



**NORTHWEST  
FOREST PLAN**  
THE FIRST TEN YEARS (1994–2003)

# Effectiveness of the Federal-Tribal Relationship

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## ACKNOWLEDGMENTS

Ten years of management under the Northwest Forest Plan have brought significant changes to relationships between federal agencies and American Indian Tribes in the region. Developing a process to evaluate this relationship was an unprecedented effort that would not have been possible without the cooperation of dozens of individuals representing federal and tribal organizations. This report summarizes the findings for the tribal monitoring module. The tribal monitoring protocol and methodology were developed through the efforts of George Smith, Calvin Mukumoto, the Intertribal Timber Council, the Tribal Monitoring Advisory Group, and the Regional Interagency Executive Committee. Bruce Crespín, George Smith, Sandi Tripp, and Sonia Tamez collaborated to compile the initial draft of this report. The report was revised by Claudia Stuart in response to comments from management reviewers. Peer and management reviewers made recommendations that resulted in the final version of the report, which was produced by Claudia Stuart and Kristen Martine. Tribal governments that participated in the monitoring interviews must be commended for their willingness to express their views. Their candor provides valuable insights and serves as the foundation for future program direction. Participating federal officials deserve equal recognition for their contribution to the implementation of the program, as do the Regional Monitoring Team and Team Leader.

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## **Abstract**

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This report summarizes the results of a monitoring program designed to evaluate the effects of the implementation of the Northwest Forest Plan implementation on federal-tribal relationships. A total of 76 federally recognized tribes consult with land managers in the Plan area about resources, places of interest, and the quality of the federal-tribal relationship. The views of 15 Plan-area tribes are presented as well as the results of a Plan Review held in 2003 and a Tribal Forum held in 2005.

Key topics addressed by tribal monitoring are the conditions and trends of resources protected by treaty or of interest to American Indian tribes, and access to those resources; the condition of and access to sites of religious and cultural heritage; and the quality of the government-to-government relationship. A 14-question interview was used during formal, face-to-face consultations between tribal government representatives and federal agency officials to collect monitoring information.

Tribal opinions regarding these topics vary, but several conclusions can be drawn from the monitoring information collected. Tribes felt that the condition of aquatic and riparian habitats, fisheries, and forest health has improved under the Plan. Cooperative relationships between federal and tribal leaders are more productive under the Plan, partnerships have been formed to implement projects on the ground, and some tribal resource needs have been accommodated. Tribes prefer “layered” consultations that combine informal staff contact with formal government-to-government consultation. The tribes felt that the planning process sometimes slows management of trust resources and resources of interest on the ground.

Keywords: effectiveness monitoring, tribal resources, Northwest Forest Plan, American Indian tribes, cultural sites, consultation, resource management, federal-tribal relations.



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Ken Wilson

## **Preface**

This report is one of a set of reports produced on this 10-year anniversary of the Northwest Forest Plan. The collection of reports attempts to answer questions about the effectiveness of the Plan from new monitoring and research results. The set includes a series of status and trends reports, a synthesis of all regional monitoring and research results, a report on interagency information management and summary report.

The status and trends reports focus on establishing new baselines of information from 1994, when the Plan was approved, and reporting change over the 10-year period. The status and trends series includes reports on late-successional and old growth forests, northern spotted owl population and habitat, marbled murrelet population and habitat, watershed condition, government-to-government tribal relationships, socio-economic conditions, and monitoring of project implementation under Plan standards and guidelines.

The synthesis report addresses questions about the effectiveness of the Plan by using the status and trends results and new research. It focuses on the validity of the Plan assumptions, differences between expectations and what actually happened, the certainty of the findings, and, finally, considerations for the future. The synthesis report is organized in two parts: Part I – introduction, context, synthesis and summary and Part II - socioeconomic implications, older forests, species conservation, the aquatic conservation strategy, and adaptive management and monitoring.

The report on interagency information management identifies issues and recommends solutions for resolving data and mapping problems encountered during the preparation of the set of monitoring reports. Information management issues inevitably surface during analyses that require data from multiple agencies covering large geographic areas. The goal of this report is to improve the integration and acquisition of interagency data for the next comprehensive report.

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## Introduction

### The Plan

In the early 1990's, controversy over harvest of old-growth forests led to sweeping changes in management of federal forests in western Washington, Oregon, and northwest California. These changes were prompted by a series of lawsuits in the late 1980's and early 1990's, which effectively shut down federal timber harvest in the Pacific Northwest. In response, President Clinton convened a summit in Portland, Oregon in 1993. At the summit President Clinton issued a mandate for federal land management and regulatory agencies to work together to develop a plan to resolve the conflict. The President's guiding principles followed shortly after the summit in his *Forest Plan for a Sustainable Economy and Sustainable Environment* (Clinton and Gore 1993).

Immediately after the summit, a team of scientists and technical experts were convened to conduct an assessment of options (FEMAT 1993). This assessment provided the scientific basis for the Environmental Impact Statement and Record of Decision (ROD; USDA and USDI 1994) to amend Forest Service and Bureau of Land Management planning documents within the range of the northern spotted owl (*Strix occidentalis caurina*).

The ROD, covering 24 million federal acres, put in place a new approach to federal land management. Key components of the ROD included a new set of land use allocations – late successional reserves, matrix, riparian reserves, adaptive management areas, and key watersheds. Plan standards and guidelines provided specific management direction regarding how these land-use allocations were to be managed. In addition, the Plan put in place a variety of strategies and processes to be implemented. These included: adaptive management, an aquatic conservation strategy, late successional reserve and watershed assessments, a survey and manage program, an interagency organization, social and economic mitigation initiatives, and monitoring.

Monitoring provides a means to address the uncertainty of our predictions and compliance with forest management laws and policy. The ROD stated that monitoring is essential and required:

*Monitoring is an essential component of the selected alternative. It ensures that management actions meet the prescribed standards and guidelines and that they comply with applicable laws and policies.*

*Monitoring will provide information to determine if the standards and guidelines are being followed, verify if they are achieving the desired results, and determine if underlying assumptions are sound.*

Judge Dwyer reinforced the importance of monitoring in his 1994 decision declaring the Plan legally acceptable:

*Monitoring is central to the [Northwest Forest Plan's] validity. If it is not funded, or done for any reason, the plan will have to be reconsidered.*

The ROD monitoring plan provided a very general framework to begin development of an interagency monitoring program. It identified key areas to monitor, initial sets of questions, types and scope of monitoring, the need for common protocols and quality assurance, and the need to develop a common design framework. In 1995, the effectiveness monitoring program plan (Mulder and others 1995) and initial protocols for implementation monitoring (Alegria and others 1995) were approved by the Regional Interagency Executive Committee. Approval of the effectiveness monitoring plan led to the formation of technical teams to develop the overall program strategy and design (Mulder and others 1999) and monitoring protocols for late-successional and old growth forests (Hemstrom and others 1998), northern

spotted owls (Lint and others 1999), marbled murrelets (Madsen and others 1999), tribal (Bown and others 2002), and watershed condition (Reeves and others 2004). Socio-economic monitoring protocols continue to be tested (Charnley and others 2005).

Periodic analysis and interpretation of monitoring data is essential to completing the monitoring task critical to completing the adaptive management cycle. This important step was described in the overall monitoring strategy (Mulder and others 1999) and approved by the regional interagency executive committee. This 10-year report is the first comprehensive analysis and interpretation of monitoring data since the ROD.

### American Indian Tribes and the Plan

Today, 76 federally recognized American Indian tribes are influenced by Plan management direction (Figure 1, Appendix A). These Indian nations either govern lands that fall within the range of the northern spotted owl, or retain rights to resources on and use of public lands within this range. Indian tribes and their respective reservation lands are treated as sovereign nations by the US government, and as such engage in government-to-government consultation with federal agency officials about lands and resources influenced by the Plan.

This report summarizes the results of a monitoring program designed to evaluate effects of Plan implementation on federal-tribal relationships and on tribal rights and interests. The views of 15 Plan-area tribes are presented, and a complete census of Plan-area tribal perspectives has been planned. The perspectives of all 76 tribal governments will provide valuable insights into tribal relationships with federal forests and managers in the Plan area. The results of a Plan Review held in 2003 (Thomas 2003) and a Tribal Forum held in 2005 (Motanic and George 2005) are presented, and a summary of the development of the monitoring program is provided. Finally, recommendations are made for future direction regarding monitoring and government-to-government consultation under the Plan. Supplemental

information related to social and economic effects of the Plan on tribal communities can be found in the socio-economic monitoring report for the Plan (Charnley and others 2005).

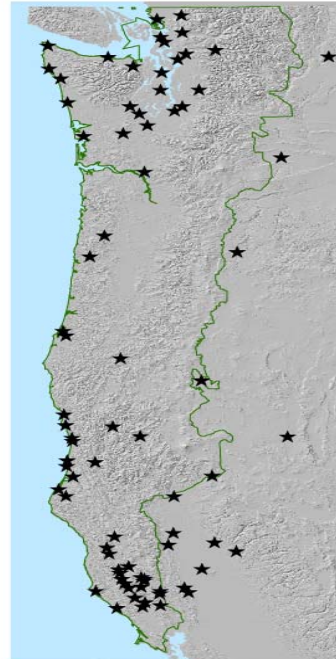


Figure 1. Plan-area tribal government locations. See Appendix A, Figures A-1 through A-3 for detailed maps of tribal government locations.

## Background: American Indian Tribes and the Federal-Tribal Relationship

### American Indian Tribes

American Indian peoples in the Pacific Northwest and northern California say their ancestors resided in the region for time immemorial. These culturally diverse communities have relied on the natural environment for their livelihood for millennia. Even today, tribal members depend on the natural landscape for hunting, fishing, collecting, economic well-being, and traditional cultural and religious practices. American Indian tribal members feel a deep connection to the natural landscape and express:

*...maintaining traditional ways is very important to many Indians for a variety of reasons. It provides a sense of cultural identity which contributes to individual and community health; it preserves a way of living that emphasizes sustainability; and it supports a local economy that not only represents material wealth to its participants but incorporates methods of sharing and trading goods that are part of the cultural heritage (Intertribal Timber Council 1993).*

A consequence of this connection to the landscape is that federal management of wildlife and plant habitat, and locations used for traditional activities on federally administered public lands can affect tribal rights and interests. Tribal rights and interests are protected by treaties, and Constitutional and other legal authorities, all of which shape the unique legal relationship between American Indian tribes and the US government that exists today.

### The Federal-Tribal Relationship

The political autonomy of American Indians is secured by the US Constitution, executive orders, ratified treaties and

agreements, various statutes, and judicial rulings (Kappler 1972; Prucha 1994; Tiller 1996). These authorities not only support tribal sovereignty, or the inherent power to self-govern, but also ensure that lands and resources will be held in trust for tribes by the US government. Federal agencies with trust responsibilities must protect Indian-owned assets and natural resources on Indian trust lands, and provide for the exercise of Indian rights and interests on federal lands (USDA FS 1997).

In the Plan area, tribal rights, interests, and access to resources and areas are protected to varying degrees by treaties, statutes, and judicial decisions. Ratified treaties protect the rights and interests of 22 tribes in the Plan area, mainly those in Washington and Oregon. When lands were ceded to the United States by treaty in the Pacific Northwest, Indian nations reserved the right to continue using resources and occupy ceded lands. Treaty reserved rights include taking fish, hunting, gathering, grazing, and trapping.

Federally recognized tribes in the Plan area that do not hold ratified treaties, mainly those in California, are afforded the same sovereign status and trust relationship with the US government as tribes that hold treaties. These tribes acquired federal recognition through a variety of means including agreements and executive orders, statutes, adjudication, and case law.

The trust relationship, laws, regulations and orders require federal agencies to consult with tribes about federal actions that may affect tribal rights and interests. Consultation takes place at the government-to-government level between federal line officers with decision making authority and designated tribal representatives. Agency officials and Indian tribes have a mutual interest in addressing concerns about federal forest lands. Federal-tribal relations, and consultation between federal agencies and tribes, afford opportunities to cooperate and manage federal lands for the mutual benefit of tribes and agencies.

Guidance for government-to-government consultation and coordination between Indian tribes and federal agencies is provided in Bureau of Land

Management and Forest Service operational manuals and handbooks (USDI BLM 1990 and 1994; USDA FS FSM 2004 and FSH 2004), and executive and secretarial orders. In the Plan area, memoranda of understanding between individual tribes and agencies further define government-to-government consultation, and may also address off-reservation tribal rights and interests on federal lands, including traditional activities like gathering mushrooms and burning.

In most cases, federal agency responsibilities apply to actions under their authority on lands they administer. In performing their missions, federal agencies assess proposals for possible effects to Indian treaty rights, off-reservation treaty resources and other tribal interests. If tribal interests may be impacted, government-to-government consultation can identify potential effects and consider alternative options and mitigations.

## Plan Expectations and Direction

As discussed in the *Introduction* section of this report, implementation of the Plan changed management direction for lands administered by the FS and BLM. During Plan development, land managers recognized that implementation of new management strategies could affect the exercise of tribal rights and interests. Potential effects of each alternative presented in the Plan on the exercise of treaty rights and access to trust resources were evaluated in the Federal Ecosystem Management Assessment Team report (FEMAT 1993) and in the Final Supplemental Environmental Impact Statement (SEIS) on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (FSEIS; USDA and USDI 1994).

The FEMAT analysis identified impacts of management on Native American uses and values as a key issue in policy development. The report predicted that implementation of the Plan could affect access to and the condition of trust resources protected by treaty and important to Native American groups, but concluded the

effects could not be fully analyzed in advance of Plan implementation. The FEMAT report recommended that agencies consult and coordinate with tribes to evaluate potential effects of Plan implementation, specifically in regard to how agency programs could affect tribal spiritual beliefs (FEMAT 1993).

Additional analysis in the Final SEIS for the Plan concluded that implementation was not expected to affect American Indian rights or interests, or impose additional conservation burdens on tribes or reservation lands. The Plan predicted the exercise of Indian religious freedom on federal forest lands would not be affected, nor would programmatic direction in the FSEIS impact the condition of Indian trust resources. Implementation of Plan standards and guidelines was assessed as having the potential to affect Indian practices and activities, but provisions were included in the Plan for review and resolution of potential conflicts. The Final SEIS stated fewer cultural sites would be discovered and fewer sites impacted by implementation of the Plan. Plan analysis also predicted tribal fisheries would benefit from Plan implementation as a result of improved habitat conditions on federal lands (FSEIS; USDA and USDI 1994).

The Record of Decision (ROD) for the plan concluded that American Indian trust resources on public lands affected by Plan implementation would be protected more effectively than under existing management plans. The ROD directed land managers to identify trust resources that might be affected by planning efforts, and to identify potential conflicts between treaty rights or tribal trust resources and federal actions early in the planning process. Conflict resolution would take place collaboratively and on a government-to-government basis consistent with the federal Government's trust responsibilities. Where treaty rights were restricted or conflicts occurred as a result of implementation of Plan standards and guidelines, the Regional Ecosystem Office (REO) would conduct a review to evaluate whether:

1. Restrictions are reasonable and necessary for preservation of the species at issue

2. The conservation purpose of the restriction cannot be achieved solely by regulation of non-Indian activities
3. The restriction is the least restrictive alternative available to achieve the required conservation purpose
4. The restriction does not discriminate against Indian activities as stated or applied
5. Voluntary tribal conservation measures are not adequate to achieve the necessary conservation purpose (ROD; USDA and USDI 1994).

In 2001, the Plan's survey and manage guidelines were amended to clarify the nature of federal-tribal trust responsibilities, which include facilitating tribal occupancy and use of federal forest land, and use of resources for traditional cultural and spiritual purposes (USDA and USDI 2001).

## Plan and RIEC Evaluation Questions

Under the Plan the FS and BLM are required to monitor the effects of Plan implementation on American Indian treaty rights and trust resources on public lands. The 1994 ROD required that monitoring evaluate effects of the Plan in reference to the following questions:

- What are the conditions and trends for trust resources identified in treaties with American Indians?
- Are sites of religious and cultural heritage being adequately protected?
- Do American Indians have access to and use of forest species, resources, and places important for cultural, subsistence, or economic reasons, particularly those identified in treaties? (ROD; USDA and USDI 1994)

A corresponding set of key monitoring items to be evaluated by the monitoring program were identified in the 1994 ROD. Key monitoring items reflect changes in resource condition or access, and therefore serve as measures for how Plan management direction affects resources and access. Key monitoring items for American Indians and their culture are:

- Condition and trend of American Indian trust resources
- Effectiveness of the coordination or liaison to assure protection of religious or cultural heritage sites
- Adequacy of access to resources and to the vicinity of religious or cultural sites (ROD; USDA and USDI 1994)

In addition to Plan direction, the Regional Interagency Executive Committee (RIEC), which oversees Plan implementation, directed the monitoring team to document examples of the following in the year 2000:

- Federal agency processes that fulfill Plan responsibilities
- Cooperative relations between federal and tribal leaders
- Consistency in interagency coordination
- Responses to tribal information that identify specific resource needs
- Instances where tribal needs have been accommodated

# Monitoring Program History and Development

## Pilot Study Methods

The 1994 ROD provided general direction for the monitoring program, but did not specify how monitoring should be accomplished. In 1999 the Regional Interagency Executive Committee (RIEC) and the Intergovernmental Advisory Committee (IAC) asked the Intertribal Timber Council (ITC) to conduct a pilot study to evaluate approaches to monitoring the effects of Plan implementation on government-to-government consultation between federal agencies and tribal governments (Smith and Mukumoto 2000). The study was conducted at the regional level, and sought to address the following three questions:

1. How and to what degree is government-to-government consultation being implemented under the Plan?
2. Is the consultation occurring because of effects on resources of tribal interest on federal lands or trust resources on tribal lands?
3. How effective are the government-to-government consultations in accomplishing the goals and objectives of those consultations?

The RIEC issued a memorandum in 1999 notifying tribal government representatives about the pilot study. ITC and the RIEC worked together with Pacific Management Associates, a privately owned contract company, to formulate the pilot study. Pacific Management Associates finalized and administered the study in 2000.

The resulting pilot study was a two-part survey. First, a 74-composite question survey was mailed to tribal and federal agency representatives for review. Survey questions were based on Plan standards and guidelines that address tribal interests, land use, and collaboration with federal agencies. After completion of the 74-

question survey, a follow-up interview designed to document perspectives on the utility of the initial survey was conducted over the phone or in person (Smith and Mukumoto 2000).

The perspectives of nine tribal governments and 10 federal regulatory and land management agencies were documented in the pilot study. Tribes from all three Plan-area states were included in the study in an effort to obtain a cross section of Plan-area tribal opinions. Participating tribes also met one or more of the following criteria:

- Treaty tribe with off-reservation reserved rights
- Tribe established by executive order
- Tribe with large forest land holdings
- Tribes that have been restored following termination

Follow up interviews about the effectiveness of the monitoring protocol were conducted with tribal elected officials and technical support staff. Participating tribes include the Coquille Tribe of Oregon, the Hoopa Valley Tribe (California), the Muckleshoot Indian Tribe of the Muckleshoot Reservation (Washington), the Quileute Tribe of the Quileute Reservation (Washington), the Quinault Tribe of the Quinault Reservation (Washington), the Tulalip Tribes of the Tulalip Reservation (Washington), the Confederated Tribes and Bands of the Yakama Nation (Washington), the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Skagit System Cooperative (Washington).

Responses to the monitoring pilot study were also solicited from 10 federal regulatory and land management agencies that work regularly with tribes surveyed during the pilot study. Methods for gathering information about federal agency perspectives were the same as those used to assess tribal views. Regulatory agencies participating in the study include the Environmental Protection Agency, US Fish and Wildlife Service and National Marine Fisheries Service (NOAA-Fisheries). Federal land management agencies include the Bureau of Indian

Affairs, the Bureau of Land Management, the Bureau of Reclamation, the Army Corps of Engineers, the US Forest Service, the National Park Service and the Natural Resources Conservation Service.

## **Pilot Study Results**

Four of the nine study-tribes completed the 74-question pilot survey. All four tribes that completed the survey considered the methods employed in the study to be acceptable for evaluating the effects of Plan implementation. Five of the nine tribal governments contacted did not complete the 74-question survey, reporting it to be too long and overly broad during follow up interviews.

Interviews with tribal and federal government representatives provided a number of important findings related to the interview process. The pilot survey questionnaire proved confusing and simplistic. As a result, conclusions drawn could be misleading. The pilot survey also took too long to complete, and was viewed as inappropriate as a sole means of information-gathering. The questionnaire presumed a common perspective and body of knowledge among all respondents, and some questions applied only to a subset of respondents. Tribes indicated they prefer face-to-face communication over written dialogues, and stated quantified data did not adequately characterize many elements of government-to-government consultation. Differences in consultation practices and priorities among tribal governments combined with the wide variety of federal agency missions, mandates, and procedures, made using a “one-size-fits-all” questionnaire problematic. This was particularly true when a single tribe consulted with multiple federal agencies.

This information was used to refine survey questions and develop a formal interview protocol for conducting Plan monitoring. The interagency tribal monitoring team, the IAC tribal subgroup, and Pacific Management Associates worked together to reduce the number of survey questions from 74 to 11 composite questions. Questions were formulated to meaningfully inform about

government-to-government consultation and resource issues identified in the Plan and by the RIEC.

In June 2002, the RIEC approved the tribal monitoring questionnaire and protocol (Appendix B). The program was incorporated into field directives transmitted in October of 2002. Some tribal representatives voiced concern over the adequacy of tribal consultation conducted during finalization of the monitoring program. In response, tribal participation in implementation of the program was expanded, primarily through the work of the Tribal Monitoring Advisory Group (TMAG).

## **Monitoring Evaluation Methods**

The initial phase of monitoring interviews commenced in 2002. Because relationships between federal agencies and tribal governments in the Plan-area are highly individualized, the IAC tribal monitoring team planned to survey all 76 Plan-area tribal governments rather than taking a statistical sample of tribal opinions. The 11-question interview resulting from the pilot study was used in formal, face-to-face consultations between tribal government representatives and federal agency officials, primarily FS and BLM decision makers. Meetings were generally attended by a tribal official, a federal line officer, and a regional tribal program specialist, although line officers could be excluded at the request of the tribe. Meetings were documented in writing and/or taped with a recording device.

Nine tribes participated in the initial interviews (Table 1). Four of these also participated in the pilot study. Interviewed tribes represent all three Plan-area states. Three tribes that consult primarily with the FS are from the Olympic Peninsula and other coastal areas of Washington. Two tribes are from western Oregon and consult with both the FS and the BLM. Three tribes are from northwestern California. These tribes consult with both agencies, but one consults primarily with the FS.

The initial nine tribal interviews using the 11-question format revealed that further revision of the

**Table 1—Tribes participating in Interviews from FY 2002–2004**

<b>Tribe</b>	<b>Fiscal Year</b>	<b># Questions</b>	<b>Pilot Study Tribe?</b>
Quinault Tribe (WA)	2002	11	Yes
Lower Elwha Tribal Community (WA)	2002	11	No
Confederated Tribes of the Grand Ronde Community (OR)	2002	11	No
Coquille Indian Tribes (OR)	2002	11	Yes
Bear River Band of the Rohnerville Rancheria (CA)	2003	11	No
Blue Lake Rancheria (CA)	2003	11	No
Karuk Tribe of California (CA)	2003	11	No
Round Valley Indian Tribes (CA)	2003	11	No
Lummi Tribe (WA)	2003	11	No
Table Bluff Reservation – Wiyot Tribe (CA)	2003	14	No
Upper Lake Band of Pomo Indians (CA)	2003	14	No
Yurok Tribe (CA)	2003	14	No
Hoop Valley Tribe (CA)	2003	14	Yes
Quileute Tribe (WA)	2004	14	Yes
Makah Tribe (WA)	2004	14	No

survey questionnaire was needed if consistent responses were to be obtained. The language in nine questions was changed and three questions were added to clarify issues, gather consistent tribal responses about use of natural resources and locations in federal forests, and to identify desired conditions for forests. The intent was to better guide management of resources used by tribes. Revisions were completed by the interagency tribal monitoring team in collaboration with the Tribal Monitoring Advisory Group, federal staff, and other individuals with relevant expertise. The resulting 14-question survey has been used in interviews with an additional six tribal government representatives. Two of these tribal governments work primarily with the FS in western Washington, and four work with the FS and the BLM in California.

## Tribal Monitoring Results

To date, representatives from a total of 15 tribal governments in the Plan area have been interviewed.

The views of tribal representatives regarding government-to-government consultation and tribal interests in the Plan area are summarized below. Comments are arranged by questionnaire topic and combine responses to both the 11 and the 14 question interviews despite minor changes in the wording of some interview questions. Bold font in Tables 2 – 12 represents changes in language from the 11 to the 14 question interview. Results of interviews are summarized quantitatively, and followed by more specific qualitative information about the topic. Because much of the information provided by tribes is sensitive, the names of tribes that provided specific comments and information are not provided. A complete list of survey results is provided in Appendix C.

### **Establishing Consultation (Survey Question #1)**

Eleven of the 15 tribes interviewed report that consultation protocols have been developed with the FS and/or the BLM. Consultation protocols take the form of



**Table 2—Consultation protocols under the Plan**

Question #	Yes	No	Unknown/ no answer	Comment
<i>Question #1.</i> Have <b>written</b> consultation protocols been developed?	11	4	0	FS/Yes-9; FS/No-1 BLM/Yes-4; BLM/No-3 NPS/Yes-1; NPS/No-1
Are they adequate for government-to-government consultation?	12	2	1	FS/Yes-1 BLM/Yes-1
Are they adequate for potential effects on Tribal lands or Tribal interests?	12	2	1	

formal agreements and practices, and informal staff to staff coordination. Some tribes have formal written agreements with the FS and BLM. These agreements structure protocols and address specific resource management issues. Only four of the interviewed tribes report that no consultation protocol is in place (Table 2). Twelve of the tribes interviewed consider their existing government-to-government consultation relationship adequate, and state agreements and protocols provide opportunities for tribal officials to evaluate effects of federal actions on tribal interests. Two tribes consider consultation inadequate. Three reasons for inadequate consultation relationships were identified by tribes. Inadequacies are related to local federal official prerogatives in consultation, and to the fact that some consultation dialogues do not address a full range of tribal interests. Two tribes stated they wished to or would consider establishing a formal consultation protocol or MOU in the future. Tribes also state inadequacies exist because some issues can only be resolved at the national level, and so discussing them with lower level officials is ineffective.

Tribes express dissatisfaction with the lack of consultation by some regulatory agencies, notably the National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA-Fisheries) and the US Fish and Wildlife Service.

Statements made by tribal representatives during the interview process brought to light a number of issues related to consultation. In general, face to face meetings are the preferred means of conducting consultation.

Tribes particularly approve of consultation relationships that combine a formal protocol between decision makers with informal staff-to-staff coordination. Most tribes interviewed attribute the success of consultation to this informal aspect of the process, which often takes place in the field.

Tribes state coordination with federal agencies could be more effective if internal tribal communication mechanisms were better. They also suggest improved internal communication mechanisms might enable tribal councils to be better informed about the results of informal consultation. Tribes see this as an issue that needs to be resolved internally, but believe federal agencies can help by working consistently through established formal and informal consultation processes.

### **Guidance for Consultation (Survey Question #2)**

Eleven tribes interviewed are aware of and have access to federal policy information that influences tribal interests. Two tribes stated they do not have access to this policy information, and two did not respond to this survey question (Table 3).

Some tribes say expansion of tribal technical and administrative staff over the past several years has enhanced tribal understanding of and access to policy guidance. Tribes also state they have developed the ability to network with federal government staffs and often gain information by contacting federal technical experts directly. One problem identified by tribes is that

**Table 3—Federal policy guidance and availability**

Question #	Yes	No	Unknown/ No Answer	Comments
<i>Question #2.</i> Is the Tribe aware of Federal policy guidance available for Tribal consultation when agency Plans, projects, programs or activities have the potential to affect resources, uses, or areas of interest to Tribes, including Tribal lands?	11	2	2	
<b>Are Federal procedures adequate to identify direct and indirect effects to activities on Tribal lands?</b>	5	1	0	FS/Yes-1

it is difficult to consult effectively on the high volume of plans and projects federal agencies contact them about because tribal staffs are limited. Tribes often must rely on informal discussions in the field to resolve issues for projects with short notification timeframes.

**Consultation about Federal Plans, Programs, Projects, and Activities (Survey Question #3)**

All 15 tribes interviewed stated they are consulted about federal agency plans, projects, and activities that might affect their interests (Table 4). This is particularly true for the FS and BLM. The frequency of consultation ranges from once per year, to quarterly, with several tribes meeting on a more frequent basis. One tribe that is rarely consulted did not desire more frequent contact at the time the interview was conducted. Another tribe

stated some consultation letters from federal agencies did not consistently reach the appropriate tribal department, but that this was not necessarily the agency’s fault or responsibility.

Tribes note regularly scheduled meetings and notifications inform them about federal agency activities and plans, and involve tribes in key agency procedures. This is tied to notification and public involvement procedures associated with the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and executive orders. One tribe stated they had not engaged in section 106 (NHPA) consultation.

Tribal participation on committees instituted under the Plan varies. Seven tribes participate on Provincial Advisory Committees (PACs). One reason tribes provide for not participating on PACs is they have higher priorities for their limited staffs. A second reason given by tribes that participated in the past is that they see

**Table 4—Consultation about federal plans, programs, projects, and activities**

Question #	Yes	No	Unknown/ No Answer	Comments
<i>Question #3.</i> <b>Over the past ten years</b> , has the Tribe been consulted on Federal agency Plans, projects, programs or activities that might affect Tribal resources, Tribal uses, or areas of interest to Tribes?	15	0		
How frequently?	n/a	n/a		Frequent-2; Quarterly-5; Yearly-1; Irregular-2; Infrequent-2; Never-0; Unknown/No Answer-3
Does the Tribe participate with the PACs?	7	7		Unknown/No Answer-0
Has the Tribe been involved in watershed analysis?	11	3		Unknown/No Answer-0

PACs as having limited value. Some tribes believe federal agencies consider tribal participation on PACs to be government-to-government consultation. These tribes say PAC participation is not consultation, and that tribal participation on PACs does not diminish the agencies’ responsibility to inform, involve, and consult with tribes.

Eleven tribes interviewed are involved in watershed analysis under the Plan. Many tribes are involved at the state level. A reason given for participation is that water resources are high priorities because they influence off-reservation fisheries. Some high-priority watershed analysis efforts are driven by tribes and involve tribal leadership and coordination. An example is the Klamath River watershed analysis, which crosses state boundaries. One tribe stated they did not have enough tribal resources (i.e. staffing or funding) to address water quality issues. Another stated they were not involved with consultation with NOAA about fisheries issues.

### **Incorporating Tribal Information into Agency Planning and Decision-Making (Survey Question #4)**

In general, tribes state their interests are better addressed when plans or projects involve agency-tribal consultation. Eight tribes say input they provide during consultation and document review is evident in agency environmental analyses and land-use plans. Seven tribes said their input resulted in changes to proposed federal actions. Three tribes say their views were not considered in project planning, and four tribes note cases where FS and NPS projects proceeded without applying traditional

environmental knowledge or incorporating ideas about tribal approaches supplied during consultation (Table 5).

Tribes cite noteworthy examples of the FS, BLM, and to a lesser extent the NPS, incorporating tribal input into planning efforts and project design. Instances of tribal input being included in agency decisions are found in planning documents, watershed and wildland fire restoration projects, and prescribed burning projects. For example, tribal input was included in a National Park Service general management plan, resulting in what tribes felt was a landscape management approach that addressed cultural needs. Other examples of tribal involvement in planning include the Interior Columbia Basin Ecosystem Management Project (USDA and USDI 2000) and Management of Port-Orford-Cedar in Southwest Oregon (USDA and USDI 2004). In the case of a recent restoration project on BLM lands adjacent to tribal lands, plans were designed collaboratively with tribes and project implementation work was contracted to these tribes. Similarly, the FS contracted with a local tribe in Oregon to develop land management alternatives based on tribal historical and cultural uses, and is implementing most tribal recommendations through contracts with the local tribe. The use of fire to enhance culturally valuable plants is also example of tribal knowledge being incorporated into planning. In this case, the FS is conducting annual burns to improve the condition of bear grass. Some tribes say the number of such burning projects is increasing.

**Table 5—Incorporating tribal information into planning and decision making**

<b>Question #</b>	<b>Yes</b>	<b>No</b>	<b>Unknown/ No Answer</b>	<b>Comments</b>
<i>Question #4. Over the past ten years, has Tribal information been incorporated into Federal Planning documents and decision-making processes, in a manner such that Tribes can recognize their contributions?</i>	8	3	4	FS/Yes-2 BLM/Yes-2 NPS/Yes-1
<i>Did Tribal contributions result in any changes to Federal actions or considerations for resources of interest?</i>	7	4	4	FS/Yes-1 BLM/Yes-1 NPS/No-1

**Table 6—Agency consultation and collaboration**

<b>Question #</b>	<b>Yes</b>	<b>No</b>	<b>Unknown/ No Answer</b>	<b>Comments</b>
<i>Question #5. Over the past ten years, have agencies consulted or collaborated with Tribal governments to develop Plans for future monitoring, restoration, or assessment projects, or for other Planning efforts?</i>	13	1	1	FS/Yes-4 BLM/Yes-4 NPS/Yes-1

**Agency-Tribal Consultation and Collaboration (Survey Question #5)**

A positive aspect of the Plan is the emphasis on consultation, which provides tribes the opportunity to address long-standing conflicts in a way they could not before the Plan was in place. Thirteen tribes say they have participated in government-to-government consultation and collaboration associated with project planning, monitoring, restoration, and assessment projects (Table 6). Again, tribes identified NEPA scoping, and Environmental Assessment or Environmental Impact Statement review processes as opportunities for tribes to collaborate with federal agencies. Tribes say the FS, BLM, and NPS are agencies that have engaged in collaboration. Some tribes say they contribute to planning efforts through participation on Resource Advisory Committees (RACs). One tribe noted the protocol for project prioritization by RACs favored treaty tribes over those without treaties. The result is that non-treaty tribes have less opportunity to participate in the process.

**Consultation under the Endangered Species Act (Survey Question #6)**

Thirteen tribes are actively involved in Section 7 consultation under the Endangered Species Act (ESA), which pertains to federal lands, and eight tribes participate in Section 10 consultation related to non-

federal lands (Table 7). One tribe expressed it is more involved in Section 7 consultation than is necessary. Two tribes would like to be consulted when agency plans affect species of concern to tribes, such as Pacific lamprey eels, but find they are typically not included. One tribe commented that they were never consulted about the listing of the northern spotted owl and the marbled murrelet under the ESA.

**Effects of the Plan on Access and the Exercise of Tribal Rights and Interests (Survey Question #7)**

Ten tribes say their ability to exercise tribal rights, or access resources and areas of tribal interest on federal lands has changed under the Plan. Of the six tribes queried about whether changes are related to Plan standards and guidelines, one answered yes, two answered no, and three didn't know or did not answer. Six tribes viewed changes as being for the better, and seven stated changes made access and exercise of rights worse. Tribes find there have been trade-offs under the Plan, with greater protections but also greater restrictions depending on the specific resource or right in question. Three tribes did not perceive change under the Plan, or cannot definitively attribute it to the Plan (Table 8).

**Table 7—ESA consultation**

Question #	Yes	No	Unknown/ No Answer	Comments		
				[Low]	[Med]	[High]
<i>Question #6.</i> What is the level of the Tribal government’s involvement in ESA:						
Section 7 consultations?	13	2		4	1	4
Section 10 consultations?	8	7		6	2	0

In general, tribes find environmental reviews under the Plan extend planning timeframes. They also say plan implementation is expensive, reducing funds for other resource needs. Tribes cite four examples of changes in the exercise of tribal rights attributable to Plan implementation. They characterized these changes as “trade-offs” related to resource use and enhancement, wildlife habitat, availability of culturally-significant resources, and access. Tribes state traditional techniques for applying prescribed fire to enhance the habitat of key cultural plants, such as those used for basket weaving, are more common but also more difficult to implement under the Plan. Most tribes interviewed indicate reduced timber harvest under the Plan contributes to healthier landscapes, but express that fewer harvests also mean less available forage for elk and deer. Tribes find there is greater competition between tribal and non-tribal groups for forest resources under the Plan, particularly special forest products.

Tribes view federal road decommissioning as contributing to fishery improvements, but also state decommissioning limits access necessary for timber

harvest on tribal lands, as well as hunting, gathering, and tribal cultural activities on both tribal and federal lands. One tribe expressed that lack of access to some areas is causing tribal members to lose knowledge of traditional cultural practices. Tribes from all three states in the Plan area say there is inadequate access to cedar for cultural use and consider this a major issue. Tribes also state limiting access protects some areas, but also displaces use to other lands that experienced less use before the Plan was in place.

**Protecting Sensitive Tribal Information and Cultural Sites; Using Traditional Tribal Knowledge in Planning (Survey Question #8)**

Eight tribes are aware of measures employed by federal agencies to protect sensitive tribal information (Table 9). One tribe thinks protection of tribal information needs to be improved. Tribes note agencies are generally sensitive to tribal proprietary information, but expressed concern about the release of information in certain

**Table 8—Plan effects on the exercise of treaty rights**

Question #	Yes	No	Unknown/ No Answer	Comments
Is this in any way due to implementing the PLAN standards and guidelines?	1	2	3	

settings, such as during wildfire fighting. This diminishes the level of trust tribes have regarding confidentiality of information provided to federal agencies. Some tribes have established security practices that protect traditional knowledge held by elders, and limit the information they provide to federal agencies.

Twelve tribes are aware of federal efforts to protect cultural and archaeological sites. Tribes think cultural and archaeological sites are managed by federal agencies consistent with direction in various laws and regulations and as an element in agency consultation agreements with tribes. Tribes raised identification of sites during the planning process as a concern, and express that federal site protection measures sometimes preempt tribal access and site use. In some cases consultation agreements with tribes provide for such access and use. As with sensitive tribal information, tribes are concerned that confidential cultural site locations are inappropriately divulged by federal agencies during fire suppression. They state fire suppression measures can result in sites being shown on maps and physically marked in the field. One tribe stated they were concerned that site locations were being made available to certain members of the general public and consider this inappropriate.

Three tribes state traditional knowledge is incorporated into land management planning, and six tribes either did not answer or didn't know. Six tribes believe traditional knowledge is not incorporated into land management plans or practices. These tribes find

agencies seldom take into account species of interest or concern to tribes, and maintain that agencies don't accept the multi-species forest management orientation held by tribes. An exception is the use of prescribed fire, which tribes see agencies using with greater frequency. However, tribes express concern that traditional fire-use practices are not emulated, and so treatments are less effective than they could be. One tribe suggested that the Plan's Adaptive Management Areas (AMAs) offer opportunities to experiment with the effects of applying traditional tribal knowledge in federal forest management.

### Conflicts over Resource Management and Use (Survey Question #9)

Seven tribes state conflicts over use or management of resources, or over use of areas has increased under Plan implementation, and identify fisheries, traditional use of fire, and forest products as the sources of conflict. Only three tribes perceive conflict over resources as decreasing (Table 10). Two tribes say the level of conflict is minor and unchanged.

Tribal views about conflict and dispute resolution vary. One tribal perspective is that conflicts over access and use pre-date the Plan, and the Plan is not useful in resolving conflict. Some tribes are uncertain about whether the Plan specifically induces conflict. Tribes maintain that good communication between tribes and local federal agencies helps minimize disputes in general. Seven tribes believe conflict resolution

**Table 9—Protecting sensitive tribal information and cultural sites; using traditional tribal knowledge in planning**

Question #	Yes	No	Unknown/ No Answer
<i>Question #8. Is the Tribe aware of</i> procedures that have been put in place to provide for:			
Protecting sensitive Tribal information from unauthorized access or release?	8	3	4
Incorporating Tribal traditional knowledge in the development of management actions?	3	6	6
Protecting cultural sites on Federal land?	12	1	2

**Table 10—Conflict over resource management and use under the Plan**

Question #	Yes	No	Unknown/ No Answer	Comments
<i>Question #9. What are the</i> conflicts over the use or management of resources or areas of Tribal interest?	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ Fisheries</li> <li>▪ No traditional fire</li> <li>▪ Access to cedar/special forest products</li> </ul>
<b>Over the past ten years</b> , have these conflicts increased or decreased?	10	2	3	Increased-7 Decreased-3 No Conflict-2
<b>Is this a result</b> of implementation of the PLAN and associated government-to-government consultation, including efforts to resolve conflicts?	1	1	4	
Are the conflict resolution processes adequate?	7	6	2	

processes are adequate. Six tribes find existing conflict resolution measures are insufficient. Two didn't know or didn't answer this survey question. Some tribes expressed they have few issues to resolve and are not concerned about disputes. Others state they are able to identify issues that need resolution, but are without a means of affecting resolution. Tribal consultation agreements have dispute clauses, but tribes say these have not been tested.

Tribes reiterate points made in response to the *Effects of the Plan on the Exercise of Tribal Rights and Interests on Federal Lands* section above and identify these same issues as sources of conflict. Specific statements about accessibility and resource condition are variable. One tribe finds the Plan reduces their ability to harvest timber because they cannot use adjacent federal forest roads to haul from their own lands. Another stated a portion of tribal land acquired after Plan implementation is subject to Plan standards and guidelines, and that this has a direct impact on tribal management of those lands. The tribe considers this a conflict that remains unresolved. Many tribes state road decommissioning and area closures implemented under the Plan make access to culturally significant places and resources difficult, while some found access to sites and places was protected through formal agreements. A few

tribes find conflicts over access to and management of culturally significant trees and plants have increased. One tribe stated that access and management for subsistence and gathering activities has been an ongoing issue that is not linked exclusively to the Plan. The majority of tribes interviewed find Plan implementation lengthens the planning process and increases costs for projects on federal and tribal lands, thereby making management of resources and places more difficult. Tribes also feel increased public use of federal forests may conflict with their interests. One tribe believes the Endangered Species Act conflicts with tribal values and needs. One tribe asserted that tribal spiritual places are not protected under the plan.

Some tribes state changes in tribal government administrations can contribute to the level of conflict. Tribes have increased staffing, expanding their capacity to address tribal rights and interests. In some cases additional staffs are able to effectively address and resolve more conflicts. In others, changes lead to the identification of more conflicts that require resolution and increase the work load. Some state they have unresolved disputes that receive little consideration from federal agencies. Tribes see some issues under the Plan as impossible to resolve without legislation.

**Table 11—Changes in consultation under the Plan**

<b>Question #</b>	<b>Yes</b>	<b>No</b>	<b>Unknown/ No Answer</b>	<b>Comments</b>
<i>Question #10.</i> Please compare consultation before the PLAN (i.e., prior to 1994) and today.	N/A	N/A	4	No comparison (2). Consultation better (3). No consultation before (1). Not better or worse, but different focus (4). Varies w/ agency (1).

**Changes in Consultation under the Plan (Survey Question #10)**

All tribes interviewed see consultation as having changed during the last decade (Table 11). More federal-tribal relationships were developed and sustained, and the quality and frequency of consultation has improved with some agencies. Some tribes think this is because of the Plan. Others believe this would have happened with or without the Plan. For some tribes the federal-tribal relationship progressed from an issue-driven, technical resource management interaction to a government-to-government rapport with open and equitable processes. Some tribes attribute improved consultation to the recent maturation of their own tribal governments. These tribes spent much of the last decade building staff to increase technical expertise and provide for resource management. No consultation took place for some tribes ten years ago because they did not have tribal governments or staff in 1994.

**The Federal-Tribal Relationship and Tribal Rights and Interests (Survey Question #11)**

Nearly every tribe reported relations with federal agencies had improved under the Plan, contact between tribes and agencies is more frequent, and more project “scoping” meetings take place (Table 12). However, tribal opinions vary regarding the effect of the Plan on federal-tribal relationships. Tribes believe working together helped land managers recognize that tribes and land management agencies share many common goals.

Most tribes interviewed are satisfied with the end result of federal-tribal consultation because they are more involved with the planning process. The Plan had little effect on the interests of some tribes. Others see mixed change. One tribe asserts the Plan caused fisheries and wildlife restoration projects to be funded, but limits forest access through protective road closures. There is also increased competition for non-timber forest

**Table 12—Federal-tribal relationships and tribal rights and interests**

<b>Question #</b>	<b>Yes</b>	<b>No</b>	<b>Unknown/ No Answer</b>	<b>Comments</b>
<i>Question #11.</i> How would the Tribe describe the success of implementing the PLAN:				
Are the relationships <b>between the Tribe and the Federal land management agencies</b> improved?	14	0	1	
Are <b>Tribal rights and interests, access, and resource conditions associated with Federal agency lands unchanged over the past ten years?</b>	3	3	0	
Is the Tribe satisfied with the <b>outcomes of government-to-government consultations or conflict resolution processes?</b>	4	1	1	FS/Yes-1 BLM/Yes-1 NOAA/No-1



**Table 13—Exercise of tribal treaty rights and interests**

Question #	Yes	No	Unknown/ No Answer	Comments
<i>Question #12.</i> Has the Tribe exercised treaty rights or addressed Tribal interests associated with National Forests and BLM public lands and resources? Please provide examples, if you wish.	6			

products from non-tribal members. In a few cases, federal agencies move forward with dialogue but don't address tribal needs or resolve issues of concern. Tribes want their priorities given the same weight as agency priorities.

### **Examples of the Exercise of Tribal Treaty Rights and Tribal Interests (Survey Question #12)**

Only six tribes responded to this question. These tribes all exercise their rights and interests on federal lands (Table 13). They participate in watershed analysis, exercise off-reservation rights by gathering traditional plants for baskets and medicine, and develop cooperative agreements for mushroom-gathering on national forest lands. Tribes also partner with agencies to manage significant tribal heritage sites on public lands, and work together to transfer federal land to tribal ownership so Indian human remains from museums and federal project sites can be re-interred.

### **Compatibility of Federal and Tribal Resource Management Objectives (Survey Question #13)**

The six tribes that responded to Survey Question #13 provided mixed responses in their evaluation of whether federal forest management under the Plan is compatible with tribal values (Table 14). More than half these tribes believe the intent of the Plan as described on paper is generally compatible with tribal interests and values, even if they dispute the value of specific components of the Plan. They agree with multiple-use goals and

managing for biodiversity. Another point of agreement identified by tribes is the use of fire in forest management. Fire is a management tool tribes used traditionally to enhance the health and productivity of culturally important plants. Tribes also agree with agency use of prescribed fire to protect communities in wildland-urban interface areas.

These same tribes see the objectives of federal land managers as changing continuously, and view federal agency approaches to managing resources as inconsistent. They state federal agencies manage only a few wildlife and plant species. Tribes consider this approach to be incompatible with tribal values. One tribe pointed out that this inconsistency makes developing a vision of what the forest should look like in the future difficult. Tribes say they take a much broader approach to managing the landscape by managing for plant and wildlife species with cultural significance to tribes. They say tribal values remain consistent through time, and they base their resource management on practices used since time immemorial. Tribal traditional knowledge about managing the landscape has been passed down from generation to generation. Tribes believe traditional, time-tested knowledge should be more fully incorporated into federal land management.

Tribes describe the various management styles and paradigms in federal forest management as focusing on ecosystem management, biodiversity, multiple use, and sustainability. Tribes state a desire for a more uniform forest management strategy that integrates cultural values. They want forests managed for economic and cultural values that afford cultural and biological diversity. Tribal forest managers believe their land

**Table 14—Compatibility of federal and tribal resource management objectives**

Question #	Yes	No	Unknown/ no answer	Comment
Question #13. How is Federal (FS/BLM) forest management compatible with what the Tribe values about those lands?	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ Support burning for cultural plants, wildland-urban interface, forest health.</li> <li>▪ Goals generally compatible-accessibility, multiple-use, biodiversity.</li> <li>▪ Conflicts: Reduced elk forage; Forest Service protection efforts (management direction is not always consistent with tribal values, focuses on a few species instead of many, and changes frequently-no long term vision); plans consistent with tribal interests on paper, but agencies are not managing on the ground.</li> </ul>

management strategies do not compromise culture. Rather, they believe they consciously reinforce their cultural character and practices in conserving water quality, wildlife herd areas, cultural resources, herbaceous species, acorns, and biodiversity.

Tribes also express that a reduction in available elk forage has occurred under Plan management, and say this is incompatible with their values. They do not think agencies manage on the ground, and view this as incompatible with tribal values.

**Enhancing Federal-Tribal Relations (Survey Question #14)**

Of the six tribes that responded to this interview question, all expressed that federal agencies should continue and expand upon positive and productive collaboration and communication with them. This would improve the consistency of federal-tribal consultation, and improve efforts to address tribal concerns and incorporate tribal interests into federal planning efforts.

Several tribes believe better government-to-government relations could be achieved by having a common definition of consultation and a uniform consultation protocol across federal agencies, geographic regions, and management units. One tribe expressed that their consultation relationship with the FS, BLM, and BIA was good, and that other agencies should strive to

be more like them. Tribes state they view consultation differently than federal agencies. They believe stronger consultation relationships would result if agencies focused on issues the tribes believe are most important instead of using consultation as support for proposed federal actions. Tribes maintain there is a need to address issues that cross administrative boundaries and land ownerships.

Three tribes expressed that resource conditions could improve if formal protocols were developed, or that they would like a more formal protocol. Tribes also believe consultation relationships would be strengthened if agencies provided feedback to tribes about how and to what extent their input is incorporated into agency decision making processes. Two tribes suggest that training programs or briefings for new line officers could ease transitions and make the consultation process more efficient.

Two tribes stated explicitly that they want to institute traditional cultural management on the ground through co-management and stewardship. They think tribal involvement in the design and implementation of stewardship contracts would reinforce tribal links to federal forests. This would be consistent with the role tribes see for themselves as local environmental leaders. Some want more on-the-ground federal agency activity and more projects funded, including restoration projects.

**Table 15—Enhancing federal-tribal relations**

Question #	Yes	No	Unknown/ no answer	Comment
<i>Question #14 and Initial from portion of #11. Are there actions that would strengthen and enhance Federal-Tribal relations?</i>	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ Smooth transitions for new line officers</li> <li>▪ Share digital data with tribes – more open exchange of information</li> <li>▪ Develop uniform consultation protocol between agencies.</li> <li>▪ Single definition of “consultation”.</li> <li>▪ Consultation with FS, BLM and BIA is good- other agencies should adopt consultation practices</li> <li>▪ Formal consultation process might improve resource conditions</li> <li>▪ Federal agencies should develop stewardship contracts with tribes</li> <li>▪ Want more projects implemented</li> <li>▪ Provide funding for tribal members to consult.</li> </ul>

One tribe stated they wanted a more open exchange of information such as digitized records. Another stated they would be able to participate in federal planning more actively if more funding was available. A few tribes want federal policy clarified regarding access to traditional resources such as trees and mushrooms.

For some tribes, consultation with the federal agency headquarters offices in Washington DC is inadequate. These tribes feel federal officials fail to notify tribes about changing policies and regulations in a timely manner, or to recognize the tribal right to provide input. Other tribes that have little contact with federal forest managers see no compelling need to increase communication in the near future.

Tribes state they were pleased to participate in the tribal consultation effectiveness monitoring program. One commented that it was “good to conduct this study...it’s good that you came here to do this!” Another stated “Keep the doors open!”

### Sidebar 1-Cultural Burning For Traditional Basketry Materials

In northwestern California, American Indian traditional basket weavers work with the Six Rivers National Forest to identify and treat stands of bear grass and hazel that are sources of raw material for traditional baskets. Prescribed burning is a traditional management technique that has been successfully used to promote vigorous growth of key cultural plant species, especially where plant growth is decadent, over-mature, and not optimal for strong resilient fibers needed for baskets.

For a number of years after the Plan was implemented, cultural burning projects were limited in number and frequency because the Plan's Survey and Manage guidelines involved extended procedures and timeframes. As a result of a review of the Plan by the FS Pacific Southwest Region, standards and guidelines limiting cultural burning for traditional tribal purposes were modified to meet the needs of Indian tribes.

This marks a change and is a multifaceted issue, as some tribes that support prescribed burning for traditional cultural objectives report that agency project managers do not solicit tribal environmental knowledge about practices associated with seasonal burning. Tribes consider the FS to be less successful in burning because FS projects do not emulate the traditional tribal practice of low-intensity under-burning during the fall. Federal agency fire managers develop prescribed fire plans that do not incorporate traditional burn practices.



Photo by  
Ken Wilson

## Plan Review and Tribal Forum

In addition to interviews, tribes in the Plan area were given the opportunity to voice their perspectives about the Plan at two separate venues. In 2003, many California-area tribes attended the Pacific Southwest Region Plan Review meeting. Additionally, tribes from throughout the entire Plan area attended a Tribal Forum in 2005. Tribes made recommendations for how management under the Plan could be improved, and offered suggestions about how the monitoring process could be more effective. The results of both these forums are presented in the following paragraphs.

### **Pacific Southwest Region Plan Review**

A review of the Plan in the Pacific Southwest Region was conducted during the week of June 23, 2003. The review included a meeting and field trips. The goals of the review were to evaluate the effectiveness of the Plan in northern California forests, and to identify how Plan implementation could be improved. Pacific Southwest Regional Forester, Jack Blackwell, led the review. Other team members included former Chief of the Forest Service, Dr. Jack W. Thomas, and Deputy Regional Forester Dr. Kent Connaughton. Participants included representatives from local tribes and other federal agencies, county supervisors, representatives from environmental organizations, timber workers, mill owners, congressional staffers, educators and Forest Service personnel (A complete list of participants is on file at the Pacific Southwest Regional Office, Vallejo, CA.).

During the Plan review, tribal participants noted traditional management techniques important to tribes, such as the use of prescribed fire for underburning, are not implemented under the Plan in California Plan-area forests. Tribes explained that low intensity fires are necessary to clean out brush and encourage desirable species. Tribes felt their involvement was needed to develop prescribed fire programs, and that tribal

participation and opportunities for collaboration should be encouraged.

Two tribal members that are traditional practitioners representing basket weavers expressed they have been trying to get cultural burns for the last 10 years, specifically for bear grass and hazel. Their efforts have been unsuccessful. They stated that Survey and Manage requirements restricted their ability to implement projects, and that the NEPA process takes too long to complete. At the meeting, the Regional Forester committed to seeing what could be done to make it easier to do cultural burning.

### **Tribal Forum**

#### **Forum Goals and Objectives**

A tribal forum was held in Portland, Oregon on April 6, 2005. The purpose of the forum was to provide opportunities for Indian tribes to share perspectives about how the Plan has affected their communities and resources of concern. Tribes also shared perspectives on government-to-government consultation under the Plan, and their vision for future monitoring program direction. The forum was attended by representatives from nine tribes and tribal organizations, and five federal agencies (Appendix D). The conclusions of the forum are presented in the following paragraphs and augment information provided during monitoring interviews with tribal representatives. The results contained in the tribal forum report will be presented to the Regional Interagency Executive Committee for consideration about possible management changes in the Plan area.

Discussions at the tribal forum focused on four topic areas. These include protection of trust resources and resources of tribal concern on public lands, and preservation of the capacity of tribes to manage resources on reservation lands; use of traditional ecological knowledge in forest management; government-to-government consultation processes; and methods for monitoring effects and impacts of Plan

implementation on tribal communities and resources of tribal concern. Presenters at the forum posed questions to the group, and then documented the resulting discussions. A summary of each discussion is provided in the *Forum Conclusions* section that follows.

## Forum Questions and Conclusions

*Has management under the NWFPP provided a higher degree of protection for trust resources and resources of tribal concern on public lands, and preserved the capacity of tribes to manage resources on reservation lands?*

The success of federal land management in the Plan area depends on the tribe's viewpoint toward management and the level of involvement the federal government has in the consultation process. Tribal perspectives can be divided into two general sects. The goal of one group of tribes is protection and management of forest resources for economic purposes. These tribal governments depend on revenue and tribal members depend on forest management to provide employment. The other group of tribes seeks to protect forest resources without concern for economic value.

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

Local consultation works well when informal and formal consultation processes are used in combination with each other. Consultation and regional level monitoring are interrelated, and in some cases one and the same. The tribes at the forum felt consultation failed when new laws and policies were proposed at the national level without coordinating the consultation process at the local level.

Tribes are interested in developing more partnerships and stewardship agreements with federal agencies to get more work done on the ground.

*How can traditional ecological knowledge contribute to the body of information regarding effects of management established by the Plan on natural resources?*

Traditional ecological knowledge can reveal new ways of looking at nature's patterns and new ways to manage natural resources. Tribal people are integrated with 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 forest resources for medicine, sustenance, and places of worship. Tribes have watched nature's patterns for centuries and traditional ecological knowledge has been reinforced through legends and traditions. Tribes know the importance of protecting and treasuring the uniqueness of each pattern and tradition, since they've been kept for centuries. The patterns are the values of the families and tribes. They are tied to families and share values with nature.

Tribes can contribute traditional ecological knowledge to the body of knowledge regarding management effects, but trust between tribal people and the research community has always been an issue and conveying insights from one culture to another is difficult. Access to areas where this knowledge has been exercised over the years is important, and if federal agencies restrict access in the future, then valuable knowledge maybe lost or adversely impacted.

*How can government-to-government consultation processes more effectively and efficiently address tribal concerns about the impact Plan management has had on trust resources on federal lands?*

The tribes and representatives at the meeting brought up three issues related to effectively improving the consultation process. First, tribes emphasized that federal agencies should not confuse the popular word “collaboration” with consultation. In one case, a federal agency asked a tribe to consult directly with a trail group in an area where tribes have concerns. Tribes see this consultation as the responsibility of the government. The federal government may combine issues of interest groups and tribal governments during NEPA public involvement processes, but needs to make clear that federal agencies are consulting with tribes as governments and not as interest groups in the name of collaboration.

Second, tribes and tribal representatives have provided information through the consultation process in the past, but at times the advice and recommendations gathered by federal agencies disappeared. No response or explanation of how the information was used was provided to tribes. For example, tribal, state, and county representatives made recommendations to the Intergovernmental Advisory Committee (IAC) for changes to Survey and Manage direction in 1999. Federal executives from IAC took the information and later met in Washington, D.C. with the Council for Environmental Quality. The tribal and other non-federal representatives never received feedback about how their recommendations were used. The recommendations were validated at the time of the presentation as general public comments but not treated as consultation.

Tribes recognize decisions line officers in the Plan area make do not have to agree with tribal perspectives 100 percent of the time. Tribes do want to hear feedback about how their input was used, what issues were or were not agreed upon, what points were persuasive, and how they can be more effective as advocates in the future. Once the feedback loop is closed, tribes can improve partnerships and help provide for successful management in the future.

Third, change in federal and tribal leadership is continuous in the Plan area. This creates a difficult consultation and relationship-building environment. Representatives at the tribal forum thought there should be an ongoing orientation process for both federal and tribal leaders. The group thought a Northwest Forest Plan 101 consultation video for leaders would be a useful tool, and that the video should be updated frequently. This could be based on a video developed by tribes at a workshop ten years ago.

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

Tribal representatives at the forum thought federal agencies should look at different options for performing monitoring under the Plan. The monitoring process for consultation is currently completed through interviews by federal agency tribal liaisons. The Tribal Monitoring Advisory Group (TMAG) developed a draft questionnaire from a 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.

Tribal representatives at the forum thought there should be some monitoring by an external tribal group, such as one of the inter-tribal organizations. The tribal representatives also thought interview questions and the consultation monitoring process should be reviewed and revised if necessary, since it seemed to take a long time to complete. Interview questions should be tailored to each individual tribe to address their specific interests and resource issues, and administrative capabilities.

### **A Tribal Leader’s Perspective**

Merv George, a Hoopa Tribal member and former Tribal Chair, director of the California Indian Fire and Forest

Management Council, and IAC representative presented his perspective about the federal-tribal relationship and how tribes participate in the consultation under the plan. He said his role at the forum was not to represent all tribes but to present one tribal perspective, and stated that individual tribes may have different views of the plan. One tribe may be interested in protecting trust and culturally significant resources on federal land. Another may be interested in protecting resources, but also interested in the economic impacts from lack of federal land timber harvests. He reiterated that constant turnover in federal and tribal leadership creates a difficult consultation environment, and emphasized that consultation is only as good as the flow of communication.



Helen Suri (Photo by Ken Wilson)



## Conclusions

Monitoring results reflect the views of 15 of the 76 unique and sovereign tribal governments in the area affected by the Plan, as well as information presented at the Pacific Southwest Region Plan Review and Tribal Forum. As such, results cannot be interpreted as representing all tribal government perspectives in the Plan area. Nevertheless, monitoring results offer insight into the status of the federal-tribal relationship, the effects of the Plan on resources valued by tribal members and access to those resources, and the effectiveness of the monitoring program among a subset of Plan area tribes.

Tribal responses address the three key monitoring items identified in the Plan, and provide examples of the five relationships, processes, and instances identified by the Regional Interagency Executive Committee as items that need to be addressed at the regional level. Tribal responses provide insight into how governments can work together toward mutually beneficial land and resource management goals.

### Key Monitoring Items

#### Condition and Trend of American Indian Trust Resources

Tribal opinions about the condition and trend of American Indian trust resources vary. Overall, tribes perceive the condition of aquatic and riparian habitats, fisheries, and forest health as improved under the Plan. Responses did not address the condition of specific resources used by tribes, such as cedar or mushrooms, but tribes note access to resources is limited by road decommissioning and competition from non-tribal members that collect forest products. Tribes point out specifically that the condition of grasses and other culturally significant plants is influenced by fire, and the use of prescribed fire has become more common on some forests. In other cases, their input about traditional

fire use and land management in general is not incorporated into project planning or implementation, and this contributes to poor resource health and availability. They also state use of prescribed fire is restricted by the Plan's Survey and Manage guidelines. Tribes also state that road decommissioning displaces forest use to new areas, but did not identify specific resources or areas affected by displacement. Concerns were also expressed about the condition of spiritual places.

#### Effectiveness of the Coordination or Liaison to Assure Protection of Religious or Cultural Heritage Sites

Tribes expressed concern over the protection of sensitive cultural information. They cite disclosure of cultural site locations during wildfire suppression as a specific concern, and identify the possible release of sensitive information in response to public requests for documents under the Freedom of Information Act as an issue needing resolution. They think site information is released to certain members of the public and consider this inappropriate. Concern about information release motivated some tribes to institute internal measures that prevent the release of sensitive information to federal agencies.

#### Adequacy of Access to Resources and to the Vicinity of Religious or Cultural Sites

Tribal perspectives about access to resources are variable. Most tribes describe access to resources and cultural sites as more difficult under the Plan. They consider this a long-standing problem that pre-dates the Plan, but state management direction under the Plan has contributed to decreased access. Tribes attribute this primarily to road decommissioning, but also identify the planning process as impeding resource use and access. In some cases access to resources and cultural sites is protected by MOUs.

## **Sidebar 2-Cooperative Federal Forest Management with Tribal Partners**

The Six Rivers National Forest completed an analysis for the East Ishi-Pishi road restoration project in August 2001. The final project plan entails decommissioning 65 miles of forest system roads, converting nine miles of road to trail, and maintenance of 158 miles of road.

Recognizing that the East Ishi-Pishi project would take considerable resources and funding to complete, the FS entered into a challenge cost-share agreement with the Karuk Tribe of California to decommission three roads during the 2003 field season. The East Ishi-Pishi project area is entirely located within the tribe's ancestral territory. It is mutually beneficial to both the FS and the tribe to reduce negative watershed impacts to tribal trust species caused by roads in the East Ishi-Pishi area.

Detailed road surveys were needed before the implementation phase could begin. The tribe was awarded a grant from the state water resources control board to conduct road surveys that would be used to formulate design prescriptions and estimated budgets for road decommissioning projects. The tribe surveyed over 35 miles of roads identified as high priority for restoration. The Six Rivers NF watershed and engineering staff reviewed the design prescriptions created by the tribe and, upon review, the FS was able to put a decommissioning contract out for bid.

The next step was to develop a project plan that would provide the tribe with an opportunity to implement some of the road decommissioning work associated with the East Ishi-Pishi project. It was mutually agreed that the tribe would decommission 4.2 miles of road for a total cost of about \$130,000 during the 2003 field season. Each party would pay half the cost. Tribal members trained as heavy equipment operators and restoration specialists did work described in the project plan. The tribe provided the design specifications, equipment, personnel and incidentals needed to complete the project. The tribe subsequently removed an additional 21,912 cubic yards of fill material with other funding awarded through competitive grant awards outside the cost-share agreement in the southern unit of the East Ishi-Pishi project area.

In 2002, the forest received a grant from the California Department of Fish & Game for road decommissioning in the East Ishi-Pishi project area. Working together, the tribe and the FS were able to decommission 17 miles of road, excavate 55,000 yards of fill, and remove more than 90 culverts. Cost savings to the government were about \$385,000.

## **Examples of Relationships, Processes, and Instances Identified by the RIEC**

### **Federal Agency Processes that Fulfill Plan Responsibilities**

Tribes identified public involvement associated with NEPA scoping and environmental document review processes as facilitating tribal input related to project planning and implementation. NHPA consultation also provides opportunities for tribes to provide input. Other mechanisms for tribal input include RACs and watershed analyses. Formal consultation and conflict resolution protocols have been established through memoranda of understanding for some tribes, but resolution protocols have not yet been tested.

### **Cooperative Relations between Federal and Tribal Leaders**

Interviews with tribal representatives show cooperative relationships between federal and tribal leaders are more common and productive because of Plan implementation. Cooperative relationships are formalized in memoranda of understanding, participating agreements, stewardship contracts, and partnerships formed to implement projects on the ground. In general, tribes with formal cooperative relationships felt their rights and interests were better served than those that did not have formal relationships. Tribes with trust lands adjacent to federal lands have more active cooperative relationships with federal agencies than those that do not. Most tribal statements about cooperative relationships were positive, but tribes also describe specific instances where conflicts about resource management exist at the local level. Even where local conflicts are unresolved, disagreements do not seem to negatively affect the overall working relationship between tribes and local agency units.

One example of a mutually beneficial cooperative relationship is development of a cost-share agreement between the Karuk tribe and the Six Rivers National Forest. The two organizations completed a large road

decommissioning project, and tribal members completed much of the field work. Another example is a project on BLM lands, where a tribe holding adjacent lands worked collaboratively with the BLM to design the project, then oversaw project implementation. In a third example, the FS contracted with a local tribe in Oregon to develop land management alternatives based on tribal historical and cultural uses, and is implementing most tribal recommendations through contracts with the local tribe.

### **Consistency in Interagency Coordination**

The tribes interviewed maintain that communication with federal agencies has increased under the Plan, and state that positive relations have been developed. However, relations are not uniform among agencies, regions, or management units. Tribes say there is a lack of interagency coordination, and state that consultation is conducted differently by individual land management agencies. Some tribes were critical of the perceived lack of consultation, cooperation, and federal-tribal relationship building on the part of regulatory agencies. Tribes maintain that land management and regulatory agencies are both responsible for government-to-government consultation.

### **Responses to Tribal Information that Identify Specific Resource Needs**

Tribes generally agree that improved cooperative relationships under the Plan contribute to fulfillment of some tribal resource needs. Examples are prescribed burns for bear grass enhancement and MOUs that allow collection of traditional plants and access to culturally important areas. However, many tribes state traditional forest management knowledge they provide to agencies is not used in federal project planning. Tribes are unable to identify how their input is used in planning documents or project implementation. Some suggest dedicating a portion of NEPA documentation solely to addressing tribal input provided during government-to-government consultation. Tribes say this would be preferable to

### Sidebar 3-Managing Mushroom Gathering with the Karuk Tribe

Today and since time immemorial, American Indian traditionalists in the Karuk Tribe of California and other indigenous tribal people engage in fall-season subsistence gathering of *matsutake*, commonly known as tan oak mushrooms, on the Six Rivers and Klamath National Forests. The high status of this mushroom in traditional Karuk tribal culture is evident in their language, with has a specific term for the tan oak mushroom, *haiwish*, and only one term to describe all other mushrooms. The Karuk consider this a key traditional food and have always gathered sustainable amounts using environmentally-sensitive practices. Gathering usually takes place as a cultural harvest at traditional family gathering sites that are respected by other Karuk. The Karuk feel that traditional tribal mushroom gathering practices can enhance species productivity.

In recent years, the commercial and personal exploitation of non-timber or “special” forest products has increased, and commercial tan oak mushroom harvest has expanded significantly. The Karuk consider commercial methods and selection to be extreme, extensive, and not in balance with the environment. Commercial raking and digging remove entire spore populations, and illicit harvests by armed groups occur.

Troubled by the magnitude and intensely competitive atmosphere that dominates commercial harvest; the Karuk Tribe expressed concern to the FS. The tribe conveyed an overriding concern that commercial harvests can result in loss of family picking sites, depletion of tan oak mushroom populations and habitat, and threats to tribal family subsistence.

In 2000, the Karuk Tribe, the Six Rivers National Forest, and the Klamath National Forest entered into a formal Memorandum of Understanding (MOU) to manage traditional tan oak mushroom harvest by tribe members. The intent was

*...to establish and maintain a mutually-beneficial management strategy for the Tan Oak mushroom resource as part of the government-to-government relationship between the Tribe and the Forest.*

Under this MOU, the tribe developed and oversaw a permitting system enabling Karuk Tribal members to gather tan oak mushrooms on national forest system lands within Karuk ancestral territory. Tribal subsistence practitioners were no longer required to possess FS permits for personal use gathering of special forest products. Tribe members follow unique guidelines for traditional harvesting, in accord with a Karuk Tribal Council resolution and a subsequent tribal mushroom harvest ordinance. All other individual and commercial mushroom harvesters are subject to NF permitting.

lumping tribal input with that of other public interest groups in NEPA documents because it would allow them to see how their input was considered. Without a specific means of identifying consultation input, tribes find they consult but do not see their recommendations in the end product.

### **Instances where Tribal Needs have been Accommodated**

Many tribes state cooperative government-to-government relationships have improved under the Plan, and many resource conditions are better as a result. Few tribes listed specific instances where resource needs were accommodated. An exception is the Karuk tribe in northern California. The Karuk worked with the FS to develop an MOU that facilitates mushroom collection on the forest. The tribe and agency also worked on a plan to improve the condition of grasses used in basketry through the use of prescribed fire. Similar efforts to make better use of fire to improve culturally-valued resources have been made on many forests throughout the Plan area.

## **Lessons Learned and Implications for Adaptive Management**

### **Government-to-Government Consultation Relationships**

The tribal monitoring program revealed information that can be used to further improve federal-tribal relationships and the accompanying monitoring process. The tribes interviewed identified many areas where they are satisfied with government-to-government relations, or with progress toward improving it. These include an increase in the frequency and quality of federal-tribal contacts among land management agencies, as well as specific instances where tribal rights and interests have been addressed.

Tribes also identify issues of concern that could be improved through adaptive management at the regional and local levels. Tribes identified a need to improve

consultation relationships with regulatory agencies in general. Making consultation approaches more consistent between agencies, regions, and management units could make the consultation process more efficient for tribes and agencies. Tribes state a preference for face-to-face “layered” consultation relationships that combine informal staff contact with formal government-to-government consultation. This approach could be further developed as a standard procedure for some field units. Many tribes also say they view regional and local level consultation as connected, equally important components of a single consultation process.

Informing line officers of the geographic scale of tribal interests, which can lie well beyond tribal lands and mapped aboriginal areas, could result in a more comprehensive consultation process that better incorporates tribal perspectives into planning. Finally, providing feedback to tribes about how agencies use tribal input in decision making could reinforce the federal-tribal relationship.

### **Tribal Monitoring Process and Protocols**

A number of issues related to the tribal monitoring process and protocol emerged while interpreting the interview information and at the Tribal Forum. The survey questionnaire was administered by conducting in-person interviews. Coordinating the schedules of federal decision makers, tribal representatives, and federal tribal liaisons proved very difficult. As a result, fewer interviews were completed than expected. Allowing greater flexibility in the monitoring protocol, such as allowing interviews to be conducted over the phone rather than requiring interviews to take place in person, might result in more interviews taking place.

Another problem encountered was inconsistency in interview styles and documentation. Some interviews were detailed and extensively documented. Others were documented only in brief notes. Clarification and standardization of interview and documentation protocols could enhance results while still allowing for open-ended feedback. Documentation of the interviews

could also be improved by developing more consistent record keeping methods and by transcribing interviews.

A related concern expressed by both tribal representatives and federal managers is that interview analysis and interpretation lacks objectivity because it is conducted by federal employees. Allowing a third party to participate in interviews and analyze results could resolve the objectivity issue.

A fourth issue is related to tribal reviews of survey documentation. Currently, opportunities to review interview responses are provided to tribes. However, not all interviewed tribes commented on interview transcripts. If tribes were able to consistently review survey responses, the process and quality of information obtained during the surveys might improve.

The complexity of the interview questionnaire and the length of time needed to fill it out is also an issue for tribes. Each survey question has several ancillary questions embedded in it, making it difficult for tribal officials to determine the intended focus of that portion of the questionnaire. The monitoring effort could benefit from further simplifying interview questions. This might also reduce the amount of time required to respond to survey questions, and make administration of the survey easier. It may also make it easier for tribal representatives to fill out questionnaires independently, eliminating difficulties associated with scheduling on-site interviews.

### Information Sharing, Resource Management, and Other Findings

Tribes provide innovative ideas about prescribed fire, and resource enhancement and use by sharing traditional knowledge. This traditional knowledge could be incorporated into forest planning, particularly in Adaptive Management Areas, with unique and informative results. One potential area of improvement is agency treatment of tribal information about cultural sites during fire suppression. In the past, information about cultural sites has sometimes been provided to

members of the public. Tribal members see this as inappropriate.

Tribes continue to encounter difficulties when exercising their rights and interests. Their need to access cultural sites and treaty resources in general will continue to be an issue of concern. Fisheries and water-quality also continue to be issues of concern for tribes, and adopting broader management strategies that cross multiple land jurisdictions, agencies, and tribes could be an effective approach to managing fisheries and water quality.

Tribes also identified several issues of concern which cannot be resolved at the regional level. Issues tribes think cannot be resolved at the regional level include the lack of agency protection of sensitive tribal information under the Freedom of Information Act, the inability to address government-to-government consultation separately from other public input in the NEPA process, the inability to change language that disfavors non-treaty tribes in the project prioritization process for Resource Advisory Committees (RACs), and inadequate consultation at the national agency level.

It was particularly challenging to interpret the monitoring results at the Plan level. Each tribe interviewed is an independent, sovereign nation with a unique culture, history, and relationship with the federal government. Thus the perspectives held by tribal governments are not easily compared. The monitoring program could be more informative if detailed results were reported separately for each individual tribe. By providing detailed results from individual tribes, the monitoring program could better communicate the views of individual tribes about their relationships with federal agencies. Monitoring could more fully document examples of federal-tribal coordination to provide models for future management. By reporting results for individual tribes to agency officials at the local and regional levels, the monitoring program could also begin to address tribal concerns about inconsistent approaches between agency regions and units.

## **Future Direction**

Future direction for the tribal monitoring program begins with completing interviews with all interested tribes in the Plan area. Obtaining more tribal perspectives will provide a comprehensive view of the federal-tribal relationship under the Plan. Information from interviews can then be used to inform agency decision makers, and to improve tribal monitoring in the Plan area.

Information from tribes will be summarized and provided to federal agency decision makers, allowing them to improve consultation relationships with American Indian tribes that exercise rights and interests in their area.

Also, once tribal perspectives are understood monitoring program goals and objectives for the next ten years can be reevaluated. A corresponding monitoring protocol that responds to redefined program objectives, and to the level of involvement desired by each tribe, can then be established. Flexibility that allows information to be collected from more tribal representatives could be built into the monitoring protocol, and a standardized feedback mechanism could be developed that allows tribes to understand how information they provide to agency decision makers is used. Methods for collecting more objective information, such as having a third party participate in interviews and interpret interview results will also be evaluated.

Gathering additional information from tribes may also generate new ideas about how land managers can accomplish more work on the ground that better addresses tribal rights and interests. Tribes have expressed interest in developing more cooperative agreements and stewardship contracts, applying traditional resource management concepts in AMAs, and in continuing to participate in agency planning. Future tribal interviews will continue to produce valuable information about how to best address tribal needs on public lands.

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## Appendix A. Federally Recognized Tribal Governments in the Plan Area

### **Washington (Figure A-1)**

- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Chehalis Reservation
- Confederated Tribes of the Colville Reservation
- Cowlitz Indian Tribe
- Hoh Indian Tribe of the Hoh Indian Reservation
- Jamestown S’Klallam Tribe of Washington
- Lower Elwah Tribal Community of the Lower Elwha Reservation
- Lummi Tribe of the Lummi Reservation
- Makah Indian Tribe of the Makah Indian Reservation
- Muckleshoot Indian Tribe of the Muckleshoot Reservation
- Nisqually Indian Tribe of the Nisqually Reservation
- Nooksack Indian Tribe of Washington
- Port Gamble Indian Community of the Port Gamble Reservation
- Puyallup Tribe of the Puyallup Reservation
- Quileute Tribe of the Quileute Reservation
- Quinault Tribe of the Quinault Reservation
- Samish Indian Tribe
- Sauk-Suiattle Indian Tribe of Washington
- Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation
- Skokomish Indian Tribe of the Skokomish Reservation
- Snoqualmie Tribe
- Squaxin Island Tribe of the Squaxin Island Reservation
- Stillaguamish Tribe of Washington
- Suquamish Tribe of the Port Madison Reservation
- Swinomish Tribe
- Tulalip Tribes of the Tulalip Reservation
- Upper Skagit Indian Tribe of Washington

### **Oregon (Figure A-2)**

- Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians of Oregon
- Confederated Tribes of the Grand Ronde Community of Oregon
- Confederated Tribes of the Siletz Reservation
- Confederated Tribes of the Warm Springs Reservation of Oregon
- Coquille Tribe of Oregon
- Cow Creek Band of Umpqua Indians of Oregon
- Klamath Indian Tribes of Oregon

### California (Figure A-3)

- Alturas Indian Rancheria
- Bear River Band of the Rohnerville Rancheria
- Big Lagoon Rancheria
- Big Valley Band of Pomo Indians of the Big Valley Rancheria
- Blue Lake Rancheria
- Cahto Indian Tribe of the Laytonville Rancheria
- Cloverdale Rancheria of Pomo Indians of California
- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria
- Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Cortina Indian Rancheria of Wintun Indians of California
- Coyote Valley Band of Pomo Indians of California
- Dry Creek Rancheria of Pomo Indians of California
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria
- Elk Valley Rancheria
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
- Guidiville Rancheria of California
- Hoopa Valley Tribe
- HoPland Band of Pomo Indians of the HoPland Rancheria
- Karuk Tribe of California
- Kashia Band of Pomo Indians of the Stewart's Point Rancheria
- Lytton Rancheria of California
- Manchester Band of Pomo Indians of the Manchester-Point Arena Reservation
- Mechoopda Indian Tribe of the Chico Rancheria
- Middletown Rancheria of Pomo Indians of California
- Mooretown Rancheria of Maidu Indians of California
- Paskenta Band of Nomlaki Indians of California
- Pinoleville Rancheria of Pomo Indians of California
- Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek, and Roaring Creek Rancherias)
- Potter Valley Rancheria of Pomo Indians of California
- Quartz Valley Indian Community of the Quartz Valley Reservation of California
- Redding Rancheria
- Resighini Rancheria
- Redwood Valley Rancheria of Pomo Indians of California
- Robinson Rancheria of Pomo Indians of California
- Round Valley Indian Tribes of the Round Valley Reservation
- Rumsey Indian Rancheria of Wintun Indians of California
- Scott's Valley Band of Pomo Indians of California
- Sherwood Valley Rancheria of Pomo Indians of California
- Smith River Rancheria
- Table Bluff Reservation-Wiyot Tribe
- Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
- Yurok Tribe of the Yurok Reservation



Figure A-1. Locations of Federally Recognized Tribes in Washington



Figure A-2. Location of Federally Recognized Tribes in Oregon



Figure A-3. Locations of Federally Recognized Tribes in California

## Appendix B. Tribal Monitoring Questionnaires and Protocols

### Interview Questionnaire

- 1) Have written consultation protocols been developed?
- Are they adequate for government-to-government consultation?
  - Are they adequate for potential effects on tribal lands or tribal interests?

<p style="text-align: center;"><b>Consultation Protocol Developed?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>	<p style="text-align: center;"><b>Adequate for Consultation?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>	<p style="text-align: center;"><b>Adequate for Potential Effects?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>
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- 2) Is the tribe aware of federal policy guidance available for tribal consultation when agency plans, projects, programs or activities have the potential to affect resources, uses, or areas of interest to tribes, including tribal lands? Are federal procedures adequate to identify direct and indirect effects to activities on tribal lands?

<p style="text-align: center;"><b>Policy Guidance Available?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>	<p style="text-align: center;"><b>Procedures Adequately Identify Effects on Tribal Lands?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>
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- 3) Over the past ten years, has the tribe been consulted on federal agency plans, projects, programs or activities that might affect tribal resources, tribal uses, or areas of interest to tribes?

- How frequently?

<p style="text-align: center;"><b>Has the Tribe Been Consulted?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>	<p style="text-align: center;"><b>How Frequently?:</b></p> <p>*Single Answer for All: _____</p> <p>A _____: _____</p> <p>B _____: _____</p> <p>C _____: _____</p>
--	---

- Does the tribe participate with the PACs?
- Has the tribe been involved in watershed analysis?

<p style="text-align: center;"><b>Tribe Participates with PACs?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>	<p style="text-align: center;"><b>Tribe Involved in Watershed Analysis?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>
--	--



- Provide examples of effects, such as to resources, uses, or areas of interest.

<b>Examples:</b>	
*Single Answer for All: _____	
A _____:	_____
_____	
B _____:	_____
_____	
C _____:	_____
_____	

4) Over the past ten years, has tribal information been incorporated into federal planning documents and decision-making processes, in a manner such that tribes can recognize their contributions? Did tribal contributions result in any changes to federal actions or considerations for resources of interest? If so, please explain.

<p><b>Tribal Input Incorporated?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>	<p><b>Tribal Input Changes Results? Explain, if so:</b></p> <p>*Single Answer for All: Y ___ N ___</p> <p>Explain _____</p> <p>A _____: Y ___ N ___</p> <p>Explain _____</p> <p>B _____: Y ___ N ___</p> <p>Explain _____</p> <p>C _____: Y ___ N ___</p> <p>Explain _____</p>
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5) Over the past ten years, have agencies consulted or collaborated with tribal governments to develop plans for future monitoring, restoration, or assessment projects, or for other planning efforts?

<p><b>Agency Collaboration with Tribal Government to Develop Plans?:</b></p> <p>*Single Answer for All: Yes ___ No ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>
--

6) What is the level of the tribal government’s involvement in ESA?

- Section 7 consultations?
 

Low	___	1	___	2	___	3	___	4	___	5	___
High	_____										
- Section 10 consultations?
 

Low	___	1	___	2	___	3	___	4	___	5	___
High	_____										

7) Over the past ten years, how have the exercise of tribal rights or access to resources and/or areas of tribal interest on federal lands been changed? Is this in any way due to implementing the Plan standards and guidelines?

<p><b>How Has Tribal Exercise or Access on Federal Lands Changed?:</b></p> <p>*Single Answer for All: _____</p> <p>A _____: _____</p> <p>_____</p> <p>B _____: _____</p> <p>_____</p> <p>C _____: _____</p> <p>_____</p>	<p><b>Due to Implementing PLAN S&amp;Gs?:</b></p> <p>*Single Answer for All: Y ___ N ___</p> <p>A _____: Y ___ N ___</p> <p>B _____: Y ___ N ___</p> <p>C _____: Y ___ N ___</p>
--	--

	N____
--	-------

- 8) Is the tribe aware of procedures that have been put in place to provide for:
- Protecting sensitive tribal information from unauthorized access or release?
  - Incorporating tribal traditional knowledge in the development of management actions?
  - Protecting cultural sites on federal land?

<b><i>Protect Sensitive Tribal Information?</i></b>	<b><i>Incorporate Traditional Knowledge?</i></b>	<b><i>Protect Cultural Sites on Federal Land?</i></b>
*Single Answer for All: Yes ___ No ___	*Single Answer for All: Yes ___ No ___	*Single Answer for All: Yes ___ No ___
A _____: Y ___	A _____: Y ___	A _____: Y ___
N _____	N _____	N _____
B _____: Y ___	B _____: Y ___	B _____: Y ___
N _____	N _____	N _____
C _____: Y ___	C _____: Y ___	C _____: Y ___
N _____	N _____	N _____

- 9) What are the conflicts over the use or management of resources or areas of tribal interest? Over the past ten years, have these conflicts increased or decreased? Is this a result of implementation of the Plan and associated government-to-government consultation, including efforts to resolve conflicts? Are the conflict resolution processes adequate?

<b><i>What Are the Conflicts?</i></b>		
*Single Answer for All:		
_____		
A _____: _____		
B _____: _____		
C _____: - _____		
<b><i>Conflict Trend:</i></b>	<b><i>Due to PLAN Consultation?</i></b>	<b><i>Adequate Conflict Resolution?</i></b>
*Single Answer for All: Increase ___ Decrease ___	*Single Answer for All: Y ___ N ___	*Single Answer for All: Y ___ N ___
A _____: Increase ___ Decrease ___	A _____: Y ___ N ___	A _____: Y ___ N ___
B _____: Increase ___ Decrease ___	B _____: Y ___ N ___	B _____: Y ___ N ___
C _____: Increase ___ Decrease ___	C _____: Y ___ N ___	C _____: Y ___ N ___

- 10) Please compare consultation before the Plan (i.e., prior to 1994) and today, 2003.

<b><i>Compare Consultation Today and Prior to PLAN (pre-1994):</i></b>
*Single Answer for All:
_____
A _____: _____
B _____: _____
C _____: _____

- 11) How would the tribe describe the success of implementing the Plan?
- Are the relationships between the tribe and the federal land management agencies improved?

- Are tribal rights and interests, access, and resource conditions associated with federal agency lands unchanged over the past ten years?
- Is the tribe satisfied with the outcomes of government-to-government consultations or conflict resolution processes?

<p><i>Are Relations Improved?:</i>                  *Single Answer for All: Y___                  N___                  A _____: Y___                  N___                  B _____: Y___                  N___                  C _____: Y___                  N___</p>	<p><i>Interests/Access/Conditions Unchanged?</i>                  *Single Answer for All: Y___ N___                  A _____: Y___ N___                  B _____: Y___ N___                  C _____: Y___ N___</p>	<p><i>Is Tribe Satisfied with Outcomes?:</i>                  *Single Answer for All: Y___                  N___                  A _____: Y___                  N___                  B _____: Y___                  N___                  C _____: Y___                  N___</p>
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12) Has the tribe exercised treaty rights or addressed tribal interests associated with national forests and BLM public lands and resources? Please provide examples, if you wish.

\*Single Answer for All: Y\_\_\_ N\_\_\_  
 Example(s) \_\_\_\_\_  
 A \_\_\_\_\_: Y\_\_\_ N\_\_\_  
 Example(s) \_\_\_\_\_  
 B \_\_\_\_\_: Y\_\_\_ N\_\_\_  
 Example(s) \_\_\_\_\_  
 C \_\_\_\_\_: Y\_\_\_ N\_\_\_  
 Example(s) \_\_\_\_\_

13) How is federal (FS/BLM) forest management compatible with what the tribe values about those lands?

\*Single Answer for All:  
 \_\_\_\_\_  
 A \_\_\_\_\_: \_\_\_\_\_  
 B \_\_\_\_\_: \_\_\_\_\_  
 C \_\_\_\_\_: \_\_\_\_\_

14) Are there actions that would strengthen and enhance federal-tribal relations?

Tribal responses and follow-up

Federal line official(s) follow-up [*responses also, if available*]

\*Single Answer for All:  
 \_\_\_\_\_  
 A \_\_\_\_\_: \_\_\_\_\_  
 B \_\_\_\_\_: \_\_\_\_\_  
 C \_\_\_\_\_: \_\_\_\_\_  
 ) \_\_\_\_\_: \_\_\_\_\_  
 ) \_\_\_\_\_: \_\_\_\_\_  
 ) \_\_\_\_\_: \_\_\_\_\_

## Monitoring Protocol

### I. Objectives

To improve tribal relations and fulfill responsibilities of the Plan.

### II. Questionnaire

The monitoring survey “tool” is a Questionnaire with 14 composite questions.

### III. Monitoring Process

The lead agencies are the FS and the BLM. Monitoring process is as follows:

Local line officer: Local line officials may be principal spokespersons in scheduling the monitoring interviews. Discussions about resource conditions will be helpful in assessing tribal access to resources and places of importance to them.

Regional Tribal Program Specialists: Regional tribal program specialists on the interagency tribal monitoring team will conduct the interview, accompanied by the local agency line official(s), to provide support and continuity with interviews, and record tribal responses consistently.

Tribal Monitoring Advisory Group: Members of this advisory group provide input to improve the tribal monitoring module implementation process, and may participate in particular tribal interviews if tribes consent.

### IV. Reporting

Results from the interviews will be helpful in making recommendations for adaptive management, assessments of resource abundance, steps to improve relations, providing improved access to resources, access to maintain traditional cultural sites and use areas, or improvements to the inter-governmental communication processes.

### V. Implementation and Management:

This module and associated activities will be the responsibility of the interagency tribal monitoring team. It is anticipated that the monitoring team will report annually on the results. A long-term goal is to produce an interpretative report that synthesizes several years of information and provides input for adaptive management.

### Recommended Monitoring Interview Agenda

Time (minutes)	Subject	Participants
10	Introductions, opening statements (set tone) <i>This is a listening session</i>	Federal officials and Tribal leaders
10	Review agenda and purpose of the interviews <i>Intent is to improve relations, practices</i> <i>Notes to be shared</i>	Monitoring staff and Federal officials
10	Explain the interview process	Monitoring staff
60 to 120	Conduct the Interview <i>Monitoring staff records responses</i>	Monitoring staff and Tribal leaders
60	Open discussion <i>May be issue driven</i> <i>May recommend actions</i>	Tribal leaders and Federal officials

## **General Interview Principles**

Some subjects may be sensitive in nature. Tribal leaders may request any recording device be turned off or written notes not be taken for specific resources or site location information. Agency personnel need to honor such requests. To be respectful and to maximize precise transcriptions, agency requests to use audio or video recording devices should be made when meeting times are scheduled with tribes. Tribes may also opt to use recording devices throughout the monitoring sessions without asking for agency permission.

Tribes may wish to exclude federal line officers from the actual monitoring interview session, to enhance candor and openness in tribal respondents. Tribes may also opt to include members of the Tribal Monitoring Advisory Group in sessions.

Each question applies equally to the BLM and FS. It is important to consider and note any responses about federal agencies other than from BLM or FS.

Timelines above are estimated. Some questions may generate longer responses. Some discussion subjects will be longer than others.

To respect time schedules and make the interviews as efficient as possible, we recommend that the total time not exceed four hours.

## Invitation Letter

Honorable (NAME), Chairperson  
(Name of Tribe)  
Tribal Government Address  
Tribal Government Address

Dear (NAME of Tribal Chairperson):

This letter is an invitation for you to participate in a Northwest Forest Plan (Plan) tribal monitoring interview session. As you may know, the Plan's Record of Decision (ROD) contains significant objectives important to American Indian tribal governments with ties to federal forests covered by the Plan. Key Plan objectives for tribes include monitoring to determine if there are: (1) Plan implementation actions that affect tribal rights or interests, (2) improved conditions and trends of resources of interest to tribes, (3) effective communication and coordination between federal agencies and tribes, and (4) adequate access to natural resources and cultural sites. A tribal monitoring module has been developed, with tribal input, to document and evaluate government-to-government consultation processes, issues, and concerns associated with Plan implementation by the US Forest Service (FS) and the US Bureau of Land Management (BLM).

The tribal monitoring module asks elected tribal officials or their representative(s) a set of interrelated questions. The questionnaire (attached) is intended to be the basis for an in-person verbal interview to obtain tribal views, and takes anywhere from 1 to 4 hours to complete. Tribal officials may extend discussions or even suggest alternative methods for gathering this tribal monitoring information.

The interviewer would normally be a regional FS or BLM tribal program specialist on the tribal monitoring team. A primary agency line official, or sometimes one official per agency, will be present to "listen", unless you prefer the federal official(s) to be absent during the interview to maximize open, candid tribal dialogues. With your concurrence, other key agency officials may also be present, including secondary line officials and cultural specialists. Additionally, a member of the tribal monitoring advisory group may be present to reinforce accurate reporting.

As tribal chairperson you may consider the value of having other key tribal staff involved, such as the natural resources director, the forest manager, and cultural or biological staff specialists, or any other tribal officials or representatives you may delegate to participate. You may also wish to have one of your staff assist with note taking, to aid in documenting an accurate record, particularly if you prefer that electronic recording devices not be used.

At the tribe's option, audio or video recording devices can be used to provide an accurate and complete record of the interview; however, these devices can inhibit responsiveness and candor. If electronic recording devices are used, they will be turned off simply on request (*the same as for written notes*). Tribes may use electronic recording devices without asking for federal agency permission.

The 76 American Indian tribal governments with interests in the federal forests of the Plan area will all be invited to participate in these tribal monitoring sessions through 2004, and every 3 years after. You will be contacted to ensure your receipt of this invitation, and to coordinate mutually acceptable dates.

Thank you in advance for your assistance and cooperation in gathering this critical information on your tribal perspectives on the implementation of the Plan. If you or your staff have any questions or require additional clarification, please do not hesitate to contact me, at (xxx) xxx-xxxx, tribal monitoring team member Sonia Tamez (USFS-R5), at (707) 562-8919, or the tribal monitoring module coordinator, Bruce Crespin (BLM-OR/WA), at (503) 808-6493.

Sincerely,

Primary Line Official

Attachment:

Tribal monitoring questionnaire (3 pp.)

cc: Tribal Executive (Name)/ [*Know actual position titles!!*]  
Director, Natural Resources  
Forest Manager  
Cultural Committee

Forest Service/  
Sonia Tamez R5  
Tribal Relations Advisor R6  
Jon Martin R6  
IAC – Tribal Monitoring Advisory Group (George Smith)

BLM/  
CA-330 (Paul Roush)  
CA-930 (Ken Wilson)  
OR-932 (Nancy Molina)  
OR-933 (Bruce Crespín)

## Appendix C. Survey Results

Question #	Yes	No	Unknown/no answer	Comment
<i>Initial #1.</i> Have consultation protocols been developed?	7	2	0	FS/Yes-6; FS/No-1 BLM/Yes-3; BLM/No-1
Are they adequate for government-to-government consultation?	9	0	0	
Are they adequate for potential effects <b>to</b> Tribal lands or Tribal interests?	9	0	0	
<i>Modified #1.</i> Have <b>written</b> consultation protocols been developed?	4	2	0	FS/Yes-3 BLM/Yes-1; BLM/No-2 NPS/Yes-1; NPS/No-1
Are they adequate for government-to-government consultation?	3	2	1	FS/Yes-1 BLM/Yes-1
Are they adequate for potential effects <b>on</b> Tribal lands or Tribal interests?	3	2	1	
<i>Initial #2.</i> Is Federal policy guidance available for Tribal consultation when agency Plans, projects, programs or activities have the potential to affect resources, or areas of interest to Tribes, including Tribal lands?	7	0	2	
<i>Modified #2.</i> Is <b>the Tribe aware of</b> Federal policy guidance available for Tribal consultation when agency Plans, projects, programs or activities have the potential to affect resources, <b>uses</b> , or areas of interest to Tribes, including Tribal lands?	4	2	0	
<b>Are Federal procedures adequate to identify direct and indirect effects to activities on Tribal lands?</b>	5	1	0	FS/Yes-1
<i>Initial #3.</i> Has the Tribe been consulted on Federal agency Plans, projects, programs or activities that might affect <b>the</b> Tribal resources, uses, or areas of <b>special</b> interests?	9	0		
How frequently?	n/a	n/a		Frequent-2; Quarterly-4; Yearly-1; Irregular-0; Infrequent-0; Never-0 ; Unknown/No Answer-2



Question #	Yes	No	Unknown/no answer	Comment
Does the Tribe participate with the PACs?	5	3		Unknown/No Answer-1
Has the Tribe been involved in watershed analysis?	6	2		Unknown/No Answer-1
<i>Modified #3. Over the past ten years, has the Tribe been consulted on Federal agency Plans, projects, programs or activities that might affect Tribal resources, Tribal uses, or areas of interest to Tribes?</i>	6	0		
How frequently?	n/a	n/a		Frequent-0; Quarterly-1; Yearly-0; Irregular-2; Infrequent-2; Never-0; Unknown/No Answer-1
Does the Tribe participate with the PACs?	2	4		Unknown/No Answer-0
Has the Tribe been involved in watershed analysis?	5	1		Unknown/No Answer-0
<i>Initial #4. Has Tribal information been incorporated into Federal Planning documents and decision-making processes, in a manner such that Tribes can recognize their contributions?</i>	4	1	4	
Did Tribal contributions result in any changes to Federal actions or resources of interest?	4	2	3	
<i>Modified #4. Over the past ten years, has Tribal information been incorporated into Federal Planning documents and decision-making processes, in a manner such that Tribes can recognize their contributions?</i>	4	2	0	FS/Yes-2 BLM/Yes-2 NPS/Yes-1
Did Tribal contributions result in any changes to Federal actions or <b>considerations for</b> resources of interest?	3	2	1	FS/Yes-1 BLM/Yes-1 NPS/No-1
<i>Initial #5. Have agencies consulted or collaborated with Tribal governments to develop Plans for future monitoring, restoration, or assessment projects?</i>	8	0	1	FS/Yes-1 BLM/Yes-1
<i>Modified #5. Over the past ten years, have agencies consulted or collaborated with Tribal</i>	5	1	0	FS/Yes-3 BLM/Yes-3 NPS/Yes-1

Question #	Yes	No	Unknown/no answer	Comment		
governments to develop Plans for future monitoring, restoration, or assessment projects, <b>or for other Planning efforts?</b>						
<i>#6. What is the level of the Tribal government's involvement in ESA:</i>						
	<i>[None]</i>		<i>[Some]</i>	<i>[Low]</i>	<i>[Med]</i>	<i>[High]</i>
Section 7 consultations?	2		4	4	1	4
Section 10 consultations?	7		0	6	2	0
<i>Initial #7. Has the exercise of Tribal rights or access to resources/areas of Tribal interest on Federal lands been changed <b>because</b> of implementing the PLAN standards and guidelines?</i>	5	2	2	Better-3 Worse-5		
<i>Modified #7. <b>Over the past ten years, how</b> have the exercise of Tribal rights or access to resources and/or areas of Tribal interest on Federal lands been changed?</i>	5	1	0	Better-3 Worse-2		
<b>Is this in any way due</b> to implementing the PLAN standards and guidelines?	1	2	3			
<i>Initial #8. Have procedures been put in place that provide for:</i>						
Protecting sensitive Tribal information from unauthorized access or release?	6	0	3			
Incorporating Tribal traditional knowledge in the development of management actions?	2	3	4			
Protecting cultural sites on Federal land?	7	0	2			
<i>Modified #8. <b>Is the Tribe aware of</b> procedures that have been put in place to provide for:</i>						
Protecting sensitive Tribal information from unauthorized access or release?	2	3	1			
Incorporating Tribal traditional knowledge in the development of management actions?	1	3	2			
Protecting cultural sites on Federal land?	5	1	0			

Question #	Yes	No	Unknown/no answer	Comment
<i>Initial #9.</i> Have conflicts over the use and management of resources/areas of Tribal interest increased or decreased as a result of implementation of the PLAN and associated government-to-government consultation, including efforts to resolve conflicts?	5	2	2	Increased-3 Decreased-2 No Conflict-1
Is the conflict resolution process adequate?	4	3	2	
<i>Modified #9.</i> <b>What are the</b> conflicts over the use or management of resources or areas of Tribal interest?	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ Fisheries</li> <li>▪ No traditional fire</li> <li>▪ Access to cedar/special forest products</li> </ul>
<b>Over the past ten years</b> , have these conflicts increased or decreased?	5	0	1	Increased-4 Decreased-1 No Conflict-1
<b>Is this a result of</b> implementation of the PLAN and associated government-to-government consultation, including efforts to resolve conflicts?	1	1	4	
Are the conflict resolution processes adequate?	3	3	0	
<i>#10.</i> Please compare consultation before the PLAN (i.e., prior to 1994) and today.	N/A	N/A	4	No comparison (2). Consultation better (3). No consultation before (1). Not better or worse, but different focus (4). Varies w/ agency (1).
<i>Initial #11.</i> How would the Tribe describe the success of implementing the PLAN:				
Are the relationships improved?	8	0	1	
<b>Are there actions that would further improve Federal and Tribal relations?</b>	<i>Discussed below in Question #14</i>			
<i>Modified #11.</i> How would the Tribe describe the success of implementing the PLAN:				
Are the relationships <b>between the Tribe and the Federal land management agencies</b> improved?	6	0	0	
<b>Are Tribal rights and interests, access, and resource conditions associated with Federal agency</b>	3	3	0	

Question #	Yes	No	Unknown/no answer	Comment
lands unchanged over the past ten years?				
<b>Is the Tribe satisfied with the outcomes of government-to-government consultations or conflict resolution processes?</b>	4	1	1	FS/Yes-1 BLM/Yes-1 NOAA/No-1
<i>#12 (modified only).</i> Has the Tribe exercised treaty rights or addressed Tribal interests associated with National Forests and BLM public lands and resources? Please provide examples, if you wish.	6			
<i>#13 (modified only).</i> How is Federal (FS/BLM) forest management compatible with what the Tribe values about those lands?	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ Support burning for cultural plants, wildland-urban interface, forest health.</li> <li>▪ Goals generally compatible-accessibility, multiple-use, biodiversity.</li> <li>▪ Conflicts: Reduced elk forage; Forest Service protection efforts (management direction is not always consistent with tribal values, focuses on a few species instead of many, and changes frequently-no long term vision); plans consistent with tribal interests on paper, but agencies are not managing on the ground.</li> </ul>
<i>Modified #14 and Initial from portion of #11.</i> <b>Are there actions that would strengthen and enhance Federal-Tribal relations?</b>	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>▪ Smooth transitions for new line officers</li> <li>▪ Share digital data with tribes – more open exchange of information</li> <li>▪ Develop uniform consultation protocol between agencies.</li> <li>▪ Single definition of “consultation”.</li> <li>▪ Consultation with FS, BLM and BIA is good-other agencies should adopt consultation practices</li> <li>▪ Formal consultation process might improve resource conditions</li> <li>▪ Federal agencies should develop stewardship contracts with tribes</li> <li>▪ Want more projects implemented</li> <li>▪ Provide funding for tribal members to consult.</li> </ul>

## Appendix D. Indian Tribes and Federal Agencies Participating in Tribal Forum

### **Tribal Government or Organization**

Intertribal Timber Council

California Indian Forest & Fire Management Council

Northwest Indian Fisheries Commission

Columbia River Inter-Tribal Fish Commission

Confederated Tribes of Coos, Lower Umpqua, Siuslaw Indians

Coquille Indian Tribe

Skokomish Tribe

Confederated Tribes of the Grand Ronde Community of Oregon

Quileute Nation

### **Federal Agency**

USDA Forest Service - State and Private Forestry, Office of Tribal Relations

USDA Forest Service – Pacific Northwest Region

NOAA-National Marine Fisheries Service

Bureau of Indian Affairs - Northwest Regional Office, Forest Development

Bureau of Indian Affairs - Siletz Agency