, the language has been interpreted to exclude tribal fire-fighters working under for P.L. 638 contracts and compacts, which are held to same training and qualification standards. ITC and many tribes have sent letters to the Secretary of the Interior and are awaiting a response, hopefully a solution to

the issue. ITC will be sending an additional letter to the Secretary requesting an update on her response to the letters that were previously sent. We will update on this matter in next newsletter.



## President's Message

by Cody Desautel

*(Continued from Page 2)*

have seen increases in funding over the 30 years since the first IFMAT, those increases have not kept pace with funding increases for other funding agencies. This is a trend we hope to reverse.

Work continues in the Wildland Fire Mitigation and Management Commission. Some of the workgroups have been meeting weekly to prepare recommendations for Congress, while others are preparing to start. This will continue along with monthly meetings of the full commission. January has both an in-person and virtual meeting scheduled. This work will contin-

ue through late summer of 2023, at which point all workgroups will have recommendations for Congress. Bill Tripp of Karuk, and Gary Jackson of Cow Creek serve as the Tribal representatives.

As we look forward to a busy 2023 with IFMAT implementation and work on the next Farm Bill we invite thoughts and ideas from our member tribes. We are always diligent to represent the unique interests and perspectives of our diverse members. We can best accomplish that goal if we hear from you directly. We also recognize there is an extraordinary amount of experience and expertise in Indian coun-

try. If any of you have an interest or desire to help further these agendas feel free to reach out.

In closing I want to extend a special invitation to attend any or all of the three opportunities to gather in person in 2023. The April and December board meetings will be held in person, along with the symposium in June. One of my favorite aspects of in-person meetings is the conversation that takes place before and after the meetings. I learn something at almost every meeting, and I suspect you will do the same.



## Wildland Fire Technical Specialist

by Jim Durglo



Jim Durglo

The significance of Indigenous burning practices continues to be acknowledged and respected across the nation. A growing amount of attention is focused on highlighting the relationship of indigenous people and fire, and more so, the reconnection of people to their respective historic and accustomed use areas.

In an article published by the North Star Journal by Mathew Holding Eagle III and Kirsti Marohn, July 27, 2022, titled "Once-ignored In-

digenous knowledge of nature now shaping science," they highlight work being done, including the application of prescribed fire, by the Leech Lake Band of Ojibwe and other tribes in Minnesota. It is very encouraging to see that tribal nations in the mid-West are taking the lead in the reapplication of fire on their landscapes.

The Nature Conservancy published a story in March 2022, titled "Ensuring a Legacy of Longleaf, an in-depth look at the longleaf pine and its interwoven relationship to the Alabama-Coushatta Tribe of Texas." The story goes on to state: prescribed fire is playing a key part in restoration efforts to help keep the longleaf legacy alive and flourishing. The Alabama-Coushatta Tribe has taken a proactive approach in actively managing longleaf pine trees, investing in facilities, personnel, and equipment. When the Alabama-Coushatta and The Nature Conservancy in Texas recognized

that each was working toward the same goal of restoring the longleaf, a unique partnership was formed. With the support of the [Indigenous Peoples Burning Network](#), TNC was able to participate in funding the Alabama-Coushatta's Wildland Fire Management crew with gear, equipment and training. In addition, the Bureau of Indian Affairs Southern Plains Region extended Hazardous Fuels Reduction investment and established a Reserved Treaty Rights Lands program that expanded the tribe's capacity to implement longleaf restoration both on tribal and collaborator lands. As partners in [prescribed fire](#), the sharing of resources and personnel between the Alabama-Coushatta and TNC is helping elevate restoration efforts, so that longleaf can long live throughout Southeast Texas.

Also in early 2022 on the Flathead Indian Reservation in Northwest Montana, The Confederated Sal-

*(Continued on page 4)*



## Wildland Fire Technical Specialist

by Jim Durglo



Photo Courtesy of CSKT Division of Fire, showing Rx burning in the Kicking Horse area, Flathead Indian Reservation, MT. 2022

ish and Kootenai Tribes (CSKT), Forestry Department, with the support and direction by Lara Tomov for Stories for Action, additional camera by Trevor Spotted Eagle, images of fires and fire crews by Michael Umphry, an “Intertribal Song” by the local Pistol Creek Drum Group, recorded at the Salish Kootenai College Media Cen-

ter, produced a video now available on YouTube, titled “Returning Fire to the Land”, in which Tony Incas-hola Jr, the Forestry Director, and his staff explain their application of prescribed fire and the incorporation of local Traditional Ecological Knowledge (TEK) in the restoration of cultural landscapes and balancing TEK and western

*(Continued from page 3)*

science when managing their forest resources. The reintroduction of fire to the fire-adapted ecosystem is the foundation of the CSKT land management plans, which specifically acknowledge that both people and fire are part of the natural system since the beginning of time. Highly qualified and experienced CSKT fire staff uses the gift of fire not only for fuels reduction but to improve wildlife habitat, restore native grasslands, and promote species that are traditionally important to the CSKT peoples.

Stay tuned for more great stories of Tribal programs using fire to re-establish fire adapted ecosystems, restore foods and medicines, and reconnect with historic and ac-custom use areas.



## Awards Committee

by Robin Harkins



Robin Harkins

## 2023 EARLE R. WILCOX AWARDS DEADLINE

I hope you all had a joyous holiday season creating memories with family and friends. As we all get back to work in the new year, the ITC Awards Committee is looking forward to reviewing the accomplishments of your peers in Indian Forestry as you prepare and submit your nominations for the Earle R. Wilcox Memorial Awards.

Please consider recognizing our peers and others who have made significant contributions to Indian forestry and natural resources through their work in our industry. Nominations are due in the ITC Office by January 27, 2023, at 5:00 pm PT. Details on how to nominate and the application

packet requirements for the Earle R. Wilcox Award were mailed to Tribes in November and can be found on the ITC website at [https://www.itcnet.org/about\\_us/awards.html](https://www.itcnet.org/about_us/awards.html) or can be obtained by calling the ITC office at 503-282-4296. Nominations will be considered for both the regional and national award based on level of contribution and effort.

Award selections will be made during the virtual February Board meeting and presented during the 46th Annual National Indian Timber Symposium in June 2023.



## BIA Forestry and Wildland Fire Management

by Peter Wakeland



Peter Wakeland

### PLANNING AND PRIORITIES

**Communication:** If there is anything that you would like to discuss with the Chief Forester, please feel free to call at 514-294-0431, or send an email or video call invite to [peter.wakeland@bia.gov](mailto:peter.wakeland@bia.gov).

**Indian Trust Asset Reform Act (ITARA):** Updated materials are currently being developed to facilitate an upcoming webinar (date TBD), as well as for discussion at the next ITC Annual Timber Symposium. Thus far, Tribes have done well managing their trust timber resources under ITARA, and Tribes can still request to participate in the Demonstration Project. For more information, please contact Pete Wakeland, Chief Forester.

**Budget / Funding for Forestry Projects:** The BIA Regional Offices submitted funding requests for FY2023 projects to Central Office in November. Central Office distributed CR1 Forestry Projects and discretionary Forestry Program (TPA) funds to the Regions and OSG tribes, but full funding distributions are delayed until the FY2023 Appropriations and Apportionments are complete. Please contact your Agency or Regional Office if you have any critical Forestry Projects funding needs.

**Funding for Portable Infrastructure Projects:** We anticipate another round of funding requests for Portable Infrastructure projects after the FY2023 budget is passed. Notice will be provided by your Regional Offices. Examples of Portable Infrastructure are small sawmills, chippers, pelletizers, firewood processors, and equipment needed to support the operations. Past proposals have generally been capped at \$250,000. In some cases, Tribes have received additional

dates and information are expected soon. Announcement will be made as soon as additional information is available. Tribes are encouraged to develop and submit ideas for proposals as soon as possible. Projects related to climate, revegetation/reforestation, habitat restoration, fuels and wildland fire risk reduction, healthy forests, biomass utilization, and cross-boundary data gathering projects are examples of projects that may be eligible for funding. Tribes may request a template for proposals from BIA Forestry.



Photo of Picuris Pueblo Employee operating sawmill

funding in out-years to expand and improve their operations.

Tribes are encouraged to evaluate how portable infrastructure might be of benefit in managing tribal forests and creating markets for their products. Project proposals are easy to put together, and Tribes may request a project proposal template from BIA Forestry. For more information, please contact Pete Wakeland at [peter.wakeland@bia.gov](mailto:peter.wakeland@bia.gov), or Orvie Danzuka, Timber Sales Forester at [orvie.danzuka@bia.gov](mailto:orvie.danzuka@bia.gov).

**Infrastructure Bill:** The deadline for FY2023 project proposals has not yet been determined, but up-



Photo of Picuris Pueblo employees taking rough cut board off sawmill

**Timber Sales Operation Group:** The Carbon Sequestration Agreement Policy (NPM-TRUS-47) was issued 11/4/2022 and is available at <https://www.bia.gov/policy-forms/memoranda/npm>. The Office of the Solicitor has provided comments on the draft Direct Pay and FMD NPM and work continues to address the Solicitor comments.

Regions have provided comments on the draft Harvest of Forest Products Handbook. The Draft revised Special Provisions, contract and permit forms are currently being reviewed by the Regions. Draft re-

*(Continued on page 6)*



## BIA Forestry and Wildland Fire Management

by Peter Wakeland

*(Continued from page 5)*

visions to the corresponding Manual have also been made and will be finalized based on any additional changes to the handbook and contract and permit forms.

**TAAMS Updates:** Seven TAAMS Forestry enhancements were developed in the past year and are in various stages of development and implementation. The largest project among these are a Timber Money Record (TMR) tab and “Summary”, “Detail”, “Advance Payment”, and “Tract Value” reports. User Acceptance Testing began in November and the contractor CGI is working to address all identified issues. Our hope is that the TMR will be released prior to our first FY 2023 TAAMS Forestry training course in January.

Introductory TAAMS Forestry training was delivered in April and Advanced TAAMS forestry training was delivered in August. Both courses were held at CGI in Dallas. The FY 2023 training plan has been approved and courses are available in DOI Talent. The approved schedule is as follows:

**Year End Reporting:** Accurate reporting of accomplishments and program needs are vital to the Division of Forestry and Wildland Fire Management for reporting program metrics to Congress, the Office of Management and Budget, the Department of the Interior, to senior Indian Affairs leadership, and others. This data is used to justify our Forestry budget to the President, and factors into funding formulas for forestry project work. Thank you for submitting your FY2022 accomplishments and FY2023 program needs in a timely manner.

Course	Dates	Location
Introductory TAAMS Forestry	Jan 24-27, 2023	Dallas, TX
Advanced TAAMS Forestry	Feb 7-10, 2023	Dallas, TX
TAAMS Forestry Management Overview	Mar 15-16, 2023	Microsoft Teams
Introductory TAAMS Forestry	Mar 21-24, 2023	TBD, In Person
Advanced TAAMS Forestry	Apr 18-21, 2023	TBD, In Person

Currently, Central Office Staff is compiling the FY2022 reporting data submitted by the BIA Regional Offices. The Report on the Status of Indian Forest Lands Fiscal Year 2022 and will be drafted in early 2023.

**Timber Team:** We are seeking proposals for FY23 and federal/tribal staff that would like to work with the Timber Team on any assignment this year. Talk to your Regional Forester if you would like to join the team for any of the planned trips, we have scheduled this year. It would be a great way to gain additional experience and it will also help us since we are short staff at this time.

Timber Team has a new web page hosted on BIA.gov, complete with a project request form and information about the Timber Team. <https://www.bia.gov/service/timber-team>.

**Forest Health:** The BIA Department of Forestry received reporting from tribes and submitted the accomplishments into the United States Department of Agriculture’s Forhealth database. The deadline for submitting proposals for FY 23 was in early November. The projects have been submitted to the Forest Service for consideration. Once the Forest Service decides which projects will be funded, BIA Central Office staff will notify tribes. The funding will be trans-

ferred from FS to BIA and then to regions and/or Office of Self Governance as appropriate. For more information, please contact Orvie Danzuka, Timber Sales Forester at [orvie.danzuka@bia.gov](mailto:orvie.danzuka@bia.gov).

### BRANCH OF FOREST INVENTORY AND PLANNING (FIP)

**FIP Name Change:** Formerly the Branch of Forest Resources Planning (BOFRP).



Photo of Mescalero CFI Contractors

**FIP Projects:** The FIP team is actively working on seven forest inventory projects and is busy preparing the CFI materials for five CFI projects that will begin this fiscal year. The team is also

*(Continued on page 7)*

## BIA Forestry and Wildland Fire Management

by Peter Wakeland

*(Continued from page 6)*

cleaning and processing four projects that were returned to FIP after the tribe had completed their data collection. In addition, the team is also providing support on 33 projects currently at the Region, Agency, and Tribe in collecting data, writing their FIA, or cleaning up data to return to FIP. If you have questions or are looking for a status update for your forest inventory, please visit the FIP Planning Tool on Microsoft Teams or send a request to [dawn.patterson@bia.gov](mailto:dawn.patterson@bia.gov) to be added to the Teams channel. The FIP inventory foresters must keep the FIP Planning Tool updated daily to keep the region, agency and tribes informed.

**Handbook Revisions:** Revisions of IAM Ch. 8 and 9 have resumed. Teams have been established and are meeting every other week to review and revise the handbooks. Revision of IAM Ch. 2 is on hold until either Ch. 8 or Ch. 9 are completed. At that time, we will be putting together a team to begin review and revision of Ch. 2.

**Staff Updates:** FIP hired on one new GS-12/13 forester, Thomas (Tom) Lowell, who started in mid-December. Tom joins us from the Forest Service and is a University of Montana graduate. With his degree in Forest Resource Management, he has accumulated 33 years of forest management experience in planning and operations. He has a professional background is a compilation of his experiences working for the BLM, BIA, and the Forest Service. Tom has been certified as a Check Cruiser, Scaler, Timber Sale Administrator, and as a Silviculturist.



Photo of Dave Stitt providing FIP tablet training

### BRANCH OF WILDLAND FIRE MANAGEMENT

**Fuels Management:** In collaboration with U.S. Geological Survey (USGS), Rocky Mountain Research station and Indian Country, we continue to incorporate the utilization of new technological advancements for quantifying wild-fire risk spatially and temporally.

BIA has invested in Light Detecting and Ranging (Lidar) at five reservations to improve strategic placement of treatments that are critical components of fuels management to maximize cost effectiveness, efficiency, and risk reduction. Lidar can provide cost effective strategic landscape-level planning that supports multi-year integrated resource management regimes. Fuels has also engaged Central Office Forestry and Regional Office staff with collaborative work products for the Bipartisan Infrastructure Law (BIL), Lidar and Active Management.

Fuels staff is currently exploring the development of Terrestrial Laser Scanning technology and its ap-

plication for fuels management and post-wildfire recovery and will be hosting field training, in collaboration with San Carlos Apache Tribe, in June 2022.

Fuels staff has been working with the BLM and Forest Service to provide input regarding BIA Reserved Treaty Rights Lands Fuels information for their Tribal Forest Protection Act assessments and also coordinated with other interagency partners and OWF to provide insight and recommendations on the development of future reporting requirements and design of the Next-Gen Nation Fire Plan Operating and Reporting System.

The development of the BIA Fuels dashboard which combines national BIA Fuels Datasets/maps/websites in a single webpage has continued.

**Post Wildfire Recovery Program:** The Cerro Pelado fire ignited on April 22, 2022, and burned 45,605 acres, impacting multiple jurisdictions including private lands and lands managed by U.S. Forest Service, National Park Service, and

*(Continued on page 8)*



## BIA Forestry and Wildland Fire Management

by Peter Wakeland

*(Continued from page 7)*

Bureau of Indian Affairs in New Mexico. The fire moved through Tribal trust areas, affecting 3,274 acres of Pueblo of Jemez land, 29 acres of Pueblo of Santo Domingo land and 830 acres of Pueblo de Cochiti land.

A Department of Interior Interagency Burned Area Emergency Response (BAER) Team was brought in to evaluate soil burn severity and post-wildfire threats to human life, safety, and property as well as critical natural and cultural resources, important to each Pueblo. This interdisciplinary team engaged with Tribal leadership and staff to develop a collective system of emergency treatments to reduce flooding, debris flow and erosion threats to critical values. The Team also developed burned area rehabilitation treatments to initiate the path to long-term recovery and highlighted the opportunity for Bipartisan Infrastructure Law funding to continue ecological restoration and recovery of burned lands.

In total, proposed emergency treatment funds includes \$200,000 for spring and cultural site protections, road stabilization, flood warning systems, and point protection and armoring. Burned area rehabilitation treatments include \$1.1 million for reforestation, invasive and noxious weed treatment, and replacement/repair of resource protection and boundary fence.

**Operations:** The normal seasonal progression of wildfire potential continues across the western states, but there are no active large fires on or imminently threatening Indian lands (excluding Alaska). The first summer-like period of extended hot weather has commenced over most of the southwestern U.S., and lightning risk is increasing as well.



*Photo of Tom Lowell, new forester at FIP*

Activity on ongoing large fires in New Mexico has moderated due to less extreme weather (more cloud cover, higher RH, some scattered showers) and good progress toward containment objectives. Nonetheless, fire potential will remain substantially elevated throughout BIA's Southwest, Navajo, and Western Regions until the onset of the monsoon (expected "on time", around the end of June). Fire potential remains relatively low across most of Oklahoma into the Great Plains due to recurrent precipitation and green-up. Similarly, most areas in the Eastern Region are experiencing the lull in activity due to green fuels. In the Midwest, parts of Minnesota and northern Wisconsin have received less precipitation than normal for this time of year, but live fuels will offset fire danger. The expected early start to the fire season in California has been delayed due to timely precipitation, but parts of southern California are drying rapidly. Fire activity in Alaska escalated significantly over the past few days, with dozens of large fires burning aggressively in the western and southwest parts of the state. Several of these fires are burning in the vicinity of Alaska

Native allotments and point protection tactics are being used where needed.

**Training / Workforce Development:** Working in collaboration with both DOI and USDA we have moved forward a proposal to build a more holistic career training and education program. This program will focus on day job duties and be strategically designed and facilitated to intervene at the appropriate juncture of an employee's career to better their professional development, increase decision making, and potential for career advancement. The first step is a contracting out a specific competency analysis which will help to define the gaps in current training, define what training is missing and provide a roadmap to finding that missing element. This will ultimately provide our GS/Tribal employees with a complete roadmap to successful career planning and a valid continuing education model.

Wildland Fire Apprenticeship Academy (WFAP) - DWFM has recently signed the National Joint Apprenticeship Academy charter as a member. This allows us to

*(Continued on page 9)*



## BIA Forestry and Wildland Fire Management

by Peter Wakeland

*(Continued from page 8)*

utilize the WFAP academy which is designed to specifically target GS 3-5 current and potential employees, more quickly developing their speed to competency, and instilling professional values early in an employee's development. Tribal employees will also be able to attend in student slots when they are available. BIL funding has been proposed as a funding mechanism to enroll the first batch of BIA personnel and we are planning for up to ten enrollees for spring of 2023.

Training recently required a new course and fire qualification for our engine personnel, Engine Operator. This was designed and implemented to further the professionalization of our engine staff which account for around 65% of BIA/Tribal fire responders. NIFC has coordinated and facilitated three geographic courses in Phoenix, Tulsa and Warm Springs and has trained over 100 current engine personnel. This number also accounts for "train-the-trainer" personnel who are now qualified to return to their respective units and facilitate this new course.

**Safety:** The DOI Medical Standards Program has updated the current Client Access System contracted through Comprehensive Health Services. The new contract allows for multi-factor authentication and greater security regarding Personally Identifiable Information (PII)

A Firefighter Wellness Program has been established. Through Infrastructure Law funding, the BIA Branch of Wildland Fire will work to fill two positions. One position will be a Program Specialist and will work to coordinate interagency cooperation in Critical Incident Stress Management and Mental

Health. The other position will be a Tribal Liaison position, assisting the Program Specialist and working directly with Tribal Wildland Fire Programs.

**Budget:** The BIA Policy Memo for FY2022 Full-year Appropriations has been signed and distributed to the Regions. Full year preparedness funding has been allocated out to Regional Offices and Self-governance Tribal programs. Regional offices will allocate funding to agency units and 638 Tribal wildland fire programs.

Infrastructure Law (BIL) funding has been released from the Office of Wildland Fire. This currently includes fuels funding and preparedness funding. For preparedness, BIL funding will be utilized to fill two Central Office BIA positions within the new Firefighter Wellness program.

**Planning:** Planning staff is currently supporting Southwest Region, Western Region and Alaska Region Wildland Fire Decision Support System (WFDSS). This system assists fire managers and analysts in making strategic and tactical decisions for fire incidents. It has replaced the WFSA (Wildland Fire Situation Analysis), Wildland Fire Implementation Plan (WFIP), and Long-Term Implementation Plan (LTIP) processes with a single process that is easier to use, more intuitive, linear, scalable, and progressively responsive to changing fire complexity.

Final implementation of the new version of the National Fire Danger Rating System (NFDRSv4) are underway, which requires changes in the configurations for all Remote Automated Weather Stations (RAWS) in the Weather Information Management System (WIMS).

Every RAWS should now be associated with one or more of the five new NFDRS fuel models and have critical breakpoints entered in WIMS. Many RAWS in Indian Country, along with many managed by other agencies, still need to have these final adjustments made to complete their transition. Guidance from the NWCG Fire Danger Subcommittee is forthcoming to provide an update on the status of the NFDRSv4 implementation effort and reiterate necessary steps for RAWS managers and other NFDRS-related elements.



## Legislative Update

by Matt Hill



Matt Hill

### A NEW YEAR, A NEW CONGRESS

January ushers in the 118th Congress of the United States. The Republicans will assume a razor-thin majority in the House of Representatives, while Democrats hold a one-vote majority in the Senate. This means a truly “divided government” in which neither party will be able to roll the other on any policy matter. For forest management, that could mean a carefully brokered compromise on fuels reduction, forest management, etc.

At the time this article was drafted, committee leadership had not been formally established. However, we can assume that Rep. Bruce Westerman (R-AR) will be the chairman of the House Natural Resources Committee, which holds jurisdiction for both Indian Affairs and federal forest management.

**The “omnibus”:** Just before Christmas, Congress passed the “omnibus” appropriations bill for Fiscal Year 2023. The 4155-page bill covers all government spending for FY23 and contains a few legislative items. However, it did not contain a public lands or Indian Affairs package of bills.

In terms of actual appropriations, the bill provides \$10.882 billion

for tribal programs across the Department of the Interior (DOI) and the Indian Health Service (IHS) for fiscal year 2023, an increase of 5.8 percent.

These new investments increase health services funding by 5.6 percent provides IHS with an advance appropriation of \$5.129 billion for fiscal year 2024 to provide budget certainty. That amount is roughly equal to the fiscal year 2023 amount.

Tribal programs provided through the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) are collectively funded at \$3.842 billion, an increase of \$297 million, or 7 percent, to the fiscal year 2022 level. This funding makes investments toward supporting Tribal governments in a number of key areas such as public safety and justice programs with an increase of \$33 million, or 6 percent above the fiscal year 2022 level, to support police services, special initiatives to address Missing and Murdered Indigenous Women cases, and Tribal courts. This bill also boosts the BIE by \$119 million, or 9 percent, over the fiscal year 2022 level to support a school system of 183 schools and 33 Tribal Colleges and Universities delivering educational services to nearly 57,000 students.

BIA Forestry sees a modest increase of \$3.5 million, for a total of \$66 million. Elsewhere in the bill, Congress directs the Forest Service to “partner with tribes to prioritize recovery on lands impacted by wildfire.”

**The Evolution of Tribal “Co-Management”:** As previously reported here, a 2021 joint secretarial order between DOI and USDA set a course for agency cooperation

with tribes on the co-stewardship of lands (and waters). In November, the Solicitors for both the Departments of Agriculture and Interior provided legal underpinnings for co-stewardship agreements with tribes.

The USDA analysis generally found that:

- The Departments recognized that it is the policy of the United States to promote Tribal stewardship;
- If co-stewardship activities are not permitted under applicable law, the USDA agencies should give consideration and deference to Tribal proposals, recommendations, and knowledge that affect management decisions on USDA-managed lands;
- Agencies must be careful to avoid any agreement or other arrangement that provides a Tribe with the authority to perform an inherently governmental activity.

Overall, USDA identified some specific authorities that are available to the Forest Service and tribes:

**Tribal Forest Protection Act (+638 authority):** Authorizes the Forest Service to enter into agreements with Tribes “to carry out . . . project[s] to protect Indian forest land or rangeland (including . . . project[s] to restore Federal land that borders on or is adjacent to Indian forest land or rangeland)” and “[that] poses a fire, disease, or other threat to . . . the Indian forest land or rangeland under the jurisdiction of the Indian tribe; or a tribal community; or is in need of land restoration activities.

**Good Neighbor Authority:** Allows the agency to enter into co-

*(Continued on page 11)*



## Legislative Update

by Matt Hill

*(Continued from page 10)*

operative agreements or contracts with Tribes, Alaska Native corporations (ANCs), or qualifying tribal organizations to carry out “similar and complementary forest, range-land, and watershed restoration services . . . on Federal land, non-Federal land, and land owned by an Indian tribe.

**Stewardship Contracting Authority:** Authorizes the Secretary to enter into stewardship contracting projects with private persons or other public or private entities (including tribes) to perform services to achieve land management goals for . . . the public lands that meet local and rural community needs.

**Wyden Authority:** Forest Service appropriations can be used to enter into cooperative agreements with other federal agencies, tribal, state, and local governments, private and nonprofit entities, and landowners for the purpose of protection, restoration, and enhancement of fish and wildlife habitat and other resources, reduction of risk for natural disaster where public safety is threatened, or a combination of both.

**Service First:** Allows federal agencies to share facilities, services, and employees -- potentially with tribes.

**Challenge Cost-Share Agreements:** Authorizes the Forest Service to cooperate with others in developing, planning, and implementing mutually beneficial projects that enhance Forest Service activities, where the cooperators provide matching funds or in-kind contributions. Cooperators may be public and private agencies, organizations, institutions, and individuals.

**Cooperative Funds Act (1914):**

Authorizes the Forest Service to retain funds received as contributions toward cooperative work in forest investigations or the protection, management, and improvement of the National Forest System. The statute provides that payment for work undertaken by the Forest Service may be made from any Forest Service appropriation that is available for similar work, subject to certain conditions. Tribal contributions could allow a Forest Service project of interest to a Tribe to proceed sooner than appropriations might otherwise permit.

**Cooperative Funds and Deposits Act:** Authorizes the Forest Service to negotiate and enter into cooperative agreements with public or private agencies, organizations, institutions, or persons to:

- Construct, operate, and maintain cooperative pollution abatement equipment and facilities, including sanitary landfills, water systems, and sewer systems;
- Engage in cooperative human resources and job training and development programs;
- Develop and publish cooperative environmental education and forest history materials;
- Perform forestry protection, including fire protection, timber stand improvement, debris removal, and thinning of trees.

**Infrastructure Investment and Jobs Act:** Provides specific funding for states and Tribes to conduct restoration and wildfire mitigation and risk reduction projects on federal land pursuant to Good Neighbor agreements or the TFPA, with additional funds provided solely for implementation of the TFPA. However, any appropriate IJA funds may be used for authorized activi-

ties in co-stewardship with Tribes.

Additional authorities are available for tribes to work with the Natural Resources Conservation Service (NRCS) [focusing here on forest-related programs]:

**Healthy Forests Reserve Program:** Enrolls private lands through use of easements or 10-year cost-share agreements to promote recovery of threatened or endangered species, improve biodiversity, and enhance carbon sequestration. Indian tribes are eligible for HFRP and can enroll in 10-year cost-share agreements, 30-year contracts, 30-year easements and permanent easements.

**Voluntary Public Access and Habitat Incentives Program (VPA-HIP):** Is a competitive grant program that provides public access for wildlife-dependent recreation, including hunting or fishing, under programs implemented by State or Indian tribes.

**Watershed Protection and Flood Prevention Program (WFPO):** Authorizes the Secretary of Agriculture to provide technical and financial assistance to entities of state and local governments and tribes (project sponsors) to protect and restore watersheds up to 250,000 acres.

**Federally Recognized Tribes Extension Program (FRTEP):** The Secretary of Agriculture, acting through the National Institute of Food and Agriculture (NIFA), is responsible for establishing appropriate extension education programs on Indian reservations and within Tribal jurisdictions.

Separately, the Department of Interior solicitor’s report on co-stewardship authorities clarifies that “it

*(Continued on page 14)*

## Symposium Committee

by Howard Teasley, Jr.



Howard Teasley, Jr.

## 2023 ITC ANNUAL SYMPOSIUM

Meeli Kismes ‘Eey sin’. Hautnin awas. Niimiipuu timpt. Merry Christmas, Happy New Year and Blessing to you in our Nez Perce Language. We are moving into Normalcy! Our December Board Meeting in San Diego, CA was the BEST. It was the in-person interaction that made it some much better than the past two years and to see new and old faces! Thank you for those that did make it but look forward to seeing those that did not.

Our Symposium Committee and the ITC Executive Board are very impressed and honored to introduce the hosts, Leech Lake Band of Ojibwe in Walker, MN and would like to invite our Intertribal Timber Council family to the **Forty Sixth Annual Nation Indian Timber Symposium, June 12-15, 2023**. The theme of this year’s symposium is *“Landscape: The Forest Through the Trees”*.

**Monday, June 12: Day one begins with the Pre-Symposium Workshops.** The workshops will require additional fees. Workshop 1: Crafting Rice Knockers – Learn how to make the Leech Lake Band citizens device used to knock rice

from the plant. Workshop 2: USDA NRCS Funding & Opportunities Update – Technical & Financial Assistance and have a few success stories. Workshop 3: Wildland Fire – Be ready to receive the latest from the fire world. Workshop 4: Tour of the Mississippi Headwaters at Lake Itasca – The Mississippi River is the backbone of the Leech Lake Reservation, and you are invited to the visit this majestic river. Workshop 5: Fishing Trip on Leech Lake - A Leech Lake Honorary Fish Permit will be given for the week! Symposium registration will start as well and we will end the day with the Host Ice Breaker at Whipholt Beach, while enjoying the comedic act “The Rez Report”.

**Tuesday, June 13: The Symposium Officially Starts:** We will start the day with the Registration and Exhibit Booths opening, raffle items and tickets sales will begin as well. **Opening Ceremony,** Invocation, Posting of the Colors, Welcomes, and Keynote address will follow. Our morning break will bring us to our two panel discussion for the day. **Panel 1: Return of Ancestral Land Back: States, NGO, USFS** – Introduction of lands being return to Tribes across Indian Country. While **Panel 2: IFMAT-IV Report** - this is the fourth report over 40 years include the evolution of Tribes & BIA and more. This will be followed by the **Leech Lake Band of Ojibwe Host Presentation.** And we will end the day with the Host Welcome Dinner at the Onigum Community Center

**Wednesday, June 14:** Leech Lake Band of Ojibwe Tribal Tour will consist of four stops, Snow Hare Habitat Restoration TFPA Pilot Project, Red Pine Plantation Ecosystem Restoration & Fire Ecolo-

gy Restoration, Lydick Prescribed Burn – Fire Restoration, and RTRL Sand Plains Pine Project Monitoring. Lunch and transportation will be provided. The day will end with the **General Membership Meeting** at The Northern Lights Casino.

**Thursday, June 15:** Registration and Exhibit Booths will be open, and the raffle will continue. We will first begin the day with **Updates** from ITC President, Department of the Interior, Office of Wildland Fire, Bureau of Indian



Photo of Leech Lake reservation welcome sign a few miles from where the symposium will be held

Affairs, Legislative, and U.S. Forest Service, Office of Tribal Relations. After the updates will be our three breakout workshop sessions - **Workshop 1: Cross-Boundary Shared Stewardship Opportunities, Workshop 2: Forest Technology Applications & Uses for Assessing Fire Risk across the Landscape, Workshop 3: Indian Trust Asset Reform Act.** Finally at the end of the day, the Annual Business Meeting and the Annual Awards Banquet.

*(Continued on page 13)*



## Symposium Committee

by Howard Teasley, Jr.



Photo of the Gotchie family's morning catch of walleyes from Lake Winnibigoshish, MN

*(Continued from page 12)*

### Future Symposium Dates:

- 2024 ITC Symposium hosted by the Eastern Band of Cherokee Indians, Cherokee, NC
- 2025 ITC Symposium hosted by the Confederated Salish & Kootenai Tribes, MT

**Help:** Intertribal Timber Council is nonprofit organization and is always looking for donations and/or sponsorships during the Annual Timber Symposium. If a Tribe or business is interested in donating, please contact ITC directly.

If you are not on the ITC mailing list and would like to receive the annual symposium agenda, please contact the ITC online at [https://www.itcnet.org/get\\_involved/mailling\\_list.html](https://www.itcnet.org/get_involved/mailling_list.html).



Photo of a Leech Lake Reservation night RX burn





## Legislative Update

by Matt Hill

*(Continued from page 11)*

is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government.” Secretarial Order (“S.O.”) 3403 directs the Department, consistent with applicable authorities and in furtherance of S.O. 3403, to support consolidation of tribal landholdings within reservations, including Tribal acquisition of Federal lands and private inholdings; and to facilitate Tribal requests to have lands placed in trust, including for conservation, protection of sacred sites, cultural or religious use, or exercise of subsistence or treaty reserved rights.

The DOI analysis defines various terms that are sometimes used interchangeably:

**Stewardship:** Refers to Departmental activities relating to management, conservation, and preservation of Federal lands and waters, including wildlife and its habitat. These include authorized development activities and the maintenance of existing infrastructure required to meet mission objectives; management of vegetation, fish, wildlife, and other resources; protection of cultural resources; and the provision of recreational and educational opportunities on Federal lands and waters.

**Co-Stewardship:** Broadly refers to collaborative or cooperative arrangements between Bureaus and Tribes and Native Hawaiian Organizations related to shared interests in managing, conserving, and preserving Federal lands and waters. Collaborative and cooperative arrangements can take a wide variety of forms. These may include, for example, sharing technical expertise; combining the capabilities of

Bureaus and Tribes and Native Hawaiian Organizations to improve resource management and advance the responsibilities and interests of each; making Tribal knowledge, experience, and perspectives integral to the public’s experience of Federal lands; cooperative agreements; and annual funding agreements under the Tribal Self-Governance Act (25 U.S.C. § 5361 et seq.) where applicable.

**Co-Management:** Narrowly refers to collaborative or cooperative stewardship arrangements that are undertaken pursuant to Federal authority that requires the delegation of some aspect of Federal decision-making or that make co-management otherwise legally necessary, such as management of the salmon harvest in the Pacific Northwest, where co-management has been established by law. DOI identifies several specific authorities for co-stewardship/management:

**Treaty Rights:** On-res vs. off-res, implied rights, etc.

**FLPMA Section 307(a):** Authorizes BLM to “conduct investigations, studies, and experiments, on [its] own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the public lands.”

**FLPMA § 202(c)(9):** Requires BLM, “to the extent consistent with the laws governing the administration of the public lands, [to] coordinate [its] land use inventory, planning, and management activities . . . with the land use planning and management programs . . . of or for Indian tribes by, among other things, considering the policies of approved . . . tribal land resource management programs”; to “keep apprised of . . . tribal land use

plans”; and to “assure that consideration is given to those . . . tribal plans that are germane in the development of land use plans for public lands.” Although these consultation authorities do not by themselves provide concrete mechanisms for BLM to enter into co-stewardship or Tribal stewardship arrangements, these authorities can play an important role in developing such arrangements.

**TFPA/GNA:** Same as USDA authority description above.

**FLPMA § 501(a):** Allows BLM to issue rights-of-way for a variety of purposes and could potentially be used to authorize Tribes to carry out Tribal activities on public lands. While most of the enumerated purposes involve the transportation or transmission of people, goods, energy, or communications across the public lands, Subsection 501(a) includes a catch-all provision, which applies to “such other necessary . . . systems or facilities which are in the public interest and which require rights-of-way over, upon, under, or through [public] lands.” Under some circumstances, Tribal activities on public lands could qualify as, or require the development of, a “system [ or facility]”; in such a case, a ROW under Subsection 501(a) could be a vehicle for facilitating these activities.

**FLPMA § 302(b):** Allows BLM to “regulate, through easements, permits, leases, [or] licenses, . . . the use, occupancy, and development of the public lands, including, but not limited to, long-term leases to permit individuals to utilize public lands for habitation, cultivation, and the development of small trade or manufacturing concerns. Like rights-of-way under Subsection 501(a), leases, permits, and ease-

*(Continued on page 15)*



## Legislative Update

by Matt Hill

*(Continued from page 14)*

ments under Subsection 302(b) could in some circumstances be used to facilitate Tribal activities on public lands.

**Recreation and Public Purposes Act (RPPA):** Authorizes BLM to sell or lease public land “to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority.” Like a right-

of-way, lease, permit, or easement under FLPMA, a lease under RPPA could potentially be used to allow Tribal activities to occur on public lands. Such an application of RPPA must assess whether a proposed use qualifies as a “public purpose” under the RPPA. Moreover, because the RPPA does not include Tribes in its list of potential beneficiaries, BLM staff must consult with SOL to determine when to obtain an RPPA lease.

**NATIVE Act:** The Native American Tourism and Improving Visitor Experience (NATIVE) Act is intended, among other things, to

“increase coordination and collaboration between Federal tourism assets to support Native American tourism” and to “enhance and improve self-determination and self-governance capabilities in the Native American community.” Although the NATIVE Act focuses on tourism planning rather than on land management, several provisions could authorize BLM to undertake on-the-ground projects that would reflect Tribal priorities, and that could be carried out by Tribes under the delegation authorities



## Education Committee

by Nicole Stiffarm



Nicole Stiffarm

### 2022 NATIVE AMERICAN NATURAL RESOURCE RESEARCH SCHOLARSHIP WINNERS

Greetings ITC family. Happy New Year, I hope you all had a great holiday season and enjoyed time with your families! The Education Committee met in December. Our priority in the meeting was to select the recipients of the Native American Natural Resource Scholarship.

I am thrilled to announce that we have selected three very deserving Native American graduate students:

- **Daniel Bird**, (Santo Domingo Tribe), University of Montana, pursuing a Ph.D. in Wildlife Biology, researching “Identifying migration routes, stop-over sites, habitat use, and potential barriers to elk movement on the Black-foot Nation Indian Reservation and the surrounding landscape”
- **Carly Quisenberry**, (Cherokee Nation), Colorado State University, pursuing a M.S. in Environmental Leadership, researching “Understanding the Workplace Experiences of Indigenous Women Park Rangers”
- **Jonathan Romero**, (Pueblo of Jemez), West Texas A&M University, pursuing M.S. in Agriculture, researching “Cost Analysis of Cow/Calf Production on Tribal Rangelands”

Congratulations to each of these stu-

dents, we wish them all the best as they move forward in their academic careers! The announcement for the 2023 Truman D. Picard Scholarship is out, and we are currently accepting applications. Please help us and send the announcement to your networks to get the word out to as many students as possible. Only complete applications will be considered, so please read the application criteria carefully.

Lastly, the MOU between ITC and Yale University has been extended through December 2023. Please take a few moments to read through it on the ITC website as it would be extremely beneficial for any tribal student interested in attending Yale.

The ITC Education Committee wishes you all the best in 2023 and we are looking forward to seeing you all at the Symposium this coming June in Leech Lake, MN!





**INTERTRIBAL TIMBER COUNCIL**

PO BOX 11790

Portland, Oregon 97211

---

**First Class**

---