

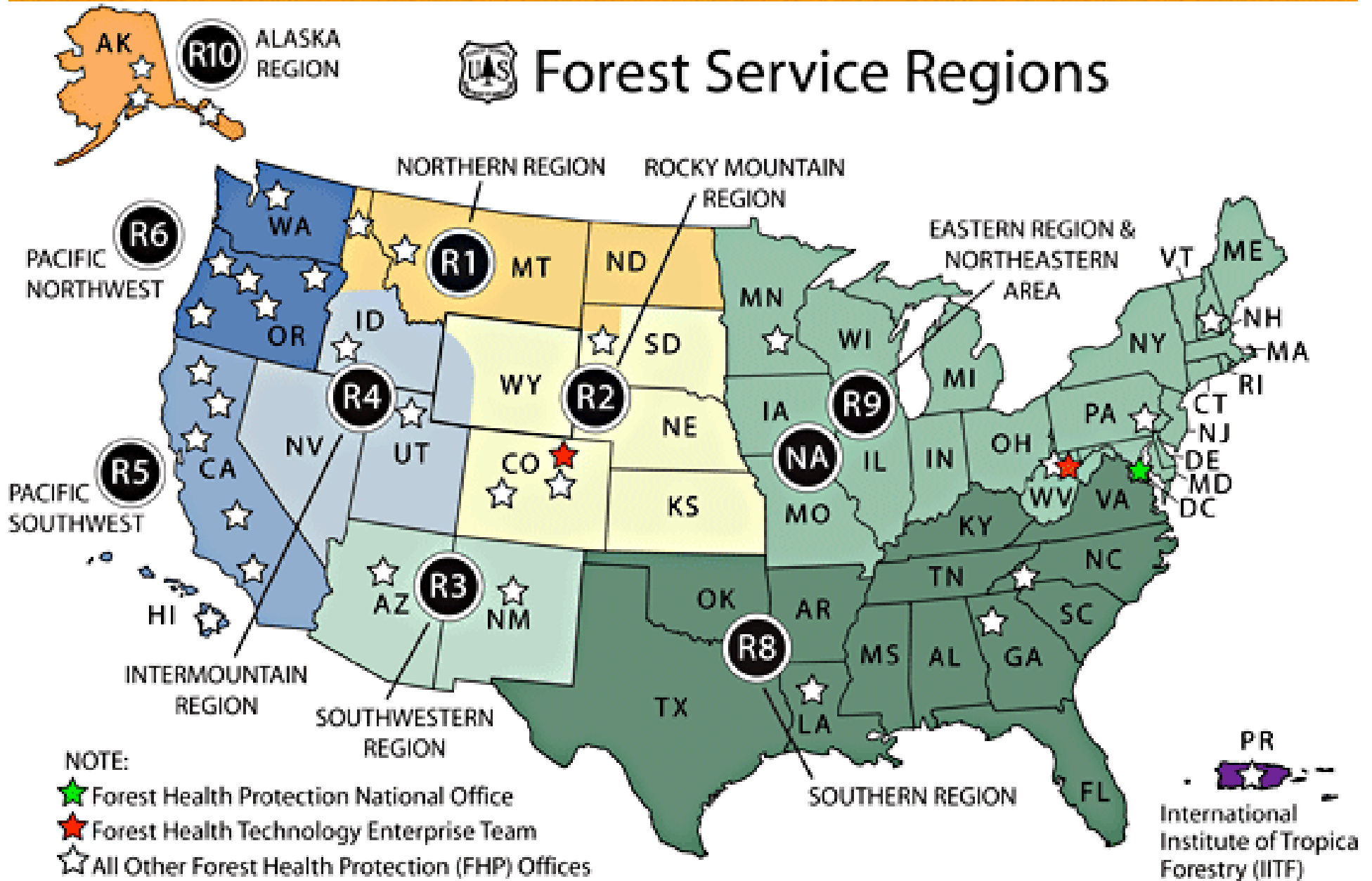
Your Presenters



Stephanie Lucero and Sonia Tamez



Forest Service Regions



Agenda

Topic	Presenters
Welcome, Introductions, Agenda Review, Meeting Format	Stephanie Lucero, Center for Collaborative Policy (CCP) Sonia Tamez, Intertribal Timber Council, TFPA advisory (ITC)
Get Acquainted with TFPA: “Collaborating on Forest Landscape Management through TFPA	Sonia Tamez, ITC
TFPA Workshops: What they are and how to be involved	Stephanie Lucero, CCP
Closing Remarks and TFPA Resources	Stephanie Lucero Sonia Tamez



THE 2016 WEBINAR SERIES
POWERPOINT

THE TRIBAL FOREST PROTECTION ACT:
COLLABORATION BETWEEN
THE FOREST SERVICE AND TRIBES

Objectives

- Gain an understanding of the Tribal Forest Protection Act (TFPA) and its role in landscape scale restoration for the benefit of Tribes, the Forest Service (FS) and the public.
- Assess interest in participating in and hosting future TFPA workshop.
- Prepare to draft TFPA proposals and implementation plans in the upcoming TFPA workshop.

Note: We are focusing on the FS in the webinar and workshops.

The History of TFPA: The West Was On Fire



Taos Photo 2003 by Ignacio Peralta,
Photo courtesy of the Forest Service

TFPA History

- In 2002, the Rodeo-Chediski Fire in Arizona burned 276,000 acres of the Fort Apache Reservation in east-central Arizona.

TFPA History



Photo courtesy of
Forest Service

The Fire Siege of 2003

- In 2003, twenty reservations were on fire, 11 of them during the Fire Siege of southern California.
- Of those 11 reservations, 8 were completely burned by the Siege which scorched over 742,000 acres in all jurisdictions and was pronounced as the worst disaster in state history.
- Lives were lost, and hundreds of tribal members were forced out of their homes for months.

The Fire Siege of 2003



TFPA History

- Tribes went to Senator Feinstein and Representative Richard Pombo in California for legislation that would increase protection of tribal lands and resources throughout the United States.

TFPA History

- The Tule River Tribal Council's testimony for the TFPA stated:

“Every year we pray we are not the victims of catastrophic stand replacing fire, such as the devastation in Southern California.”

- The ITC's testimony:

“applauds and strongly supports the Tribal Forest Protection Act.” It is “...a good opportunity to build partnerships that can produce results on the ground where they count.” The Intertribal Timber Council testimony for the TFPA.

- **The TFPA passed in 2004 with bilateral support.**

Key Terms

- “Tribes” - refer to those tribal governments recognized by the federal government.
- “Trust Responsibility” - the federal government has a legal responsibility to protect the interests and rights of Tribes and their members.
- “Land in trust” - the US holds the legal title and the Tribe or individual Indian person holds the beneficial interest.

TFPA Background

- The TFPA authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed projects on FS or Bureau of Land Management administered lands.

TFPA Basics

- Emphasizes the government-to-government relationship between the federal government and Tribes.
- Sets forth the goal for protection of trust lands.
- Acknowledges Tribes' historic and cultural interests.
- Recognizes tribal relevant knowledge and skills.

See the TFPA handout for specifics and details.

TFPA Basics

To qualify, the land (either tribal or allotted):

- Must be in trust or restricted status and
- Must be forested or have a grass, brush, or other similar vegetation, or
- Formerly had a forest cover or vegetative cover that is capable of restoration.

TFPA Basics

The Tribe must propose a specific project to take place on FS administered land which:

- Borders or is adjacent to Indian trust land and
- Poses a fire, insect infestation, disease, and/or other threat to the Indian forest land or rangeland or a tribal community; or
- Is in need of land restoration.

TFPA Basics

The FS administered area for the TFPA proposal:

- Should present or involve a risk to a feature or circumstance unique to the proposing Tribe (e.g., a risk to treaty rights; or biological, archaeological, historical, or cultural features), and
- Should not be subject to some other conflicting agreement or contract.

TFPA Basics

- The FS may respond to tribal proposals within 120 days.
- While TFPA provides a lot of discretion to the agency, Executive Orders, agency policy and many protocol agreements encourage timely responses.
- Collaboration prior to the submission of a formal proposal contributes to success.



TFPA Basics

The FS can enter into an agreement or contract in response to the proposal with agency appropriated funds and/or other appropriate sources of funding.

Third parties may be involved in funding and doing the work on the ground.

TFPA Basics

For contracts, the FS can use “best value” and give special consideration to tribally-related factors such as, but not limited to:

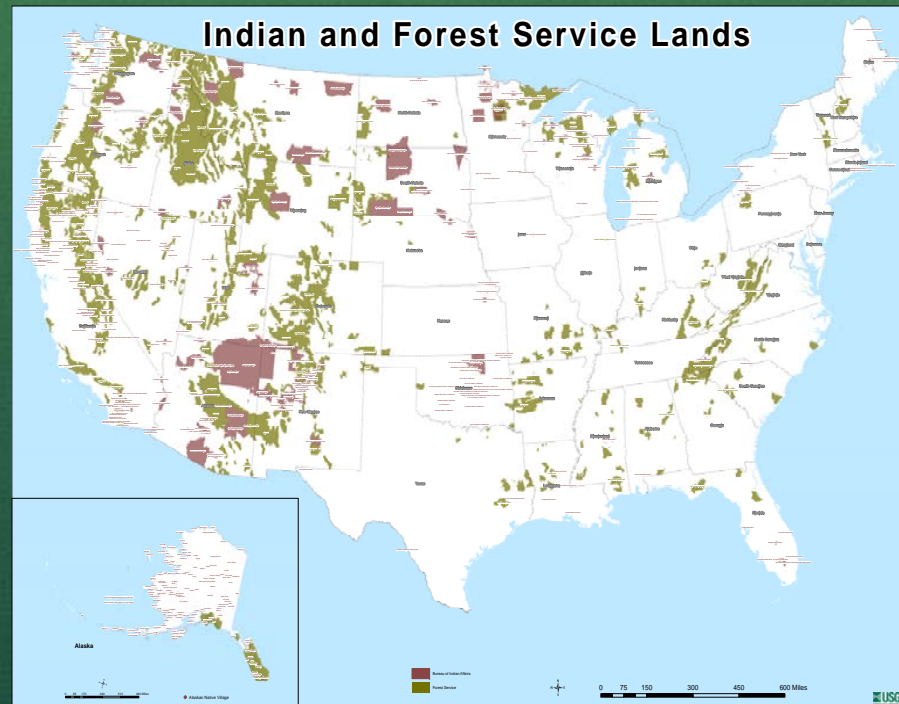
- The status of the Indian Tribe;
- The trust status of the Tribe’s land;
- The cultural, traditional, and historical affiliation of the Tribe with the land subject to the proposal.

Tribes and the FS

Share Lands and Issues

- Tribes and FS share nearly 3,000 miles of border and hundreds of thousands of acres of watersheds.
- Decreased active management of federal lands has contributed to insect outbreaks and catastrophic fires that cross boundaries.
- Climate change may bring more extreme events.
- We must work together to meet these challenges.

Tribes and the FS Share Landscapes and Related Issues



TFPA Is Flexible

TFPA is an important and flexible tool for Tribes and the Forest Service to reduce current and future threats and to sustain healthy, resilient landscapes as the following examples illustrate.

TFPA Success Stories

- The Parry Pinyon Pine Protection Project between two Tribes, the Ramona and Santa Rosa Bands of Cahuilla Indians, and the San Bernardino National Forest in southern California: treating and protecting 100 + acres of culturally important stands of pinyon through volunteer efforts.

Perry Pinyon Pine Protection Project



**Cahuilla-Apache young people on
the Ramona Reservation
Courtesy of Daniel McCarthy.2013**

TFPA Success Stories

- The Los Burros TFPA Project, between the White Mountain Apache Tribe and the Apache-Sitgreaves National Forest in east central Arizona utilized a Participating Agreement and special funds.
- TFPA was flexible enough so that tribal employees were trained and employed under the agreement.
- Tribal members assisted in the preparation of 5,800 acres and thinned and treated fuels on a total of 1,580 acres.

WMAT & FS Collaborating on the Los Burros Project



From L to R, Mark Goklish, WMAT, Amy McCabe Forest Service, Fred Cosay WMAT Photo Courtesy WMAT. Photo courtesy of the WMAT.

Collaboration

- As these TFPA examples demonstrate, there are mutual benefits when Tribes and the Forest Service work across boundaries to reduce the threat of risks to trust lands.
- TFPA implementation supports the Forest Service emphasis on “all lands, all hands” and partnerships for healthy, resilient forest landscape management.

THE WEBINAR SERIES POWERPOINT

This PowerPoint Presentation and related handouts are designed to compliment training on the Tribal Forest Protection Act. They are not intended to stand alone or provide legal advice.

THE WEBINAR SERIES POWERPOINT

Frequently Asked Questions

Discussion