

TRIBAL PARTNERSHIP COMPARISON MATRIX

Introduction to Matrix

Tribal partnerships play an integral role in integrating diverse perspectives and knowledge into natural and cultural resource management activities on National Forest System (NFS) and NFS-adjacent lands. Engaging Tribal Nations in restoration and management work not only upholds the Forest Service’s Trust Responsibility¹, but it also aligns with Forest Service directives for social equity, inclusivity, and outreach to underserved communities.

The corresponding [Tribal Partnership Comparison Matrix \(Matrix\)](#) serves to aid in the decision-making and implementation of Shared Stewardship and partnership

strategies between Tribal Nations, the Forest Service, and other partners. This Matrix explores several ways in which Tribes can engage in work with the Forest Service and delineates factors that uniquely impact Tribal Nations as sovereign entities. Project type, partner requests, trust land adjacency, and other criteria will all affect the decision to pursue any given agreement tool. Because Tribal Nations, Tribal communities, and Tribal organizations are unique stakeholders in forest land management, careful consideration of Tribal priorities should be exercised when selecting a means of engagement. This Matrix is a non-exhaustive tool, and Forest Service unit staff should consult their local Grants and Agreements (G&A) Specialist for additional information. Regional Office Tribal Relations Specialist, partnership coordinators, shared stewardship coordinators, and forest tribal liaison staff are also available to help strategize and navigate this effort.

The Tribal Partnership Comparison Matrix and Narrative have been condensed to provide a universal foundation on the authorities and agreements available between federally recognized Tribes and the Forest Service. Factors such as trust land status and federal recognition may exclude some communities from participating. As land managers and public servants, we recognize that Native Hawaiians, Alaska Natives, and non-federally recognized Tribes in the contiguous United States may be unable to benefit from some of these partnership tools.

Tribal Forest Protection Act

The Tribal Forest Protection Act of 2004 (TFPA) was established to provide a means for Tribal Nations to pursue projects that would protect their lands, rights, and resources. TFPA grants access to tools and agreements reserved exclusively for Tribal Nations, and in some cases permits exemption from certain agreement directives². TFPA enables Tribal Nations to request priority work to be completed on NFS and NFS-adjacent land as a sovereign entity themselves. As such, TFPA recognizes and emphasizes the government-to-government nature of the relationship between the Forest Service and Tribal Nations.

TFPA allows Tribal Nations to propose and initiate projects that are mutually beneficial to ancestral lands and NFS lands, and the associated Forest Service region must give each proposal special consideration³.

¹ Refers to the legal responsibility of the federal government to protect Tribal Nations’ rights and interests.

² See match requirement under Stewardship Agreements in Matrix.

³ Executive orders require Regional Foresters to respond to TFPA proposals in a timely fashion, typically within 120 days.

Under TFPA, the Forest Service can utilize any partnership agreement or authority that defines federally recognized Tribes as an eligible cooperator. Although the Forest Service can engage with Tribal Nations without TFPA, applying an approved TFPA project to an agreement tool may be more beneficial to the Tribe.

After signing a TFPA, the Forest Service can subsequently enter into agreements with a Tribe to implement the activities agreed to in the TFPA. Because TFPA does not obligate funds to the Tribe-proposed project, funding opportunities must be evaluated, and the correct agreement tool should be selected based on a project's financial needs and proposed work. Further, cooperators must be registered in System for Award Management (SAM). Consult G&A for further guidance.

Recent legislative changes emerging from the 2018 Farm Bill have allowed for greater implementation strategies and tools for participation between the Forest Service and Tribal communities. This enactment instituted and amended TFPA, included Tribal Biomass Demonstration Projects and P.L. 638 Agreements, as well as expanded Good Neighbor Authority (GNA) to include Tribal Nations.

While TFPA is an optional framework for many agreements, P.L. 638 Agreements must be created under a TFPA proposal. Tribes must have their project TFPA-approved before pursuing allowable activities on NFS and NFS-adjacent land through P.L. 638. After a project has been TFPA-approved, P.L. 638 Agreements may be initiated as a standalone agreement and cannot be added to an existing agreement.

TFPA Adjacency

While TFPA requires a Tribe to have trust land⁴ “adjacent” to a proposed TFPA project, adjacency itself is not explicitly defined in TFPA, as it is circumstantially satisfied by the potential risks incurred to Tribal lands, communities, and resources. The adjacency requirement would be met if the proposed project protects Tribal land, resources and communities from potential risks extended from Forest Service-administered lands such as fire, downstream watershed damage, or spread of invasive species.

Service First and Interagency Agreements

With Service First, a Tribe can partner with the Bureau of Indian Affairs (BIA)⁵, and the Forest Service can enter into an Interagency Agreement (IA) with the BIA. This allows the Forest Service to transfer funds to the BIA, and then directs the BIA to engage with the Tribe to disburse funds separately. All else equal, the Forest Service prefers to engage with Tribal Nations directly to enhance collaboration and communication directly between government-to-government. The BIA avenue of participation may sometimes provide opportunities for Tribal Nations to obtain funding for and complete priority work, and should be used if BIA is able to provide additional funding, services, work, or materials.

Master Agreement, Supplemental Project Agreement (SPA), and Stand-Alone Agreement

Master Agreements do not obligate any funding or authorize any work. They are general frameworks for collaboration that allow for tiered Supplemental Project Agreements (SPAs) to elaborate specifically for work on NFS lands. Project information and criteria will vary if a SPA is added to a Master Agreement. SPAs must be tiered to a Master agreement regardless of agreement tool, as they cannot be used as a standalone agreement. A SPA can help delineate specifications for projects, making them a useful tool for partners that

⁴ Refers to the land of which the U.S. holds the legal title, and the Tribe/Tribal member holds beneficial interest; land should either be in trust or restricted status.

⁵ “Service First Agencies” as defined by Service First MOU include Department of Interior, Bureau of Land Management, National Parks Service, and USDA Forest Service.

plan to establish several agreements with the Forest Service. Any matching requirements, if applicable, will be reflected when a SPA is tiered to a Master agreement. In the case of a Master Participating Agreement, the 5-year agreement term is only applicable if it is defined in a tiered SPA. Additional project-specific details (e.g. points of contact and payment information) should be characterized in a SPA. SPAs require periodic review, and additional project work not outlined in the original scope of work will require a new SPA.⁶

Any Master-SPA agreement pairing can also be combined into a single agreement to be a stand-alone agreement. Stand-alone agreements are most useful when multiple projects are not anticipated under one partnership framework.

Primary Benefits of Each Agreement Tool

Each agreement varies in the ways they affect both the Tribal Nation and the Forest Service. Though many variables distinguish one agreement from the next, below are predominant benefits that stand out for each agreement included in the Matrix:

[P.L. 638 Agreement](#) – P.L. 638 Agreements are reserved specifically for Tribal cooperators with trust land and allows for the most autonomy of the Tribe in implementation of the project. No match is required.

[Good Neighbor Authority](#) - Good Neighbor Authority gives more autonomy to the Tribe and allows for a longer agreement term than several other agreements (10 years). No match is required.

[Stewardship Agreement](#) - Stewardship Agreements are the only partnership agreement tool that allow forest product removal, and the value of which can be applied to offset the cost of the project. Additionally, the match requirement can be waived for Tribal Nations engaging in Stewardship Agreements within a TFPA-approved project.

[Challenge Cost-Share](#) – Challenge Cost Share Agreements have no specific Tribal benefits (even with a TFPA), but can be a simpler way of implementing a Tribal partnership project when Tribes want to have a more significant role in cooperatively developing, planning, and implementing a project. NEPA focused partnerships are best under Challenge Cost Share Agreements.

[Participating Agreement](#) – Participating Agreements have no specific Tribal benefits (even with a TFPA) but are most commonly used with partners for projects involving specific activities such as training, interpretive work, and prescribed fire.

[Service First](#) - Service First does not require agencies to assess indirect costs under an Interagency Agreement, which allows all costs to be applied to the project directly. Service First Agreements are best used with the BIA or another federal agency that can provide value-added services or funds towards project implementation.

Funding

It is important to note that none of the authorities or agreements referenced in the Matrix and Narrative come with appropriations of any kind. Funding sources for projects must be sought through grant opportunities and other avenues.

⁶ Master Agreements, SPAs, and standalones are applicable with a number of agreement types, including Stewardship, GNA, and Participating Agreements.

Conclusion

Many tools are available for Tribal Nations to utilize, and application of TFPA to these tools is strongly encouraged to benefit and address Tribal interest. The Forest Service has a desire to engage more and meaningfully with Tribal Nations, and while the tools delineated in these Matrix and Narrative should be implemented where appropriate, the Forest Service recognizes the limitations associated with our authorities and processes of engagement. Moreover, these Matrix and Narrative documents should be treated as living, non-exhaustive instruments. As legislation, policy, and decision-making evolves, so too will these documents.

Tribal partnership is a significant aspect of Shared Stewardship, lending itself as a strong collaboration for improving the management and health of NFS and NFS-adjacent lands. Engaging Tribal Nations in land management practices is a mutually beneficial, cross boundary strategy to advance the pace and scale of forest management initiatives. Further, implementing partnership strategies with Tribal Nations imparts and incorporates Traditional Ecological Knowledge (TEK) unto caring for the land. TEK can inform and complement ecological knowledge generated by Western scientific traditions to produce a better informed, more holistic and inclusive approach to land management.

Tribal Collaboration Best Practices

- Educate yourself on the history, relational complexities, and culture of the Tribal community you are serving. Do not assume to be an expert on a community's needs and priorities, and practice humility in your language or behaviors.
- At the center of any successful collaboration is a process for initiating and building relationships based on trust and mutual respect. Establishing trusting relationships is especially critical for partnerships designed to share cultural resources or expertise held by Tribal and nontribal organizations.
- Whenever possible, acknowledge the value of Indigenous expertise and contributions to partnership projects. Do not expect subject matter expertise (SME) or labor.

Additional Resources

[Intertribal Timber Council Website](#)

[Region 5 – Tribal Relations](#)

[Start a Partnership with the USDA Forest or Obtain Federal Financial Assistance: A Guide for Tribal Governments](#)

[USDA Tribal Consultation, Coordination, and Collaboration AgLearn Training](#)

[Forest Service Office of Tribal Relations Website](#)

[Forest Service Shared Stewardship Website](#)

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INITIATING FRAMEWORKS

| | Tribal Forest Protection Act | NATIVE Act | Tribal Biomass Demonstration | Good Neighbor Authority/ Agreement | Service First |
|---|--|---|--|--|--|
| Purpose | Provides process for tribes to propose projects that are of significance to tribal lands, culture, resources, etc. | Empowers tribes to engage in the recreation industry; Requires federal agencies with tourism and recreation elements to make their management plans and tourist initiatives inclusive of tribes | Promotes biomass (heat, biofuel, and electricity generation) as an effective way for tribes to develop energy sources, build tribal economies, and accrue revenue; Connects tribes to assistance with establishing a sustainable source of woody biomass through authorized projects | Allows USFS to enter into agreements with partners to pursue authorized restoration services. Can utilize Good Neighbor Agreements under Good Neighbor Authority | Established to promote Agencies' missions by implementing natural and cultural resource management programs, and pooling resources to achieve greater outcomes than any single agency could satisfy on their own |
| Allowed Activities | Proposed activities must take place on USFS or BLM administered lands. Projects should improve forest health by targeting fire, pathogen/disease/insect infestation, or other threats impacting tribal community and land; or they should address a need for restoration | Plans must: improve data collection and analysis of tourism; make public info and website more accessible; support national tourism objectives; identify programs to support tourism infrastructure in underserved tribal communities; develop tools that present and respect diversity of Native Americans; implement bilingual signage that honors local heritage; and/or improve transportation program access | Special consideration given to projects that: Increase dependability of local energy; benefit tribal economy; improve electric utility equipment and facilities serving the tribe; address forest health and/or watersheds on Federal or tribal land; invest in infrastructure development | Forest, rangeland, and watershed restoration services on NFS and NFS-adjacent lands; includes hazardous fuels, fish and wildlife, and insect/disease activities | Project must encourage implementation of 3 objectives: improving customer service; increasing operational efficiency; and enhancing stewardship of federal lands and resources |
| Corresponding Authorities and Amendments | Sec. 8703, 2018 Farm Bill; Sec. 202 Indian Tribal Energy Development and Self-Determination Act Amendments of 2017 (P.L. 115-325) | P.L. 114-221 | Project must be TFPA-approved (amended in section 8703, 2018 Farm Bill) | Agricultural Act of 2014 (P.L. 113-79); Sec. 8624, 2018 Farm Bill (P.L. 115-334) | Sec. 330 of the DOI and Related Agencies Appropriations Act of 2001, P.L. 106-291, 114 Stat. 996, 43 U.S.C. 1701 note, as amended by Section 428 of the DOI, Environment, and Related Agencies Appropriations Act of 2006, P.L. 109-54, 119 Stat. 555, as amended and extended through fiscal year 2012 and each fiscal year thereafter under Sec. 422 of the Consolidated Appropriations Act of 2012, P.L. 112-74 |
| Eligible Partner(s) | Federally-recognized tribes and tribal organizations; Alaska Natives and Alaska Native Corporations not eligible | Federally-recognized tribes, tribal organizations, Native Hawaiian organizations, Alaska Native Corporations | Federally-recognized tribes and Alaska Native Corporations | Federally-recognized tribes, tribal agencies, states, counties | DOI, BLM, FWS, NPS, USFS (aka "Service First Agencies") |
| Matching \$ (for SPAs) | May be required depending on agreement tool selection | N/A | May be required depending on agreement tool selection | Not required, but recommended | Not defined in Service First MOU; must describe financial expectations of each agency in a project's funded Interagency Agreement |
| Trust Land Adjacency | Project meets adjacency requirement if it protects/restores traditional tribal resources, or if threat targeted could extend to tribal lands; tribes not required to have trust lands within national forests to be eligible | N/A | Adjacency not required, but special consideration given to trust land status | Adjacency not required, but project activities must be complimentary | N/A |
| Engagement of Tribal Crews | USFS not required to hire tribes for TFPA projects, but tribes can provide crews if it is best value; tribal members engagement usually determined through contract/ agreement with tribal government | NATIVE Act aims to establish jobs and encourage workforce development for tribes in travel and tourism industries | Tribes can contract work to perform functions of project | USFS can hand over complete work authority (except for managing timber revenue/receipt retention and NEPA) to the tribal partner | Tribal work authorization not explicitly defined |
| Timber & Biomass Utilization | Forest product and timber production permitted with TFPA under certain agreements | N/A | Under Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, tribal biomass demonstration TFPA projects allows for the utilization of biomass; Merchantable timber cannot be utilized in project | Retained timber receipts cannot be used unless by State; non-revenue generating projects with tribes encouraged | Forest product removal not permitted |
| Maximum Agreement Term | Determined by agreement tool selected for project | N/A | 20 years; potential for renewal for additional 10 years | 10 years | 5 Years |

AGREEMENT TOOLS

| | 638 Agreement | Stewardship Agreements | Challenge Cost-Share | Participating Agreements |
|---|--|---|---|--|
| Purpose | Tool to fund and implement priority work under an approved TFPA project proposal by tribe on NFS land | Aids in accomplishing natural resource management objectives between cooperator and USFS | Enables USFS to plan, develop, and implement projects with partners that have mutual benefit and interest | Provides partners ability to perform work that yields non-monetary mutual benefits |
| Allowed Activities | Project should: address need for restoration; mitigate threats to trust land and/or surrounding community (e.g. fire and diseases); involve tribe-specific issues (e.g. cultural, historic, legal) | Must meet one of 7 Land Management Goals: Road and trail maintenance; soil productivity; Rx fire; vegetation removal for fire hazard reduction, forest health; watershed restoration/maintenance; fish and wildlife habitat; noxious and exotic weed control and native species reestablishment | Project must enhance FS activities. Allowable activities include habitat restoration, campground enhancements, conference development | Project must address: Pollution abatement; job training/workforce development; publication of forestry history materials; interpretive services; forest protection; Rx fire; watershed restoration |
| Corresponding Authorities and Amendments | Project must be TFPA-approved (amended in section 8703, 2018 Farm Bill) | Stewardship End Result; Contracting (P.L. 108-7); Agricultural Act of 2014 (P.L. 113-79) | Interior and Related Appropriations Act of 1992 | Cooperative Funds and Deposits Act of 1975 (P.L. 94-148); Wyden Amendment (P.L. 111-11); Secure Rural Schools and Community Self-Determination Act of 2000 |
| Eligible Partner(s) | Federally-recognized tribes and tribal organizations; Alaska Natives and Alaska Native Corporations not eligible | Any non-federal entity | Any non-federal entity | Any non-federal entity |
| Matching \$ (for SPAs) | Not required | At least 20% - Match can be waived for tribes engaging in stewardship agreements under TFPA | At least 20% | At least 20% |
| Trust Land Adjacency | Should reasonably satisfy adjacency of tribal trust lands; has to affect tribal land but doesn't need to directly border NFS lands | No adjacency requirement | No adjacency requirement | No adjacency requirement |
| Engagement of Tribal Crews | Tribes can contract work to perform functions of project | 100% of the work can be subcontracted if TFPA authority is used | If USFS subcontracts tribal member(s) to complete work, tribe should provide significant cash contribution toward labor costs | Tribes can subcontract work |
| Timber & Biomass Utilization | No authority in 638 that allows timber removal; retained receipts cannot be used | Forest product removal permitted and value can be traded to offset cost of services | Forest product removal not permitted | Forest product removal not permitted |
| Maximum Agreement Term | Typically 5 years | 10 years; 20 years for select projects that address high fire risk | 5 Years | 5 years |