



Introduction

The National Indian Forest Resources Management Act (NIFRMA), enacted as Title III of Public Law 101-630 on November 28, 1990, provided guidance on a range of challenges and objectives for Federal trust administration to support sustainable management of Indian forests.

Among key findings were congressional acknowledgements that:

- Forest lands of Indians are among their most valuable resources.
- The United States has a trust responsibility toward Indian forest lands.
- Existing federal laws do not sufficiently assure the adequate and necessary trust management of Indian forest lands.
- The federal investment in, and the management of, Indian forest land is significantly below the level of investment in, and management of, Forest Service land, Bureau of Land Management (BLM) forest land, or private forest land.
- Tribal governments make substantial contributions to the overall management of Indian forest land.
- There is a serious threat to Indian forest lands arising from trespass and unauthorized harvesting of Indian forest land resources.

NIFRMA (section 3111) directed the Secretary of the Department of the Interior (DOI), in consultation with the affected Indian tribes, to obtain periodic independent assessments of the status of Indian forest resources and their management. The first two assessments were completed in 1993 and 2003. As the third assessment, this report provides an opportunity to look back across the past two decades of change and advancements, as well as to consider challenges that remain for Indian forestry programs.

NIFRMA states that assessments of Indian forests and forest management shall be national in scope and centered on eight topics of inquiry:

- A. An in-depth analysis of management practices on, and the level of funding for, specific Indian forest land compared with federal and private forest lands.
- B. A survey of the condition of Indian forest lands, including health and productivity levels.
- C. An evaluation of the staffing patterns of forestry organizations of the Bureau of Indian Affairs and of Indian tribes.
- D. An evaluation of procedures employed in timber sales administration, including preparation, field supervision, and accountability for proceeds.
- E. An analysis of the potential for reducing or eliminating relevant administration procedures, rules, and policies of the Bureau of Indian Affairs consistent with federal trust responsibility.
- F. A comprehensive review of the adequacy of Indian forest land management plans, including their compatibility with applicable tribal integrated resource management plans and their ability to meet tribal needs and priorities.
- G. An evaluation of the feasibility and desirability of establishing minimum standards against which the adequacy of forestry programs of the Bureau of Indian Affairs in fulfilling its trust responsibility to Indian tribes can be measured.
- H. Recommendations of any reforms and increased funding levels necessary to bring Indian forest land management programs to a state-of-the-art condition.

As with preceding reports, the Secretary of the Interior contracted with the Intertribal Timber Council (ITC), a national organization of forest-managing Indian tribes, to oversee the development of this report. At the request of ITC, the assessment was expanded to include the following three questions regarding contemporary issues of special interest to forest-managing Indian tribes:

- (1) Issues relating to workforce education, recruitment and retention with special attention to recruiting more Indian professionals in natural resource management.
- (2) Quantification of economic, social, and ecological benefits provided by Indian forests to tribal and regional communities.
- (3) Consideration of changes in forest management, harvesting, and transportation infrastructure in the vicinity of reservations and the potential for Indian forests to become "anchors" of forest infrastructure.

Other topics that currently affect Indian forests include trust responsibility; federal budget reductions; policies related to fractionated ownership; and the Tribal Forest Protection Act (TFPA). Immediate threats to the sustainability of forests across all ownerships, such as forest fire hazard, climate change, endangered species, and market declines, also warrant

consideration.

To address these questions, ITC selected a group of ten independent forestry experts from various disciplines to make up the third Indian Forest Management Assessment Team (IFMAT III). Some members participated in one or both of the previous IFMAT assessments, allowing them to make direct comparisons over time in their fields of expertise.



Thinned pine forest- Mescalero Apache. Photo by Vincent Corrao.

Methodology

ITC selected ten nationally-recognized forestry experts to form IFMAT III, and appointed an oversight committee to work directly with the team. Twenty forested reservations (listed below), some large and some small, distributed throughout the United States, generously agreed to host site visits by IFMAT III during 2012. At each site, tribal and Bureau of Indian Affairs (BIA) staff provided briefings on resource programs. In addition to visits with resource professionals, IFMAT III participated in discussions with tribal leaders, tribal elders, members, government officials, students, and educators. At each reservation, in addition to meetings, at least one day was spent touring the tribal forest lands to observe management in practice. On reservations where the tribe operated a wood-processing facility, IFMAT III visited the facility and interviewed staff. Most reservation visits were completed in two days, while a few on the larger reservations with schools or sawmills required three days. A trip log is included in the Appendix V

New with IFMAT III has been the initiation of a Native student observer program. Three ambitious scholars from three tribes joined the team as principal interns for site visits, organizational meetings, and research investigations. Another five students joined IFMAT for single reservation visits. Internships provide beneficial opportunities for students to gain experiences, tribal contacts, and leadership skills that will serve them into the future while

bringing added depth to Indian forest management assessments. IFMAT recommends that future investigations provide similar opportunities for student participation.

Student participation

Principal student observers:

Laurel James (Yakama), PhD candidate, University of Washington (UW)
Serra Hoagland (Laguna Pueblo), PhD candidate, Northern Arizona University
Breanna Gervais (Penobscot), undergraduate, Portland State University

Single visit participants:

Spus Wilder (Colville), Master of Science student, UW
Jeromie Grits (Eastern Band of Cherokee), Masters student, UW
Everett Isaac (Yakama), PhD, UW
Chris Beatty (Fort Apache), Master of Science student, UW
Louis Moses (Spokane), undergraduate, Salish Kootenai College

In addition to reservation visits, IFMAT III met with educators from schools with Native enrollments in resource sciences and with federal agency personnel at regional and national BIA and other federal offices with responsibility for providing services to Indian tribes.

Field visits to reservations

IFMAT III visited 20 Indian reservations (Colville, Coquille, Eastern Band of Cherokee, Flathead, Fort Apache, Lac du Flambeau, Leech Lake, Makah, Menominee, Mescalero Apache, Nez Perce, Penobscot, Quinault, San Carlos Apache, Spokane, Tulalip, Tule River, Warm Springs, White Earth, and Yakama).

Field visits to schools

Four Indian colleges (Salish Kootenai College, Northwest Indian College, Leech Lake Tribal College, and College of Menominee Nation), three community colleges with forestry programs close to reservations (Grays Harbor College, Heritage College, Spokane Community College), one tribal high school with forest education program (Taholah).

Field visits to BIA and federal offices

IFMAT visited and interviewed staff at four BIA Forestry Regional Offices (NW, Portland; Pacific, Sacramento; West, Phoenix; Midwest, Minneapolis), the National Interagency Fire Center (NIFC, Boise), and the BIA Central Forestry Office in Washington D.C. One Regional Office (SW, Albuquerque) and the Branch of Forest Resource Planning (BOFRP, Lakewood) were visited via conference calls. Meetings with federal agencies in Washington D.C., that deliver services to Indian forestry programs, included BLM, USDA Natural Resources

Conservation Service (NRCS), USDA National Institute of Food and Agriculture, the USDA Office of Tribal Relationships, and USDA Forest Service Research.

Indian symposia

IFMAT III attended the 2012 BIA National Forest and Fire Conference and the 2012 ITC National Indian Timber Symposium.

Focus groups

Tribal members, elders, and councils – 12 reservations (Eastern Band of Cherokee, Colville, Coquille, Flathead, Lac du Flambeau, Menominee, Mescalero Apache, Nez Perce, Quinault, Tule River, Fort Apache, Yakama)

Educators, resource professionals, and students

10 reservations (Colville, Eastern Band of Cherokee, Fort Apache, Leech Lake, Menominee, Mescalero Apache, Quinault, Flathead, San Carlos Apache, Yakama)

Questionnaires

Focus group survey – 218 responses

Workforce survey – 135 responses

Data

Hard data and analysis that help answer the NIFRMA-mandated questions have remained consistent through three IFMAT reports. The assessment process is largely informed by data collected and provided by BOFRP, supplemented by contributions from other federal and state agencies. Other data sources include BIA central offices, BIA Branch of Wildland Fire, tribal forest plans, the USDA Forest Service (USFS) Forest Inventory Analysis (FIA) program, Aerial Detection Surveys, LANDFIRE, and others. Our discussion of tribal leadership and vision has been guided by what we have learned from the conversations and survey responses contributed by tribal members, young and old. Augmenting the multiple centuries of career experience shared by members of the IFMAT with review of historic, technical, and legal literature, we add our thoughts and recommendations in regard to the elusive concepts of “state-of-the-art” forestry and federal trust responsibility.

Scope

Funding analysis (Task A) extends to all BIA funding obligations for forestry and fire programs including those from Alaska. Other Task findings and recommendations are generally limited to Indian forests held in trust within the contiguous United States. Unfortunately, due to time and budgetary limitations, we were unable to examine the vast and resource-rich lands of Alaska where Native individuals, villages, tribes, and corporations hold almost 50 million acres, about half of which is forested. Most of these lands are in fee status, but 460,000 acres are trust lands many of which are widely scattered with no over-arching management plans. An IFMAT-type

study of the Native peoples of Alaska and their forests is sorely needed and long overdue but beyond the scope of this investigation. Nevertheless, we hope that some of the discussions presented in IFMAT III, especially concerning topics such as trust responsibility, forest health, traditional knowledge, and climate change, will be of interest to tribal and BIA forestry professionals to the north.



Snag retention – Coquille. Photo by Larry Mason

FIT

To look beyond disciplinary siloes and provide a more integrated understanding of our findings, we introduce the concept of **FIT (fire, investment, and transformation)**. The themes of fire, investment, and transformation embody the progress that Indian forestry has made over the period of the IFMAT assessments, as well as the opportunities and challenges that lie ahead.

Wildland **Fire** and other related forest health threats jeopardize the economic and ecological sustainability of Indian forests. Strategic **Investment** is needed to achieve tribal forest visions and plans, and to fulfill the U.S. government trust responsibility for Indian forests.

Transformation of tribes to self-governance, and toward the emergence of Indian forestry as a model for landscape stewardship, presents a pathway leading to a sustainable future.



Underburn to reduce hazardous fuels – Flathead. Photo provided by CSKT Fire Division

Fire

Few tribal land managers, particularly in the West, deny the growing problem with widespread fuel accumulation owing to decades of fire exclusion. Despite rising costs of fire suppression across the nation, and the National Fire Plan (2000) that led to major increases in federal agency funding for preparedness and fuel treatments, there has been an increase in the acreage of forests and woodlands consumed by wildfire each year.

Tribes have more management flexibility to deal with these issues than their federal neighbors. In general, our findings highlight many examples of healthy and productive Indian forests. We saw outstanding examples of sound forest management practices such as innovative uneven-aged forest management including prescribed fire, thinning regimes, and increasing use of integrated multiple resource management.

These examples of effective treatments offer hope, but are not enough to match the magnitude of the growing problem. The health of tribal forests is threatened by density-related issues such

as wildland fire, insects, and disease, which will increasingly compromise long-term forest sustainability. This is especially the case in the dry interior West where much of Indian forest acreage is located.

Suppression funding is legislatively based on a 10-year running average and continues to climb, which pulls money from preparedness and fuel management. The boost from National Fire Plan funding is dissipating more each year. BIA-NIFC struggles to maintain a qualified workforce and funding for routine operations, leaving little buffer in the system.

Thinning backlogs on tribal forest lands have been estimated by the BIA (2012d) to be 440,000 acres however, this acreage does not include the tens of thousands of acres on which hazardous fuels reduction treatments are needed. If land managers are truly going to use fire as a tool to restore ecosystems and reduce landscape-level fuel accumulations, they need to be treating five to ten times the amount of acres they have been treating annually over the last decade (Sandsberry 2012, Gorte and Bracmort 2012, Gorte 2011).

Adding urgency to these risks are climate changes; personnel shortages; the widespread loss of harvesting, transportation, and processing infrastructure; and adjacent forest ownerships that are densely stocked in many locations, posing increased wildfire threats to tribal resources.

Tribes, with their long and acknowledged relationship with fire and sustainable land management, can lead the way over the coming decades as public land management agencies work toward the goal of restoring the natural role of wildland fire.



Harvester/processor - Menominee.
Photo by Larry Mason

Investment

Indian forests require a minimum annual appropriation of \$254 million to bring per acre funding on a par with appropriate comparators (USFS for stewardship and wildfire for commercial timberlands; BLM for stewardship and wildfire on non-commercial forest lands; state and industrial forests for timber production). Current annual funding of \$154 million is \$100 million below comparable public and private programs.

This base funding does not include support for substantive tribal involvement in the DOI's Landscape Conservation Cooperatives (LCC) or other collaborative initiatives. Tribes need equitable access to funds and services related to climate change planning, adaptation, and response. Moreover, staffing is inadequate to provide the

What is needed to bring Indian forestry up to par with other forest ownerships?

Approximately 800 staff positions

Approximately \$100 million annually in additional funding for forestry and wildfire management

Another \$12.7 million annually for forestry education and training programs

quality and quantity of services needed to care for Indian forests. Expertise and leadership are being lost through retirements and employment transfers for higher wages. The involvement of Native American professionals has increased, but enrollment and recruitment efforts for natural resource professionals are inadequate to replace losses. Compensation received by tribal staff is significantly lower than that available for BIA and other agencies, which challenges recruitment and retention for tribal programs. Due to lack of stable, adequate funding, forest management functions are relying more and more on non-recurring grants, increasing administrative burdens and posing challenges for maintaining program continuity.

Retirements, insufficient recruitment and retention, and limited professional training opportunities are resulting in the erosion of workforce skills, leadership, and institutional knowledge within BIA and tribal forestry programs. Investments are needed in education and workforce development to replace an aging workforce with a new generation of skilled managers and technicians.

The 2011 Funding and Position Analysis (FPA) indicates that a minimum of an additional 792 professional and technical staff are needed to support the Indian forestry program, an increase of 65 percent above current levels. In addition, IFMAT recommends that a BIA national coordinator be recruited to pursue and oversee forestry education and training programs as envisioned by NIFRMA. A total cost of \$12.7 million per year or about \$0.69/acre will be required in addition to the \$100 million needed for forest management.

Our recommendations attempt to identify "leverage points," where targeted changes might yield substantial benefits. Tribes have enduring connections to the lands where they live, and live with the consequences of their management decisions. Healthy tribal forests provide

spillover benefits to society at large in the form of clean air and water, wildlife habitat, reduced fire risk, and biodiversity. When investments in tribal forests are made and recoverable products can be sold, caring for the forest can bring net return instead of sunk cost. The future environmental benefits of healthy forests can be regarded as interest earnings. Investments in tree planting and other long-term forest improvement activities assure the added benefits of sustainable communities and the skilled human resources needed to take care of the forest. Without management, forest health deteriorates, resiliencies needed for climate change adaptation are lost, and unwanted wildfires increase in frequency.

These factors, together with their greater flexibility in management options, make Indian forestry programs an investment responsibility with high potential returns.



Tule River. Photo by Larry Mason.

Transformation

Successes in Indian Country have not gone unnoticed. A profound transformation is underway in Indian forest management as BIA-dominated policies and programs are being replaced by tribal visions and development of expertise under self-determination contracting and self-governance compacts. Tribal involvement in forest management is leading to greater satisfaction in the quality of forest management in tribal communities. Indian forests are being increasingly managed by tribal programs in accordance with tribal visions and management priorities are shifting towards protection, with commodity production receiving less emphasis.

For example, despite continuing barriers, tribes are increasingly moving toward self-governance. In the twenty years since IFMAT I, the number of tribes that are taking control of their own forest management programs through compacts or contracts with BIA has risen more than 84 percent from 59 in 1991 to 112 in 2011. As a result, tribal forest management strategies are narrowing the gap identified in IFMAT I between timber commodity production and tribal visions for multi-resource stewardship built upon an integration of western science with traditional knowledge and values.

IFMAT III found that forest management plans now exist for most tribal forest lands. We suggest that planning could serve tribes in new ways: as a vehicle for funding and staffing negotiations, to develop conservation strategies to bring relief from regulatory burdens such as the National Environmental Policy Act (NEPA).

In policy and action, there appears a growing acceptance of an Indian worldview that “all things are connected,” accompanied by growing recognition that environmental challenges cannot be contained within political boundaries. The TFPA is an example. TFPA was intended to protect tribal assets by allowing tribes to contract with the federal agencies to carry out hazardous fuel and forest health silvicultural treatments on “adjacent” federal lands. TFPA represents an underutilized opportunity to work with state and federal agencies to increase jobs and economic stability in tribal communities, protect tribal resources and treaty rights on and off the reservation, and implement needed fuel hazard reductions that otherwise might not be accomplished. TFPA partnerships should be aggressively expanded, as 80 million acres of national forest land are in need of treatment and tribes share nearly 3000 miles of common boundary with national forests and rangelands.

Another opportunity for tribal forestry to play a pivotal role in efforts to achieve cross-boundary, landscape-level resource management is through anchor forests. An initiative of the ITC, the anchor forest concept centers on the idea of tribal forest managers collaborating with neighboring ownerships to collectively ensure long-term flow of harvested timber sufficient to sustain wood processing facilities within feasible transportation distances. These “anchor forests” will achieve economic, environmental and cultural objectives. A key aspect of this collaboration is the recognition that forest management must be both ecologically sustainable and economically viable.

Trust Responsibility

We find that the federal government continues to inadequately fulfill its trust obligations to Indian forestry as identified by Congress in the preamble to NIFRMA [Title III SEC 302]. This is evidenced in part by the fact that real funding and staffing levels are lower now than at the time of IFMAT I and continue to be well below those of comparable public and private programs. In

addition, there continues to be an inadequate response to the mandate of NIFRMA for the federal government to work with the tribes to provide for multiple use management consistent with tribal values and needs such as subsistence and ceremonial uses, fisheries, wildlife, recreation, aesthetic and other traditional values.

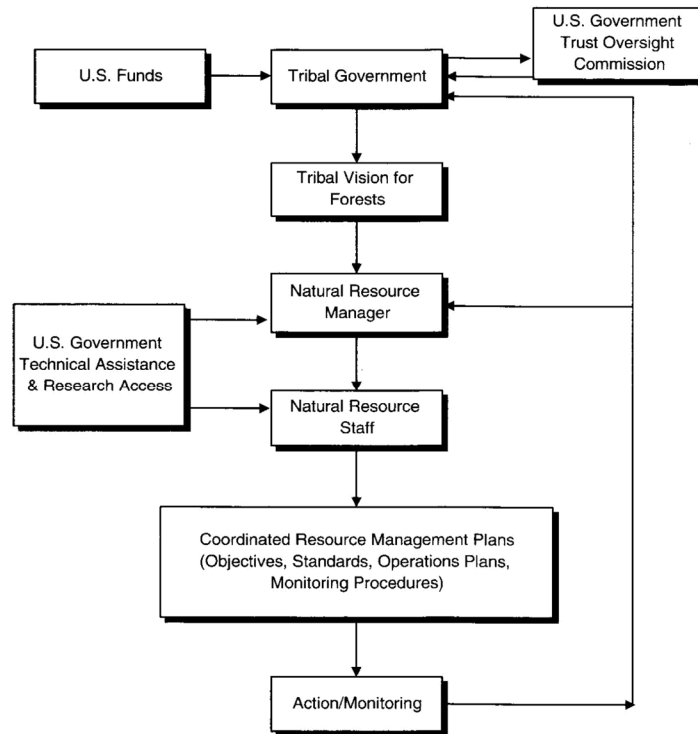
We recognize that no explicit, uniform performance standards for Indian forest management have been established to provide a firm basis for evaluating the degree to which the federal government is fulfilling its trust responsibility. However, we remain concerned that 1) funding and staffing levels continue to be insufficient to support state-of-the-art forest management, 2) that sufficient separation of oversight from operational responsibilities has not been put into effect, and 3) that administrative processes for Indian forestry are becoming extremely costly to complete.

After 20 years, still both pitcher and umpire

As noted in IFMAT I and II, a conflict of interest is created by the dual obligations of the BIA to both deliver Indian services *and* to assess whether those services are adequate and well-executed. Prior IFMAT reports characterized this situation as the BIA attempting to perform as both pitcher and umpire.

The diagram below was first proposed by IFMAT I, two decades ago, as a framework to restructure trust oversight. An independent commission would periodically review performance of services against tribal plans, accepted by the Secretary of the Interior, and would have the power to require corrections. The commission would be national-level, but with local reach. An example of such a model is the Nuclear Regulatory Commission. The trust oversight commission could contract with regional entities to be primary providers of oversight duties, subject to commission review. Any trust oversight body must have the technical capacity and skill to assess forest management issues.

Fulfillment of the federal trust duty depends upon standards against which performance can be evaluated. Standards must have adequate oversight for their execution, and must be enforced. An effective mechanism for enforcing standards does not currently exist, and the third party oversight as recommended by past IFMAT reports has not been implemented. A state-of-the-art Indian forestry program must: 1) be assured of predictable, consistent, and adequate funding for forestry programs on all reservations, whether direct service, contracting, or self-governance compacting; 2) have access to adequate technical and research support; 3) be guided by each tribe's vision for its forests; and 4) strive to sustain tribal resources and objectives. The condition of the forest itself, over time, is the best measure of whether state-of-the-art management is being achieved. A central part of the trust responsibility is to see that each tribe has the means to develop its vision and management plans with adequate technical resources and personnel.



A framework for trust oversight

There are lingering concerns regarding separation of operational from oversight responsibilities – the “pitcher-umpire” issue – identified in IFMAT I and II. The Indian trust beneficiaries and the credibility of the government will be better served by addressing this conflict of interest. It remains to be seen if current efforts, such as the Secretarial Commission on Trust Administration and Reform, and BIA streamlining will effectively address conflicts of interests and improve administration of the trust.

Trust responsibility and NIFRMA

Eric D. Eberhard is a Distinguished Indian Law Practitioner in Residence at the Seattle University School of Law. Mr. Eberhard served as the General Counsel and Staff Director for the US Senate Committee on Indian Affairs from 1989 – 1995. In that capacity, he was directly involved in the Congressional mark up and passage of NIFRMA. IFMAT asked Mr. Eberhard to briefly share his thoughts on trust responsibility and Indian forestry.

Treaties, Acts of Congress - including the NIFRMA - and decisions of the federal courts acknowledge the United States’ trust responsibility to the tribes. The trust responsibility applies to the entire federal government. While it is the case that the Congress has delegated primary responsibility for the discharge of the trust responsibility to the President and Secretary of the Interior in 25 U.S.C. §§ 2 and 9, it is also clear that every department and agency in the

Executive Branch is charged with acting in a manner that is consistent with the trust responsibility.¹ The trust responsibility imposes fiduciary duties on the federal government and in the absence of any Act of Congress to the contrary, the federal courts will hold the government to a strict standard of compliance with those duties.²

When viewed in its entirety, the legislative history and the plain language of NIFRMA clearly evinces a Congressional intent to embrace the trust responsibility and to apply it strictly. In doing so, Congress also intended to require the Executive Branch to provide support for both sustained yield and multiple use management of Indian forest lands, consistent with the goals and vision of each tribe and the laws governing self-determination and self-governance.³ During the consideration of NIFRMA Congress noted with approval that the tribes were using the Indian Self-Determination Act to enter into contracts, grants, cooperative agreements and self-governance compacts in the area of forest management because “it has yielded improved forest management activities.”⁴

The Supreme Court long ago concluded that the trust responsibility for Indian forest management is clear. In *United States v. Mitchell*, the Court determined that:

Our construction of these statutes and regulations is reinforced by the undisputed existence of a general trust relationship between the United States and the Indian people. This Court has previously emphasized “the distinctive obligation of trust incumbent upon the Government in its dealings with these dependent and sometimes exploited people.”

*Because the statutes and regulations in this case clearly establish fiduciary obligations of the Government in the management and operation of Indian lands and resources, they can fairly be interpreted as mandating compensation by the Federal Government for damages sustained. Given the existence of a trust relationship, it naturally follows that the Government should be liable in damages for the breach of its fiduciary duties. It is well established that a trustee is accountable in damages for breaches of trust.*⁵

Both the House and the Senate were cognizant of the Court’s holding in *Mitchell II* during the consideration of S. 1289, the bill which became NIFRMA, and both embraced this same language from the Court’s opinion in *Mitchell II*.⁶ There can be no doubt that the Congress intended to accept the Court’s holding in *Mitchell II* and to incorporate the Supreme Court’s understanding of the trust responsibility into NIFRMA.⁷

¹ *Poafybitty v. Skelly Oil Co.*, 390 U.S. 365 (1968) and *United States v. Winnebago Tribe*, 542 F.2d 1006 (8th Cir. 1976).

² *United States v. Creek Nation*, 295 U.S. 103 (1935).

³ 25 U.S.C. §§ 450 et seq.

⁴ S. Rpt. 101-402 at 9.

⁵ *Mitchell II*, 463 U.S. at 225-226 (citations omitted)

⁶ S. Rpt. 101-402 at 5 (101st Cong., 2d Sess. 1990) and H. Rpt. 101-835 at 13 (101st Cong., 2d Sess. 1990).

⁷ Because of concerns over liability for breach of trust and unique jurisdictional and political complexities of Indian Country resulting from over two hundred years of history replete with vagaries of policy, legislation, and court

The legislative history for NIFRMA demonstrates that Congress intended to address many of the same issues that have been identified as problems in IFMAT I, II and III. The historic and consistent lack of adequate funding for the management of tribal forests throughout the 20th century was well documented, as was the continuous breach of what was characterized as a “sacred trust.”⁸ The lack of adequate funding has persisted despite the enactment of NIFRMA. NIFRMA was also intended to address issues⁹ such as:

- ✓ The need for additional personnel.
- ✓ Improved forest management planning and integrated resource management planning.
- ✓ Technical assistance in marketing forest products.
- ✓ Forest road systems, fire protection and pest control.
- ✓ The direct expenditure of tribal funds to carry out the federal trust responsibility for the management of tribal forests.
- ✓ The burdens of compliance with archaeology and historic preservation laws which were originally intended to apply to public lands, not tribal trust lands.¹⁰
- ✓ The management problems and expenses created by the checker boarding of Indian forest lands as a result of the General Allotment Act.
- ✓ The problems created by the absence of statutory authority for multiple use management of Indian forest lands and the single minded focus on sustained yield management, without regard to tribal objectives that are consistent with tribal values and needs such as subsistence and ceremonial uses, fisheries, wildlife, recreation, aesthetic or other traditional values.¹¹

Finding

Twenty-three years after the first IFMAT assessment, notwithstanding the record of tribes improving management of their forests, Indian forests remain underfunded, tribes are constrained by conflicting rules and regulations that hinder rather than help them achieve self-governance, and tribal forests are increasingly threatened by inaction on the borders of their lands.

decisions, an extensive set of rules, regulations, and procedures is contained in manuals and handbooks for trust administration of Indian forests.

⁸ S. Rpt. 101-402 at 2-3; H. Rpt. 101-835 at 11-12.

⁹ S. Rpt. 101-402 at 5-10; H. Rpt. 101-835 at 14-17.

¹⁰ A federal nexus created by funding provided to fulfill treaty and trust obligations and the involvement of the United States as trustee, coupled with the lack of consideration for the special status of lands held in trust for Indians has resulted in the application of such laws to Indian forestry. It refers to these requirements as “unfunded mandates.”

¹¹ The fiduciary trust model, as conceived and implemented by Interior, is still dominated by the notion that the primary economic value produced by forests is limited to timber harvest. In order to gain greater understanding of the multi-dimensional benefits that forests provide, the ITC requested that IFMAT-III include a special study area to quantify economic, social, and ecological benefits provided by Indian forests to tribal and regional economies.