



TRIBAL FOREST PROTECTION ACT OF  
2004  
COLLABORATIVE PLANNING WEBINAR



# COLLABORATIVE PLANNING BETWEEN TRIBES AND US FOREST SERVICE

**December 17, 2018**

**11:00 AM-12:30 PM Pacific Time**

*2:00 PM -3:30 PM (Eastern) ♦ 12:00 PM -1:30 PM (Mountain)*

# Objectives

- Overview of US Forest Service Planning Cycles and best practices for moving projects forward.
- Share Pros, Cons, Success Stories and Lessons Learned on partnerships between Tribes and US Forest Service.
- Provide perspectives on obstacles and jointly develop solutions.

# Agenda

<b>Description</b>	<b>Presenter</b>
<b>Welcome, Introductions, and Webinar Objectives</b>	Stephanie Lucero, TFPA Workshop Coordinator
<b>Overview of TFPA in Terms of Planning</b>	Intertribal Timber Council
<b>Collaborative Project Planning</b>	John Waconda, Restoration Partnership Coordinator, US Forest Service
<b>Facilitated discussion:</b>	All Stephanie Lucero, TFPA Workshop Coordinator
<b>Wrap up and Next Steps</b>	Stephanie Lucero, TFPA Workshop Coordinator
<b>Adjourn</b>	All

# The History of TFPA: The West Was On Fire



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

# The Fire Siege of 2003



NASA/Goddard Space Flight Center  
Scientific Visualization Studio

# TFPA History

- Tribes went to Congress 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 Intertribal Timber Council's testimony:

*ITC “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 TFPA passed in 2004 with bilateral support.**

# Key Terms

- TFPA - Tribal Forest Protection Act of 2004
- “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 US Forest Service 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 ITC TFPA handouts 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 US Forest Service (or BLM) 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 US Forest Service 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 US Forest Service may respond to tribal proposals (approve or deny) within 120 days.
- While TFPA provides a lot of discretion to the agency, Executive Orders, agency policy and many protocol agreements encourage timely responses.
- TFPA authorizes US Forest Service & BLM to enter into contracts and/or agreements directly with the Tribe or consider tribally-related factors when selecting the contractor and/or cooperator.
- Collaboration prior to the submission of a formal proposal contributes to success.

## TFPA Basics

The US Forest Service 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 US Forest Service 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.



# Collaborative Planning under The Tribal Forest Protection Act of 2004

## Why is this authorized?

- U.S. Government responsibilities & interests
  - Sovereign rights, Treaty & Trust responsibilities.
  - Forest Service mission and values.
  
- Tribal rights and interests
  - Sovereign rights, Treaty rights & reserved rights.
  - Cultural, Natural and Economic values & interests.

# TFPA Principles

- Projects are on US Forest Service (or BLM) lands in proximity to Tribal lands,
- Projects protect or enhance resources of importance to Tribes,
- Tribal partnerships are clear in development and implementation of the projects.

*Questions or comments?*

12/17/2018