

Strengthening the Federal-Tribal Relationship: A Report on Monitoring Consultation under the Northwest Forest Plan

Prepared for: Tribal Relations Office of the USDA Forest Service Regions 5 and 6 and the US Department of Interior Bureau of Land Management

Report Prepared by: Kathy, Lynn, University of Oregon (UO) Environmental Studies Program

The Northwest Forest Plan (NWFP) is a long-term, comprehensive ecosystem management plan encompassing over 24 million acres of public land in Washington, Oregon, and California. Over 70 federally recognized American Indian tribes have tribal lands and/or territory within the NWFP boundary. Each tribe has a unique treaty history and relationship with the federal government, as well as unique environmental and economic needs that influence how they are affected by the implementation of the NWFP. As part of the NWFP's Standards and Guidelines, the USFS and BLM are tasked with carrying out monitoring efforts to evaluate the efficacy of the NWFP's management practices. One element of effectiveness monitoring identified in the Record of Decision (ROD) for the Plan is "American Indians and Their Culture." This 25-year monitoring report presents the findings from the third monitoring effort assessing federal-tribal relations under the NWFP.

The 25-year report includes findings from the interviews conducted with tribes within the NWFP region to assess the federal-tribal relationship under the NWFP, as well as several case studies that provide voices from tribes about their experience and perspectives on how their rights and interests are being affected by federal policy. These case studies are intended to assist tribes and agencies in understanding local conditions and the outcomes from a given process, such as NWFP implementation. The interviews and case studies revealed a number of areas in which improvements could be made in order to make federal-tribal relations more effective and meaningful. Of particular importance is the need to align tribal and federal visions on what constitutes consultation, the need to ensure that agency staff are culturally competent and informed on treaty rights, other tribal rights, the federal trust responsibility, and the history of federal-tribal relations, and the need to ensure that tribes' needs, knowledges, and practices shape not only tribal, but also federal forest management. The report includes findings from interviews with 25 federally-recognized tribes in the Northwest Forest Plan region and four case Studies, including:

- 1. Karuk Tribe.** The Western Klamath Restoration Partnership: a promising collaboration model.
- 2. Klamath Tribes.** A memorandum of agreement with the Fremont-Winema National Forest facilitates federal-tribal relations.
- 3. Quinault Indian Nation.** Continuing challenges with consultation and the Northwest Forest Plan's effects on the timber economy.
- 4. Mechanisms for Strengthening Accountability in Consultation.** Memoranda of understanding and agreement, tribal consultation ordinances, and consultation policy at the national level as tools to enhance federal-tribal relations.

Recommendations

The full report includes findings from the interviews conducted with tribes within the NWFP region to assess the federal-tribal relationship under the NWFP. This report also includes several case studies that highlight tribal experiences and perspectives on how their rights and interests are being affected by federal policy, and the measures taken in order to strengthen the federal-tribal relationship. The interviews and case studies highlighted a number of places where improvements could be made in order to make federal-tribal relations more effective and meaningful. The full report also includes a table comparing the recommendations developed in the 20-year tribal monitoring report with the findings made from this round of interviews. Many of the responses made by tribal staff show that the recommendations made in the 20-year report are yet to be addressed, and still need implementation. Respondents also highlighted other areas that could be improved in order to make sure the federal-tribal relationship is meaningful and effective. Following is a list of some of the key recommendations from the 25-Year NWFP Tribal Report.

Consultation Recommendations from Tribes

- Learn about, recognize, and act on each tribe's unique vision for consultation.
- Increase effectiveness of government-to-government consultation.
- Create more formalized, individualized agreements between tribes and agencies to clarify the relationships between them.
- Strengthen the accountability of consultation.
- Customize tribal notifications.
- Increase agency awareness of tribal lands and territories in relation to the NWFP boundary.
- Increase agency and tribal awareness of NWFP policies and their implications.
- Work with tribes to develop an orientation process for new agency staff.
- Increase the use of more personal forms of communication.
- Encourage tribal participation in intergovernmental forums.
- Increase opportunities for collaboration in planning and management.
- Incorporate tribal comments into agency plans prior to making plans public.
- Coordinate consultation policies and practices across USFS districts.
- Increase opportunities for inter-agency learning.
- Strengthen pathways within the USFS for tribal concerns to flow from districts to agency leadership.

Tribal Rights and Access Recommendations

- Train agency staff across all levels to ensure strong cultural competency in tribal matters.
- Review policies that severely impact tribes' rights to interact with traditional lands and resources.
- Adopt procedural frameworks to protect sensitive tribal and traditional knowledge.
- Develop and use effective conflict resolution processes.

Recommendations for Improving Federal-Tribal Forest Management Compatibility

- Consult and collaborate with tribes to enhance the compatibility of federal-tribal forest management practices.
- Increase opportunities for tribal land management.
- Increase funding and support opportunities for tribal natural resource departments.
- Increase funding and ensure adequate staffing levels for agencies working closely with tribes.