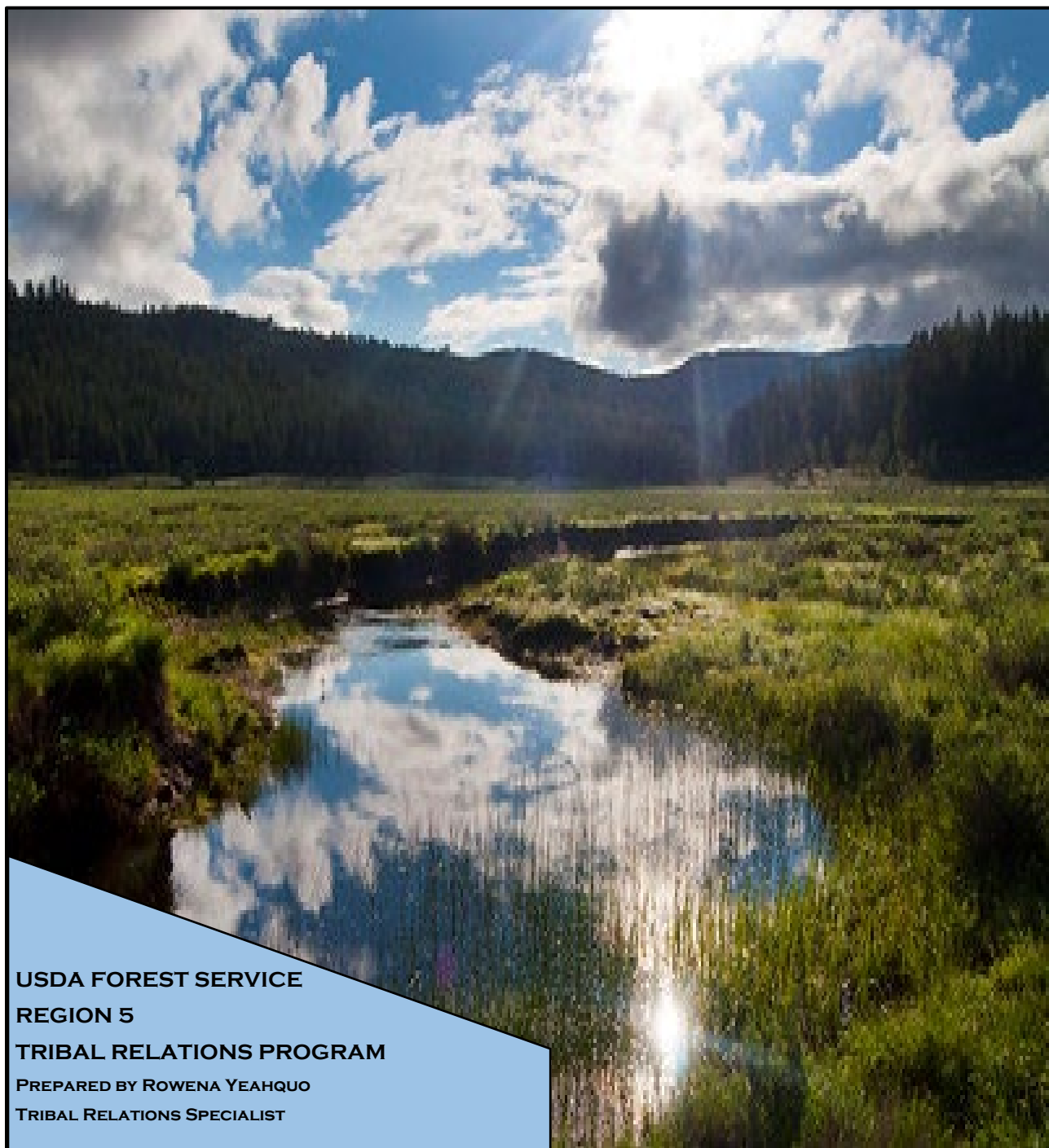




# PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN ASSESSMENT



USDA FOREST SERVICE  
REGION 5  
TRIBAL RELATIONS PROGRAM  
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**PROGRAM ASSESSMENT**  
For the  
**PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN**

The Pacific Southwest Region (R5) Forest Service (FS) is engaged in a planning initiative to meet present and future management goals and objectives. This effort may result in the reorganization of some of the staff on forests and the Regional Office (RO). As a part of this alignment, R5 is in the process of drafting a Tribal Relations Strategic Plan (TRSP). To begin this task a Preliminary Plan is developed which includes a Program Review Assessment, Tribal Outreach and Engagement, Program of Work with Budget requirements, and the preparation of the final Draft TRSP.

This Program Review Assessment analyses the current operation of Tribal Relations program to determine how well Region 5 is meeting trust responsibilities, responds to tribal interest and rights, and promotes collaboration with Tribes.

The Tribal Relations Program Assessment (TRPA) was developed through a committee consisting of region staff personnel, forest personnel, forest supervisors and tribal members from the region. In July 2020, the committee began to set the groundwork for the plan with recommendations particular to Region 5. The committee reviewed the current program operations, identified gaps and evaluated opportunities in program delivery.

The goals in the National Tribal Relations Strategic Plan 2019-2022 (NTRSP) are aligned with the Forest Service's (FS) national goals. The same Strategic Plan goals will be applied to the Region 5's plan. The Strategic Plan Goals are:

- Sustain Sovereignty Through Shared Stewardship
- Deliver Benefits to Tribal Communities and the Public
- Apply Knowledge Inclusively
- Excel in Tribal Relations Leadership

The committee workgroups discussed each of the four goals in workgroups and addressed areas the R5 Tribal Relations program should develop to expand collaboration, enhance program coordination and share the opportunities of forest restoration on tribal ancestral lands now managed by the FS.

***TRPA Recommendation Areas :***

- Program Guidelines and Delivery
- Partnerships/Agreements and contracting
- Traditional Ecological Knowledge and Research
- Leadership Development
- Outreach and Recruitment



**BACKGROUND:**



**PROGRAM ASSESSMENT**  
For the  
**PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN**

***Need for Tribal relations, including legal requirements***

Working with tribes helps the Forest Service (FS) fulfill our mission of “providing leadership in the management, protection, use, research, and stewardship of natural and cultural resources on our country’s vast forests and grasslands”. The relationship between the United States and Indian tribes extends to all Federal agencies. This government-to-government relationship is unique, and distinct from that of other interests and constituencies served by the Forest Service.

Forest Service lands have been created from those historically held by Indian tribes. Through treaties and legislation, tribal rights and interests in these lands continue to the present day. The FS honors and protects these interests by operating on the basis of a treaty obligations, trust responsibilities, and mandates in laws such as the National Forest Management Act (NFMA), National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), American Indian Religious Freedom Act (AIRFA), Archaeological Resources Protection Act (ARPA), Native American Graves Protection and Repatriation Act (NAGPRA), Tribal Forest Protection Act (TFPA), and the Agricultural Act of 2014 (Farm Bill). As well, Executive Orders 13007 and 13175. The USDA regulations recognize the government-to-government relationship requiring ongoing coordination with Indian Tribes.

The Forest Service’s relationship with Indian tribes is rooted in meaningful consultation, wherein the agency proactively consults with tribes on agency policies and actions that may affect them. The FS Manual at 1563 and FS Handbook at 1509.13 provide agency policy on consultation, as does departmental policy found in USDA DR-1350-002 (January 18, 2013).

Through advice, consultation, training, and partnership building, Tribal Relations Program Managers/Liaisons would provide policy guidance and support in fulfilling these mandates within national and regional policies, programs, and activities in a manner that honors Indian treaty rights, fulfills the legally mandated trust responsibility, and maintains government-to-government relationships with federally recognized tribal governments.

The Tribal Relations Program strives to develop the capacity of the agency’s personnel, thereby enhancing the agency’s ability to foster effective partnerships and protect tribal rights.

***Current Situation:***

In Region 5 there are a total of 109 Federal Recognized Tribes and 53 Non-Federally Recognized Tribes.

- Currently, in Region 5 there are no dedicated full time Tribal Relations Program Managers (or Tribal Liaisons). The duties of Tribal Relations are delegated to mostly Heritage Program Managers, one shares the title as a Natural Resources Staff Officer and two share the title as Partnership Coordinators.
  
- Heritage Program Managers (HPM) have the collateral duties of the Tribal Relations Liaison in addition to their HPM responsibilities in 14 of the 18 Forests in Region 5. Each Forest’s HPM is responsible for planning and administration of a highly complex Heritage Program. Their program of work is dictated by the forest projects and operations. Management of this program includes consultation with tribes on sensitive and



**PROGRAM ASSESSMENT**  
For the  
**PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN**

controversial issues such as reburial of ancestral remains and compliance with NAGPRA, compliance with Section 106 of the NHPA, compliance with AIRFA, and various executive orders that pertain to heritage resource issues, activities, and programs in conjunction to tribes. The Heritage Managers have done an excellent job in outreach and have fostered tribal relationships we can build upon.

- The role and responsibilities of a Tribal Relations Program Manager extend well beyond that of the HPM. However, the complexity and extensive workload of administering the Forest’s Heritage Program prohibit the HPM from devoting adequate time and efforts to the non-Heritage components of the Tribal Relations Program. Furthermore, heritage personnel do not have the training, experience or the time to address water rights, implementation of Tribal Forest Protection Act amendments and other non-heritage aspects. These collateral duties of executing the Tribal Relations functions could also be jeopardizing the R5 Programmatic Agreement with the State Historic Preservation Office that outlines the specific requirements for staffing and reporting assigned to Forest Heritage Program Managers. Essentially, the heritage personnel cannot do the tribal relations job adequately. We need to explore how we can better meet our trust responsibilities.

This information was from feedback from an HPM survey & District Ranger survey, conversations with forest personal, and from correspondence and discussions with tribes.

**TRIBAL RELATIONS PROGRAM ASSESSMENT**  
**COMMITTEE RECOMMENDATIONS TO REGION 5 FOREST SERVICE**

***Program Guidelines and Delivery***

- The position of Forest Tribal Relations Program Managers (TRPM) should not be collateral secondary duties of another position that is already strained. It should be a key position in maintaining tribal relations, fostering partnerships and increasing outreach opportunities. As well as, fulfilling consultation on projects, programs and policy. This will require a designated TRPM at the forest level, preferably at each forest. Limited resources may only allow a minimum of 4 TRPM’s to be assigned in areas with the most tribes. These four FTE positions should not be established at a GS-11. These TRPM positions will not only require high level of competency in tribal government, environmental knowledge, conflict resolution, contracts & agreements, tribal law & federal regulations but will be meeting with tribal leaders, state agency administrators, and federal officials on behalf of Line officers. This would require the FS to make this a priority and allocate resources for Tribal Relations if the FS is serious about improving Tribal Relations.



- Enhance relationships and effective program delivery by holding periodic strategic meetings of tribal relations personnel from across the region.



## PROGRAM ASSESSMENT

For the

### PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN

- Coordinate with NEPA Planning, Recreation and Heritage on tribal collaboration throughout the planning process. Engage tribes in the development of project proposals, not just to solicit feedback on already developed proposals, but during scoping or other comment periods.
- Encourage the forest personnel to coordinate with tribes on the best way to communication on forest projects. Holding tribal forums and inviting all tribes with presentations by forest personnel on pertinent projects as well as inviting other agencies to present information to tribes would be a good standard to set on each forest,
- Meet with tribes to develop MOU's to outline protocols for effective and efficient consultation and communication, Plans of Intent for Inadvertent discoveries, Sacred sites/NAGPRA, NHPA/SHPO, NEPA. The current Heritage Program Managers have found this useful for coordination and because of turnover in positions within the FS and Tribes.
- Hire tribal members to be a Forest TRPM. This would be particularly key when it comes to Traditional Ecological Knowledge (TEK), as some tribes are reluctant to share this information with Forest Service and others. And by developing project/program language that best resolves an issue on the landscape.
- Increase tribes' awareness of, and access to, R5 grant writers that can assist with applications to USDA assistance programs and those of other agencies, such as the EPA. Develop a program that would assist Tribes' ability to successfully complete applications and write proposals for funding.
- Encourage and support tribal nations' efforts to create their own workforce.(i.e. Karuk Fire Department) Develop inclusive training and education to assist Tribes' development of Fire Departments that meet FS contractual readiness to be dispatched to a wildfire.
- Include valid land acknowledgements in FS social media posts and public statements, to further educate the public about the human history of the land the FS manage, and to show respect to the Indigenous people that were displaced from it. Land acknowledgements are increasingly becoming the standard in the outdoor community and in many public units.



#### ***Partnerships/Agreements and contracting***

- Coordinate with FS State & Private Forestry to inform, train, provide technical assistance on agreements & partnerships; Forest Stewardship and Forest Legacy Programs: Landowner Assistance; conservation easements; community forest program; outreach and education program; California Forest Improvement Program; Urban and Community Forestry grants and technical assistance.





## PROGRAM ASSESSMENT

For the

### PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN

- Establish master special use permits (MSUP) for activities when tribes may have a role in restoration efforts. On Sierra, for instance, they have an MSUP in place with a state recognized tribe. This has allowed the tribe to obtain much larger grants than they would otherwise.
- Engage intertribal organizations and other partners in initiatives to identify opportunities for partnerships and to leverage resources. When engaging intertribal organizations and other partners, be sure to include environmental groups, particularly the litigious ones. Projects and plans that are sustained through implementation require participation from all key stakeholders.

#### *Traditional Ecological Knowledge and Research*

- Engage with tribes to incorporate traditional ecological knowledge (TEK) in sustaining forest and grasslands. Develop a Tribal Engagement Roadmap. TEK is a proven alternative method to achieve landscape restoration and resiliency. Combined with FS practices and methods makes for a better outcome. Engage Tribes before any plans start. Develop trust and understanding and an avenue of communication so that it is already there. Keep the Tribes in the communication process. These partnerships will produce more resilient ecosystems, more productive ecosystem services, enhanced cultural resilience, and better economies, benefiting Indian Country and all components of the Forest Service.
- Besides just learning the federal regulations on tribal collaboration the Line Officers need One-on-One training from tribal members – be open, listen especially from traditional practitioners.
- There is opportunity to encourage mutually beneficial research projects that address tribally identified research needs in collaboration with the Pacific Southwest Research Station. Continue outreach and dissemination of information on collaborative research collaboration in habitat, water, conservation, and TEK.
- Provide funding in the Planning process for compensation to Tribal members as Subject Matter Experts (SME) in archeological survey and other information, monitoring and/or ethno-botany.



**PROGRAM ASSESSMENT**  
For the  
**PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN**

***Leadership Development***

- Provide training to line and staff officers, staff directors, and decision makers on Federal Indian law, policies, tribal perspectives, TFPA as amended for PL 638 and sacred sites protection. Meet with tribal members/elders, walk the land and learn of the tribal history and connection to the land and build relationships. New employee orientation should include more than AgLearn Tribal Relations training.
- Training needed for FS staff at all levels, FSH 1509-13 outlines core competencies, Tier 1, 2, 3 training for line and FS employees. Utilize tribal members and traditional practitioners for some training.
- Re-establish Forest Supervisor Tribal Relations Annual Report, R5 Consultation Database, and website update.
- Provide clear consistent direction from leadership to all employees, along with meaningful investment of time and resources to support these efforts. Forest Service allocate budget resources to Tribal Relations to sustain, enhance and uphold their trust responsibilities.
- Provide training for tribes on FS regulations, operations and opportunities to collaborate and contract.
- Establish position at region office for an Outreach/Training Coordinator to accomplish the recommended FS and Tribal training curriculum.

***Outreach and Recruitment***

- Work with Heritage Program and Tribal Historic Preservation Officers to promote tribal youth participation in preserving sacred places on National Forest System lands. Use FS resources as public land stewards to create opportunities for Indigenous youth. For example, set up a Forest Internship Research Student Training Program position for FS unit and help introduce more young people to positions within the Forest Service. Alternately, provide financial and material support to Indigenous-led cultural education programs.
- Develop internships with each tribe and FS personnel to place college students and grads in positions to gain FS experience. Coordinate internships with local colleges/universities and Tribal Colleges. Encourage Tribal recruitment in the Forest Service. Attend the Society of American Foresters conference and other native education conference.



## PROGRAM ASSESSMENT

For the

### PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN

- Provide national, regional, or local information sharing events (such as webinars) on Forest Service programs and procedures for potential tribal partners; contact region webmaster and update R5 Tribal Relations website with events, trainings, webinars, partnership opportunities; hold periodic webinars on tribal/FS participation opportunities. Maintain R5 TR consultation database.
- Develop standard procedures on each forest for Tribal access to FS lands for gathering of traditional plants. Educate the FS personnel on the Forest Service/BLM Traditional Gathering Policy and Forest Products for Traditional Use regulation.
- Hold conferences or seminars with FS and Tribes to review and revise policies to better reflect tribal engagement.
- To increase FS outreach and engagement, consider creating a calendar of Tribal events open to FS employees in order to provide learning and relationship opportunities.
- Highlight successes in tribal relations through all media platforms. Set up a database of regional and national successful tribal/FS collaborations.
- When providing training to tribes work close with tribal education, HR and TERO programs to develop education opportunities that could one day lead to Forest Service employment in Forest Service program areas.
- Fostering and investing in programs to build relationships and understanding is cheaper than litigation.



***Special Thanks to the Tribal Relations Strategic Planning Committee for their dedication to this endeavor.***

***Tribal Members:***

*Raymond Alvarez – Hewisedawi Band of Pit River Indians*

*Dirk Charley – Dunlap Band of Mono Indians*

*Carolyn Smith – Karuk Tribe , Executive Director, California Indian Basketweavers Association*

*Diania Caudell – San Luis Rey Band of Mission Indians*

*Cheryl Madrigal - Rincon Band of Luiseño Indians Cultural Resource Manager*

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*Joe Otts - RO NEPA, Objections, and Litigation Analyst*

*Stacy Hishinuma – Forest Health Protection Entomologist, SPF*

*Sonia Tamez – Retired FS Tribal Relations Manager*

*Cathy Meinert – Workgroup Lead & Karuk Elder*





**PROGRAM ASSESSMENT**  
For the  
**PRELIMINARY TRIBAL RELATIONS STRATEGIC PLAN**

**TRSP Committee**

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*Theresa Coreless – Ecosystem Planning Regional Litigation Coordinator*  
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*Jennifer Dyer – Six River NF Public Services Staff Officer*  
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*Frank Aebly – Mendicino NF District Ranger*  
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*Nolan Colegrove – Six Rivers NF District Ranger*  
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