

Tribal Perspective on the NW Forest Plan
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Good morning everyone

I'm a Hoopa Council member and I spent 4 years on the Hoopa Valley Tribal Council

We are a timbered tribe and my perspectives in tribal government are from a multifaceted perspective.

I'm employed as the executive director for by California Indian Fire and Forest Management Council. It's a non-profit organization, that intertribal driven. We have 15 to 20 tribes, throughout California forestry and fire program

I'm also the executive director for the Klamath River Inter-tribal Fish and Water Commission.

So my everyday itinerary looks along the lines of protecting tribal rights and looking at natural resource management not only pro timber but from the water management prospective.

So I bring to the table the experience in both fighting for water rights and appropriate land management usage. I also understand the commodity of timber resources in our area.

I should point out my father is our spiritual leader at Hoopa and we are still doing our religious activities the ways our creator has given them to us. So we fully understand the importance of tribal resources in the forest. My wife is a native basket weaver. She has been taught the art of basket weaving from her great grandmother. So we also understand the cause and effect of using herbicides and pesticides and other things that some private companies may want to use to minimize workloads and maximize profits in the timber commodities. So I think that I'm safe in saying that I understand the complexities of land management from a tribal perspective. I want to share with you today, my thoughts on the NW Forest Plan and my years of experience with the Intergovernmental Advisory Committee.

Back in 1995 when I first got back on the Tribal Council at Hoopa, our forest manager Nolan Colegrove, who is also the President of the Intertribal Timber Council, came in and said that we had problems. We got people in areas with endangered species namely the spotted owl, which is raising some havoc in the same area. We need to do something on how we manage our lands. Although we have a 90,000 acre reservation which is the largest in California, we are not subject to the Northwest Forest Plan because we have adopted our own forest management plan. We do have a vested interest in a lot of aboriginal territory which is located outside of our reservation. Especially for subsistence issues such as harvesting tan oak and mushrooms, or looking at special wood products that we use in our ceremonies such as yew wood and Port Orford Cedar stands. We also have prayer sites that are located outside of our reservation and outside of our

reservation jurisdiction. So that requires us to work closely with land management agencies. In our area it's the Forest Service. The reason that I'm giving you these examples is that I realize that each tribe has its own scenarios for your particular land base. So I'm going to share some of the issues and spark some interest with issues that other tribes have with issues.

I think the low numbers of interest with consultation is that many tribes don't realize the real impact that the NW Forest Plans has on lands of interest with tribes.

I do know that tribal leaders understand that tribes are impacted from outside agencies just because of the trust relationship that we have.

At Hoopa, when the spotted owl shut down timber production. That had a huge economic effect, because the mills that typically bought Hoopa timber shutdown, then when we had timber sales for bid, then we had fewer bids and the price went down for the Tribe. Now that's the only source of discretionary funding for the tribe. There's a notion that tribes are wealthy, but that's only true of tribes with gaming down in the populated areas like in San Diego. That's not the case for tribes located in the Northwest Forest Plan. Several of the tribes in our area rely on the timber commodity, so we can hire our attorneys to fight for our issues. So when there's less people bidding on timber then there is less money, so the Hoopa Tribal Council has been interested in what's going on with the National Forests.

The Karuk Tribe has one of the largest aboriginal territories but don't have any established reservation for them to have management control over. They have zero jurisdiction over lands other than a MOU they have with the forest service on how those lands are managed. They know when timber sales are going on in a significant area. They know when a proposed road is going on in a prayer sites. So in the past, they've had a confrontational relationship with the forest service. The government to government between the federal agencies and tribes is only as good as the people who are trying to implement them. The tribal leaders at the table and the ability to communicate with the district rangers or line officers, so if they can't communicate, you will have a break down in the government to government relationship.

I think that's because of all the scar tissue that has existed over the years and I think that has an impact on the ability to have meaningful consultation today. Its no surprise to me that tribal leaders are not jumping at the chance to come and attend meetings that they have not had a good experience. That's not to punish or belittle the current effort, but they have to realize that they are inheriting those years of hardship.

So when you look at the Northwest Forest Plan and the intent that was put forth, you need to look at what Clinton was facing at the time. It was a "push pull" thing between the conservation groups that are out there with the philosophy that cutting old growth tree is a bad thing, and also groups that say any harvesting of trees on public land is bad thing. You've got tribes that have jurisdiction over their timber stands that need revenue to protect sovereignty. You have other tribes that don't have timber lands but really care and rely on fisheries run and are interested in the water is not polluted and rely on the best science to protect those species. So you really have the "push pull" variables that are coming from different gametes even within the tribal country itself. Its important to know that tribal country and tribal governments are not united on what

parts of the forest plan they like and don't like. That's not a mystery. When you have a one size fits all policies and expect inter-tribal groups to represent their interest, then perhaps that turns tribes off. I cannot speak on behalf of tribes from California. I'd be a fool if I thought I could. By no means do I want to interfere with the government to government consultation that is afforded them by their treaties and executive orders and statutes that have established each tribe, but at the same time, if they don't have the resources or the time to come and advocate for their rights. I certain will try my best to do so. Especially in those areas where tribes will not want to see our entire watershed polluted. I don't think any tribe would want their sacred sites bulldozed through when there's a fire.

But I do think there are opportunities that are available to better serve the communication capacity. Let's face it, tribal people are busy too. I was encouraged to see the number of people that attended the tribal leaders' forum. It's a complicated issue and the acronyms themselves will drive a person crazy. I'm still learning after all these years since 2001.

To summarize, it's a complex issue, the agencies responsible are grappling with philosophies of differences. The tribal country will want more consultation and input. What is looks like and when does it occur is what remains to be seen. I think you will see more debate in the future of what logging will look like. I come from a family of loggers and we debate a lot about old logging practices and present logging practices. In our area we have debate between basket weavers, hunters, fisherman with some of the tribal people that want to "hose" everything. They don't understand the leave snags in these high lead corridors for the woodpeckers and birds can use those, but cause extra time for the loggers to pull logs around these corridors.

These are the things we see on an everyday basis. My job is to help you better understand some of the issues and encapsulate tribal concerns, so that when we meet the leaders they will understand what's going on in your neck of the woods. Some of the Forest Service leaders live back east so if it needs to be changed or modified, we need to let them know it.

Here's what the tribal leaders forum came up with.

Results

The group shared dialogue for much of the day, and then came up with the following observations and recommendations for each of the focus areas.

How successful has the federal lands managed in the NWFP been in providing a higher degree of protection for trust resources and resources of tribal concern on public lands and in preserving the capacity of tribes to manage resources on reservation lands?

The success of federal land management in the NWFP depends on the tribe's viewpoint towards management and how the federal government has been involved in the consultation process. The tribes could be divided into two general perspectives. One group of tribes are protecting and managing their forest resource as an economic purpose. Their tribal government depends on revenue for operations and the tribal members depend on forest management to provide employment. The other group of tribes seeks to protect their forest resources without a concern about its economic importance.

Some tribes feel like the regulatory agencies such as the National Oceanic and Atmospheric Administration National Marine Fisheries Service and the U.S Fish and Wildlife Services are protecting treaty rights through their administration of the Endangered Species Act and other environmental laws, but fail to consult with tribes.

The tribes feel that local consultation works well with combining formal and informal process. The tribes at this meeting felt that consultation failed when the national level proposed new laws and policies without coordinating the consultation process at the local level.

What insights can traditional ecological knowledge contribute to the body of information regarding the effects of the management regime established by the NWFP on natural resources?

Traditional ecological knowledge can expose new ways of looking at nature's patterns and natural resource management. The tribal people are integrated with these patterns of nature through their culture and traditions. For example, the stick in a tribal stick game has the same spiral pattern as a lightning tree. Each tribe and tribal family may place different values on the symbolism of those sticks, the games and legends. Tribes have used the forest resources for medicine, sustenance, and places of worship through centuries of watching nature's patterns.

Tribes have watched these patterns for centuries and the traditional ecological knowledge has been reinforced through legends and traditions. Tribes know the importance to protect and treasure the uniqueness of each pattern and tradition, since they've been kept for centuries. The patterns are the values of the families and tribes and they're genetically tied to families and shared values with nature.

The tribes can contribute traditional ecological knowledge to the body of knowledge regarding the effects of forest management, but trust between tribal people and the research community has always been difficult to relay insights between the two cultures.

It's important to tribes to have access to areas where this knowledge has been practiced over the years and if the federal agencies restrict this access in the future, then this valuable knowledge may be lost or adversely impacted.

What improvements can be made to agency government to government consultation processes to more effectively and efficiently address tribal concerns over the impacts of forest management on federal lands managed under the NWFP on trust resources?

The tribes and representatives at the meeting brought up three issues as it relates to effectively improving the consultation process.

First, the federal agencies should not confuse the popular word "collaboration" in lieu of consultation. The federal agencies should not request a tribe to seek the intentions of tribal

group, as it relates to management of an area where tribes have concerns. The federal government may start mixing interests groups and tribal governments when it involves the NEPA process, but it needs to make clear that the federal agencies are consulting with tribes as a government instead of an interest group in the name of collaboration.

Second, tribes and tribal representatives have provided information through the consultation process, but at times the advice and recommendations have been gathered by the federal agencies and disappeared without a response to the outcome.

The tribal representatives, along with state and county representatives made recommendations to the Intergovernmental Advisory Committee (IAC) for the Survey and Manage issue back in 1999. The federal executives from IAC took the information and later met in Washington, D.C. with the Council of Environmental Quality. The tribal and other non-federal representatives never received any feedback on what happened to their recommendations. The recommendations were validated at the time of the presentation similar to general public comments, but not treated as consultation.

The decisions that the line officers administer within the NWFP do not have to agree with the tribal perspective 100% of the time. The tribes do want to hear feedback about how their input was heard, what issues were agreed upon, what issues were disagreed upon, what points were persuasive, and how they can be more effective in the future as an advocate. Once the feedback loop is closed, then tribes can improve partnerships to help create a successful NWFP in the future.

Third, the continual federal and tribal leader turnover within the NWFP area creates a difficult consultation and relationship-building environment. The representatives at this meeting thought there should be an ongoing orientation process for both federal and tribal leaders. The group thought that there should be a NWFP 101 consultation video developed for leaders and the video should be frequently updated. A video was developed from a workshop ten years ago, but it should be updated and distributed.

What is the best way to monitor the effects and impacts of the NWFP on tribal communities and resources of tribal concern?

The tribal representatives thought the federal agencies should look at different options for performing the monitoring activities on the NWFP. The monitoring process for consultation is currently completed through interviews by the tribal liaisons from the federal agencies. The Tribal Monitoring Advisory Group (TMAG) developed a draft questionnaire from the pilot project completed by George Smith, which was later changed by the Forest Service without tribal input before the interviews were initiated. The tribal liaisons from the federal agencies completed interviews as an internal process. The results have been shared with the TMAG.

The tribal representatives at the meeting thought there should be some monitoring by a tribal external group, such as one of the inter-tribal organizations. The tribal representatives also thought that the questions should be reviewed and revised if

necessary and also review the consultation monitoring process, since it seemed to take a long time to complete.

Summary

Most of the recommendations made from this one-day gathering will be reflected in the larger report on the Northwest Forest Plan Monitoring: Effectiveness of the Federal-Tribal Relationship. The participants in this meeting also felt that issues of concern not only remained unchanged under the plan but also may become more complex because of the increased involvement by the regulatory agencies