



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

IN REPLY REFER TO:

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Memorandum

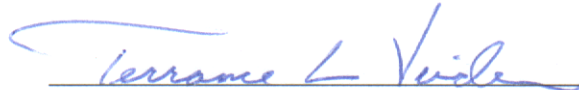
To: All Holders of the Indian Affairs Manual

From: Director, Bureau of Indian Affairs

Subject: Transmittal of Indian Affairs Manual Part 53, Forestry

This Indian Affairs Manual release includes chapters 1 through 11 of Part 53, Forestry. The release provides information and guidance in the following areas: (1) Policies, Authorities and Responsibilities; (2) Forest Management Planning; (3) Contract Sales of Forest Products; (4) Permit Sales of Forest Products; (5) Forest Development; (6) Forest Pest Management; (7) Trespass; (8) Forest Resources Inventory and Monitoring; (9) Silviculture; (10) Woodland Management; and (11) Forest Management Deductions.

Chapters 1 through 7 replace 53 BIAM, Forestry, which is rescinded in its entirety. Chapters 8, 9, 10, and 11 are new material.



Director, Bureau of Indian Affairs

Filing Instructions:

Remove: 53 BIAM, Forestry

Insert: 53 IAM, Forestry

- Chapter 1, Policies, Authorities and Responsibilities
- Chapter 2, Forest Management Planning
- Chapter 3, Contract Sales of Forest Products
- Chapter 4, Permit Sales of Forest Products
- Chapter 5, Forest Development
- Chapter 6, Forest Pest Management
- Chapter 7, Trespass
- Chapter 8, Forest Resources Inventory and Monitoring
- Chapter 9, Silviculture
- Chapter 10, Woodland Management
- Chapter 11, Forest Management Deductions

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter documents the basic policies, authorities and responsibilities for the management and protection of trust Indian forest lands. Hereafter, all mention of Indian forest lands implies forest lands that are either held in trust or restricted from alienation by the United States.

1.2 Authority. Specific authorizing statutes concerning the management of Indian forest resources and the protection of Indian forest lands are:

A. 25 U.S.C. § 2, 5, 9, & 13. Authorizes the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to manage, issue regulations, and expend appropriations for the benefit, care and assistance of Indians.

B. 25 U.S.C. § 196, Act of February 16, 1889. Permits the President to authorize the sale or disposal of dead and down timber on Indian lands for the sole benefit of Indians residing on the reservation.

C. 25 U.S.C. § 406-407, Act of June 25, 1910. Authorizes the Secretary of the Interior to sell mature living and dead and down timber on both unallotted and allotted lands for the benefit of the Indian owners.

D. 25 U.S.C. § 413, Act of February 14, 1920. Authorizes the collection of fees to cover the cost of timber sales on Indian Reservations.

E. 16 U.S.C. § 594, Act of September 20, 1922. Authorizes the Secretary of the Interior to protect timber on Indian lands from fire, disease, or insects.

F. 25 U.S.C. § 413, Act of February 14, 1920 as amended by the Act of March 1, 1933. Authorizes the Secretary of the Interior to charge a reasonable fee for work performed for Indian tribes or individuals.

G. 25 U.S.C. § 466, Act of June 18, 1934. Directs the Secretary of the Interior to make rules and regulations for the operation and management of Indian forestry units on the principles of sustained-yield management. (While the Act does not apply to reservations where it was not accepted, 25CFR Part 163 requires application of sustained-yield principles to the management of all Indian forest lands).

H. 18 U.S.C. § 1853, 1855 and 1856, Act of June 25, 1948. Provides penalties for unlawfully cutting or wantonly injuring trees, for willfully setting fires, and for leaving fires unextinguished or for allowing fires to spread on Indian lands.

I. 25 U.S.C. § 415, Act of August 9, 1955. Authorizes leases of restricted lands for purposes of the development or utilization of natural resources.

J. 25 U.S.C. § 407d, Act of July 30, 1956. Authorizes the Secretary of the Interior to charge purchasers of Indian timber for special services requested by the purchasers in connection with scaling, marking, or other activities under the timber sale contract.

K. 25 U.S.C. § 406 and 407, Act of June 25, 1910 as amended by the Act of April 30, 1964. Amends the 1910 Act to include principles of sustained yield or conversion of land to more desirable use, and included a provision for the deduction of administrative expenses from timber sold from allotments.

L. 25 U.S.C. § 450, Act of January 4, 1975, PL-93-638. Provides for: a) maximum Indian participation in the government and education of Indian people; b) full participation of Indian tribes in programs and services for Indians conducted by the Federal Government; c) development of Indian human resources; d) educational assistance; e) rights of Indian citizens to control their own resources.

M. 16 U.S.C. § 2101, Act of July 1, 1978. Section 5 of the Act authorizes the Secretary of Agriculture to protect trees and forests, wood products, stored wood, and wood in use from insects and diseases. The Secretary has delegated the responsibility for carrying out the provisions of the Act to the Forest Service. Indian forests are specifically designated to be included in the Act.

N. 25 U.S.C. § 3101-3120, Act of November 28, 1990. Clarifies the Secretary's authority to manage Indian forest lands in concert with beneficial owners and provides appropriation authority for the protection, conservation, utilization, management, and enhancement of Indian forest lands. Includes authority for forest development activities and dealing with trespass.

O. 25 U.S.C. § 458aa, Act of October 25, 1994. Permanently establishes and implements the tribal Self-Governance program in order to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities.

1.3 Guidance. The General Forest Regulations (25 CFR Part 163) are basic procedures to be followed in administering trust Indian forest lands. Department of the Interior, and BIA guidance documents are available from the Division of Forestry, BIA, 1849 C Street NW, Mail Stop 4513, Washington, D.C., 20240.

A. Departmental Manual (DM).

- (1) 130 DM 7.4. The Division of Forestry.
- (2) 512 DM 2. American Indian and Alaska Native Programs.
- (3) 586 DM 1. Timber Management.
- (4) 611 DM 1. Forest Pest Control Program.
- (5) 303 DM 2. Principles for Managing Indian Trust Assets.

B. Handbooks.

(1) The "*Indian Forest Management Handbook*" (known hereafter as the Handbook), Volumes 1 through 11, will supplement standard forestry procedures and are cited in the applicable chapters. The Handbook volume numbers correspond to the Manual chapter numbers. A glossary of selected terms within this Manual is contained in Volume 1 of the Handbook.

(2) "*Guidelines for Integrated Resource Management Planning*" contains guidelines for the development of Integrated Resource Management Plans (IRMP's).

(3) "*BIA Forestry Collections and Distribution Handbook*" contains the procedures for the collection of payments and receipts, and their deposit and distribution.

1.4 Scope. Indian forests are closely linked to the well being of Indian communities. Any plan of forest management must recognize the general needs of the Indian people, and should be coordinated with other social and economic programs. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of trust Indian forest resources. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met. This Manual deals with the policies, authorities and responsibilities of forestry programs on Indian lands. Compact tribes may not be required (refer to the Tribe's Compact) to abide by the policies contained in this Manual, but may use the Manual as a guiding document. The policies, authorities and responsibilities governing wildland fire management are addressed in 90 IAM.

1.5 Policy. To maintain, protect, enhance, and develop Indian forest resources through the use of sound scientific and economic principles. An essential part of this policy provides for management of Indian forest lands under the principle of sustained yield consistent with the beneficial owners' goals and objectives, whereupon consultation and active participation occurs with and by the Tribes.

1.6 Organization of This Manual Part. Forestry programs are described in the following chapters:

Chapter 1.	Policies, Authorities and Responsibilities
Chapter 2.	Forest Management Planning
Chapter 3.	Contract Sales of Forest Products
Chapter 4.	Permit Sales of Forest Products
Chapter 5.	Forest Development
Chapter 6.	Forest Pest Management
Chapter 7.	Trespass
Chapter 8.	Forest Resources Inventory and Monitoring
Chapter 9.	Silviculture
Chapter 10.	Woodland Management
Chapter 11.	Forest Management Deductions

1.7 Responsibilities.

A. Assistant Secretary - Indian Affairs.

- (1) Assures adequate resources are available to meet trust obligations.
- (2) Approves policies for all aspects of the forestry program.

B. Director, Bureau of Indian Affairs.

- (1) Maintains liaison and promotes agreements with other government agencies.
- (2) Recommends policies for all aspects of the forestry program.
- (3) Approves 53 IAM Forestry Manual.
- (4) Conducts meetings and negotiations with tribes for settlement of conflicting issues.

C. Deputy Bureau Director, Trust Services.

- (1) Evaluates proposed policy.
- (2) Provides overall program direction.
- (3) Coordinates forestry activities with other resource programs.

D. Chief, Division of Forestry.

- (1) Proposes policies, and develops/recommends procedures and standards for all aspects of the forestry program.
- (2) Performs oversight review and evaluation of all forestry functions.
- (3) Reviews, administers and makes recommendations for appeals on all forestry matters.
- (4) Provides technical support and training to BIA and Tribal staff for all forestry programs.
- (5) Review and evaluate Regional forestry programs and recommend corrective actions.
- (6) Annually compiles and submits to Congress the "*Indian Forestry Status Report*", and provides other reports on forestry activities for informational purposes.

E. Regional Director.

- (1) Direct the application of overall policies and implementation of forestry programs in the field.
- (2) Ensure guidance and technical support are available to forestry staff and to tribes in the Region.
- (3) Review and evaluate agency and field forestry programs within their jurisdiction and recommend corrective actions.
- (4) Provide administrative support for litigation dealing with forestry issues.
- (5) Review and approve forestry transactions and perform residual federal functions when the Region provides direct services to tribes and for Self-governance Tribes having no Agency presence.
- (6) Initiate and cooperate in reviews of Regional forestry programs conducted to ensure that recommended corrective actions are implemented and that proper forestry practices are maintained.

F. Agency Superintendent. (Throughout the rest of this document, this term represents any line officer with the same delegated authority as an agency superintendent.)

- (1) Supervise the day-to-day operation of Agency forestry programs.

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Chapter 1

Forestry
Policies, Authorities and Responsibilities

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- (2) Counsel individual Indians and tribes owning a beneficial interest in trust and/or restricted land in forestry and silviculture, land use planning and development, and conservation.
- (3) Provide technical forestry and planning assistance to individual Indians and tribes.
- (4) Review and approve forestry transactions.
- (5) Initiate and cooperate in reviews of Agency forestry programs conducted to ensure that recommended corrective actions are implemented and that proper forestry practices are maintained.

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Forest Management Planning

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2.1 Purpose. This chapter documents the policies, standards, and responsibilities required for management planning on Indian forest lands.

2.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary (see 53 IAM 1.3; also see the *Indian Forestry Management Handbook, Volume 2*, titled, *Forest Management Planning*, for detailed process and procedural guidance).

2.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest lands. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

2.4 Policy. All forested reservations, as categorized in 53 IAM 2.8A, in trust or restricted status, shall have a current Forest Management Plan (FMP) which satisfies 25 CFR 163.11 prior to the authorization of activities or expenditure of funds for forest management activities, except as provided for under 53 IAM 2.7. FMPs shall be covered by an appropriate environmental document in accordance with the National Environmental Policy Act (NEPA).

A. Plan Period. An FMP shall be in effect for a specified period of time beginning the year it is approved. This period shall not exceed 15 years.

B. Plan Modification. A current FMP should be reviewed periodically and may be modified at any time to address a change in tribal goals or forest management policy, or a change in the state or condition of forest/timber resources. The modified plan shall comply with other Federal mandates (53 IAM 2.8, C.30.) and may include an updated Forest Inventory Analysis (Inventory Analysis) (53 IAM 8.6).

C. Plan Extension. A current FMP may be extended for a period not to exceed five years from the initial expiration date. The extended plan shall comply with other Federal mandates (53 IAM 2.8, C.30.) and include an updated Inventory Analysis (53 IAM 8.6) if a remeasurement was done in the intervening time period and the data is available.

2.5 FMP with IRMP. FMPs shall incorporate reservation specific resource management policies, goals and objectives documented within a tribal Integrated Resource Management Plan (IRMP), and shall be consistent with said IRMP (refer to "*Guidelines for Integrated Resource Management Planning in Indian Country*").

2.6 FMP without IRMP. The lack of a tribal IRMP will not impede the timely development and approval of an FMP. If an IRMP is not in place, the Regional Director, in conjunction with the beneficial owners' representatives, shall provide the specific forest management policies necessary to develop a stand-alone FMP for Indian forest lands. These policies will be supported by written tribal goals and objectives.

2.7 FMP not Current. Program managers have restricted authority to implement only the following actions without an approved FMP in place:

- A. Preparation of an FMP** (25 CFR 163.11).
- B. Emergency sale of timber on allotted lands held in trust** (25 CFR 163.14(b)).
- C. Free use cutting without permit** (25 CFR 163.27).

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- D. **Fire management measures** (25 CFR 163.28(a), (b), and (c)).
- E. **Trespass protection and prosecution** (25 CFR 163.29).
- F. **Insect and disease control** (25 CFR 163.31(b)).

2.8 FMP Content. All reservations are unique and each plan is expected to differ in context, content, and complexity while meeting the minimum requirements listed in 2.8B. While all plans contain specific minimum components, the process used to develop plans may differ. For an example of a forest planning process see the *Indian Forest Management Handbook, Volume 2*.

A. Reservation Prioritization Categories. To facilitate program definition and management priorities, reservations shall be categorized as follows based upon current forest land data:

- Category 1.** Major Forested Reservation. Includes major forested reservations comprised of more than 10,000 acres of trust or restricted commercial timberland or having more than one million board foot harvest of forest products annually (25 CFR 163.36(b)(1)).
- Category 2.** Minor Forested Reservation. Includes minor forested reservations comprised of less than 10,000 acres of trust or restricted commercial timberland and having less than one million board foot harvest of forest products annually, or whose forest resources is determined by the Regional Director to be significant commercial timber value (25 CFR 163.36(b)(2)).
- Category 3.** Significant Woodland Reservation. Includes significant woodland reservations comprised of an identifiable trust or restricted forest area of any size which is lacking a timberland component, and whose forest resource is determined by the Regional Director to be of significant commercial woodland value (25 CFR 163.36(b)(3)).
- Category 4.** Minimally Forested Reservation. Comprised of an identifiable forest area of any size determined by the Regional Director to be of minimal commercial value at this time.
- Category 5.** Reservation or Indian property with forest land that the Bureau is charged with some degree of legal responsibility, but the land is not in trust status.

B. Minimum Content Standards. The FMP shall meet or exceed content standards by Category prior to plan approval and implementation. The identified basic elements within each function shall be addressed with sufficient detail to support implementation of planned activity throughout the plan period. For examples of FMP outline formats, refer to *Indian Forest Management Handbook, Volume 2*.

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Minimum Forest Management Plan Content

Program Function	Category 1 (Cat. 1)	Category 2	Category 3	Category 4
Inventory	Inventory Analysis (see 53 IAM 8.5 & 8.6.)	Same as Cat. 1	Same as Cat. 1	Same as Cat. 1
Approvals	BIA Line Officer & Tribal Resolution	Same as Cat. 1	Same as Cat. 1	Same as Cat. 1
Tribal Goals & Objectives	Tribally developed/approved goals & objectives for mgmt. of forest resources.	Same as Cat. 1	Same as Cat. 1	Same as Cat. 1
Forest Description	1) Resource Assessment 2) General Location Map 3) Reservation Maps	Same as Cat. 1	Same as Cat. 1	Same as Cat. 1
Protection	1) Ordinances/Standards 2) Fire 3) Insect & Disease 4) Trespass 5) Emergency Rehab. 6) Doc., Monitoring, Records 7) Planning Coordination & Communication 8) Organization & Funding	Same as Cat. 1	Same as Cat. 1	Same as Cat. 1
Forest Land Management	1) Tribal IRMP policy, goals, and objectives, if available 2) Ordinances/Standards 3) Silvicultural Guidelines 4) AAC 5) Harvest Policy 6) Harvest Schedule 7) Forest Development 8) Data Collection 9) Doc., Monitoring, Records 10) Planning Coordination & Communication 11) Organization & Funding 12) Trends	Same as Cat. 1	Same as Cat. 1	1) Tribal IRMP policy, goals & objectives 2) Ord./Standards 3) Silvicultural Guidelines 4) Harvest Policy 5) Doc., Monitoring, Records 6) Planning Coordination & Communication
Forest History	1) Chronology of Events 2) Harvest Record 3) Maps & Charts	Not Required	Not Required	Not Required
Social and Economic Benefit Assessments	1) Income 2) Indian Benefits 3) Non-Indian Benefits 4) Regional Econ. Impacts 5) Economic Trends 6) Social Assessment	Same as Cat. 1	Same as Cat. 1	Not Required
Document Retention	FMP & all supporting documents archived in Central Office	Same as Cat. 1	Same as Cat. 1	Same as Cat. 1
Other Federal Mandates	Comply	Comply	Comply	Comply

Category 5 (non-trust) lands may be included in the overall reservation FMP, but shall not require a separate FMP.

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C. Content Substance. The substance of the above functional elements will be unique to the resource and the beneficial owners' expectations for management. However, where identified above as required, the significance of the topic shall be explained relative to the following minimum content as it pertains to the planned management action.

(1) **Approval Page.** *Illustration 2 in Indian Forest Management Handbook, Volume 2,* gives an example of an approval page. Unless otherwise specified, the FMP is in effect from the date of approval through December 31 of the end year specified on the approval page. The Approval Page must contain the name of the reservation(s) governed by the FMP. The Approval Page must also include the signature of the BIA line officer with the delegated authority to approve FMPs. Signatures from the approved tribal leadership, together with a resolution or other form of tribal authority, are recommended but not required. In the absence of tribal signatures and/or a resolution, documentation of tribal participation in the development of the plan is required.

(2) **Landowner Goals and Objectives.** A narrative description of the resources being managed and owner's goals and objectives, including policies, goals and objectives as stated in a tribal IRMP.

(3) **Resource Assessment.** Forest description should include forest acres, cover types, land classification, etc.

(4) **General Location Map.** A map showing the location of the reservation within the region/state/county.

(5) **Reservation Maps.** Depending upon the complexity of the FMP, maps should include reservation boundary, forest area, water resource, transportation system, etc.

(6) **Ordinances or Standards.** Discussion of any tribal and Federal policies, laws, or restrictions that have been formally adopted affecting the implementation of the plan.

(7) **Fire Protection.** The forest component(s) of the Wildland Fire Management Plan shall be incorporated into the FMP (see 90 IAM 2.1).

(8) **Insect & Disease Protection.** Planned action to promote forest health; and detect, diagnose, and treat forest insect and disease problems (see 53 IAM 6).

(9) **Trespass.** Planned action to deter, detect, investigate, and prosecute trespassers (see 53 IAM 7).

(10) **Emergency Rehabilitation.** Actions and/or restrictions imposed upon the stabilization of soils and replenishment of biological systems following cataclysmic events. (For burned area rehabilitation, see 90 IAM 3.3 B).

(11) **Documentation, Monitoring, & Records.** Identification of required program documentation and recording procedures, and planned action necessary to monitor plan progress.

(12) **Planning, Coordination and Communication.** Contacts and processes required for intra- and inter-disciplinary program implementation and conflict resolution.

(13) **Organization & Funding.** Staffing (e.g. organization, experience, qualification) and

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program resources (e.g. equipment, funding) required for implementation.

(14) Silvicultural Guidelines. Stand treatment criteria, procedures and restrictions.

(15) AAC (Allowable Annual Cut). A clear statement of the administrative determination of the annual harvest level and explanation as to how it relates to the Indicated Annual Cut.

(16) Harvest Policy. Explanation of AAC to be applied during the plan period in terms of product utilization standards, processes, procedures, restrictions, and products to be harvested, including non-timber forest products.

(17) Harvest Schedule. Annually updated projection of harvest volume and location of forest product sales planned to satisfy the AAC for a specified period of time.

(18) Forest Development. Scheduled regeneration and stand improvement treatments for the period of the plan and update procedures (see 53 IAM 5).

(19) Data Collection. Processes, procedures, and scheduling of inventories (see 53 IAM 8).

(20) Chronology of Events. Historical narrative or update of important management and natural events through time resulting in the present forest condition.

(21) Harvest Record. Tabular chronology of volumes and values removed from the forest through its history of management.

(22) Maps & Charts. As relevant and descriptive for historical record.

(23) Income. Anticipated value of product royalties and other cash revenues from utilization of forest resources.

(24) Indian Benefits. Indian related employment, profit, personal and cultural use, and subsistence.

(25) Non-Indian Benefits. Non-Indian related employment and profit.

(26) Regional Economic Impacts. Value from regional direct, indirect, and induced employment and income multipliers.

(27) Economic Trends. Historic trends and future projections of economic potential.

(28) Social Assessments. Documentation of the social conditions, processes and trends in a specific setting, and their relationships to natural resource conditions and management actions.

(29) Document Retention. The FMP and all supporting documents (e.g., Forest History) will be permanently archived in Central Office.

(30) Other Federal Mandates. Ensure compliance with National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), etc.

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Forest Management Planning

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D. Appendices. Though supplemental inclusions are dependent upon the complexity of the FMP, the following are minimally required for plan approval:

(1) **Forest Land Classification.** Graphic replicating *Illustration 1, Indian Forest Management Handbook, Volume 2*, showing the reservation's forest lands as classified and defined by the *Indian Forest Management Handbook, Volume 8*.

(2) **Plan Participation.** Documented participation of the beneficial owners and appropriate tribal resolutions.

2.9 Responsibilities. In addition to the responsibilities identified in 53 IAM 1.7, the following are directly associated with forest planning:

A. Director, Bureau of Indian Affairs.

(1) Develop national forest planning policy.

(2) Provide national forest planning program direction, oversight and guidance.

(3) Provide direction and guidance nationally to facilitate state-of-the-art forest management planning.

(4) Maintain planning document archive for all Indian forest lands in trust.

(5) Annually compile and publish the "Status of Forest Management Inventories and Planning" and the "Catalog of Forest Acres" reports.

B. Regional Director.

(1) Develop regional forest planning guidelines for program implementation within the scope and guidance of 53 IAM and all other national policies and standards.

(2) Assure national and regional planning standards and planning policies are met.

(3) Provide regional forest planning program direction, oversight and guidance.

(4) Approve forest management plans, plan extensions and modifications.

C. Agency Superintendent.

(1) Plan and budget for FMP.

(2) Obtain tribal approval of reservation forest management plans, if possible. In the absence of tribal signatures and/or a resolution, documentation of tribal participation in the development of the plan is required.

(3) Implement planned activities.

(4) Support tribal efforts to develop IRMPs.

3.1 Purpose. This chapter provides the basic policies, standards, and responsibilities governing contract sales of forest products on Indian lands.

3.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary (see 53 IAM 1.3; also see the *Indian Forest Management Handbook, Volume 3*, titled, *Contract Sales of Forest Products*, for detailed process and procedural guidance).

3.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest lands. Regardless of the means of program execution, the appropriate Federal Official shall assure that the standards prescribed herein are met.

3.4 Policy. The following policies apply to all Indian forest lands managed by the Secretary:

A. To harvest forest products under an approved Forest Management Plan that is consistent with established tribal goals and objectives, and with a tribal Integrated Resource Management Plan, (if one exists), through the application of sound silvicultural and economic principles on a sustained-yield basis.

B. To sell forest products through contracts to serve the best interest of the Indian owners. All forest product sales with an estimated stumpage value of \$15,000 or more will be sold using contract forms approved by the Secretary. At the discretion of the Approving Officer, a contract may be required for the sale of forest products with an estimated stumpage value that is less than \$15,000

C. To accurately determine and record the volume and value of forest products harvested by ownership, and to ensure that all required contract payments and disbursements are made.

D. To maintain sufficient records to document compliance with contract requirements and to otherwise record factual information relating to the purchaser's performance under the contract.

E. To encourage participation of tribal enterprises and individual Indians in the harvest of forest products.

F. To promote self-sustaining communities, value added industries, tribal jobs and labor.

3.5 Sale of Forest Products.

A. Owner Consent

(1) Tribal Interests. A valid Tribal Resolution or other authority of the governing body of the tribe giving consent for the sale of tribal forest products is required. Such consent shall provide authority for tribal execution of necessary sale documents

(a) The resolution or delegation of authority must be included in the contract file.

(b) When consent to sell forest products has been delegated to a business or other committee, a copy of this delegation of authority must be included in the contract file.

(2) Allotted Interests.

(a) Sales with Indian Consent. Unless the contract is signed by the beneficial Indian owner, the execution of a power of attorney is required (25CFR§163.20(b)). Form 5-5315, Power of Attorney for Sale of Allotment Timber, (will) be used (refer to *Illustration 1*,

Indian Forest Management Handbook, Volume 3). When an individual cannot be located, the Secretary, after a reasonable and diligent search and the giving of notice by publication, may sign a Power of Attorney consenting to the sale for the particular interests. When consent of only a majority interest has been obtained, the Secretary may execute the sale on behalf of all owners.

(b) Sales Without Indian Consent. After consultation with the owners, or upon reasonable attempt to consult with owners, sales of forest products may be made from any individually owned Indian land held in trust or other patent containing restrictions on alienation without the consent of the Indian owners when such action is necessary to prevent loss of values resulting from fires, insect, disease, wind throw, or other catastrophes.

(3) Unrestricted Interest In Which There Are Trust or Restricted Interests. Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary may include such unrestricted interest in a sale of the trust or restricted interests in the timber. When an individual with unrestricted interest cannot be located, the Secretary, after a reasonable and diligent search and the giving of notice by publication, may execute the sale on behalf of all owners with consent of a majority of restricted interest.

B. Sale Preparation

(1) Sale Preparation. Contract sales of forest products will be based upon an examination that is incorporated into a Forest Officer's Report developed for the proposed sale area. The report will set forth all pertinent information relating to the sale. Proposed sales will conform to the general harvest schedule set out in the Forest Management Plan unless the Approving Officer authorizes an exception. Deviations from the Forest Management Plan harvest schedule will be presented in writing to the Regional Director for decision prior to making the presale examination.

(2) Forest Officer's Report. (FOR) A complete report setting forth all pertinent information of the proposed sale will be prepared for all contract sales of forest products. The FOR will contain an appraisal of the value of the forest products sold (refer to *Indian Forest Management Handbook, Volume 3*, for suggested content of the FOR).

(3) Environmental and Cultural Resources Requirements. An environmental analysis and other studies as necessary will be prepared to comply with applicable laws and regulations for the protection and enhancement of environmental and cultural resources.

(4) Contract Forms. Contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved for use by the Secretary. The following contract forms are approved for use and included as illustrations in the *Indian Forest Management Handbook, Volume 3*:

- A. Form 5-5323.** Timber Sale Contract Part B Standard Provisions.
- B. Form 5-5324.** Timber Contract for the Sale of Estimated Volumes.
- C. Form 5-5327.** Timber Contract for the Sale of Predetermined Volumes.
- D. Form 5-5326.** Subsidiary Allotment Timber Contract for Sale of Estimated Volumes.

(5) **Forest Management Deductions (FMD).** FMD shall be withheld from the gross proceeds of sales of forest products except where the total sale value is less than \$5,001 or the Secretary has waived the collection of FMD. Expenditure plans are required that detail how estimated expenditures fall within appropriate forest land management activities (see 25 CFR §163.25 and 53 IAM 11 for more on withholdings and expenditure plans).

3.6 Responsibilities.

A. Director, Bureau of Indian Affairs.

- (1) Develop and revise policy on contract sales of forest products harvesting.
- (2) Provide oversight, guidance, and technical assistance to regional offices as needed.
- (3) Establish reporting standards and requirements.

B. Regional Director.

(1) Establish procedures for preparation of forest products contract sales, and establish reporting standards and requirements for Forest Officer's Reports.

(2) Approve deviations from the general harvest schedule in the Forest Management Plan.

(3) Receive, review, and compile timber sale preparation and harvest accomplishment reports from field offices and Tribes for annual Central Office reporting requirements.

(4) Perform or delegate authority for responsibilities of the Approving Officer.

C. Approving Officer. (May be Regional Director, Agency Superintendent, or any line officer with the delegated authority)

- (1) Authorize the advertisement of forest products for sale.
- (2) Approve all contracts for the sale of forest products.
- (3) Ensure purchaser's compliance with contractual requirements.
- (4) Maintain required sale records.

(5) Collect and distribute trust funds proceeds in conjunction with the Office of the Special Trustee (OST) and non-trust funds proceeds in conjunction with the Division of Accounting Management (DAM) (refer to the *BIA Forestry Collections and Distribution Handbook*).

(6) Prepare, develop and submit to the Regional Director the required timber sale preparation and harvest accomplishment reports.

4.1 Purpose. This chapter provides the policies, standards and responsibilities governing permit harvesting of forest products on Indian lands.

4.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary (see 53 IAM 1.3; also see the *Indian Forest Management Handbook (the Handbook)*, Volume 4, titled, *Permit Sales of Forest Products*, for detailed process and procedural guidance).

4.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest lands. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

4.4 Policy. The following policies apply to all Indian forest land managed by the Secretary:

A. To harvest Indian trust forest products under an approved Forest Management Plan that is consistent with established tribal goals and objectives, and with a tribal Integrated Resource Management Plan, through the application of sound silvicultural and economic principles on a sustained yield basis.

B. To sell Indian trust forest products through permits with the beneficial owners written consent when volumes and values are sufficiently small and formal contract sales are deemed inappropriate.

C. To accurately determine and record the volume and value of forest products harvested by ownership, and to ensure that required payments are made.

D. To maintain sufficient records to document compliance with permit requirements and to otherwise record factual information relating to the permittee's performance under the permit.

4.5 Harvesting Forest Products through Permit.

A. Consent of Owners.

(1) Tribal Interests. Harvesting forest products from unallotted (tribal) lands under permit authority will be allowed only with the written consent of the beneficial Indian owners. For efficiency of permit operations, tribal consent may be in the form of a periodic "*Timber Use Policy Statement*", approved by the recognized governing body of the tribe. This document reflects tribal and Bureau policy towards harvesting products under permit authority, and describes the agency/tribal prices, policies, and procedures for issuing paid and free-use permits and authorizing free-use cutting without permits on designated tribal lands (refer to *Volume 4 of the Handbook* for information that should be contained in the *Timber Use Policy Statement*).

(2) Allotted Interest. With single-owner tracts, the sole owner consents to the Permit by signing as permittee or authorizes as owner. With multiple-owner tracts, landowner consent is obtained through using a Power of Attorney for the Sale of Allotted Timber (see *Volume 4 of the Handbook*). With these multiple-owner tracts, a simple majority of restricted owner consent is required, although an effort shall be made to obtain consent of all owners. When an individual cannot be located, the Secretary, after a reasonable and diligent search and the giving of notice by publication, may sign a Power of Attorney consenting to the sale for the particular interests. When consent of only a majority restricted interest has been obtained, the Secretary may execute the sale on behalf of all owners (refer to 25 CFR §163.20).

(3) **Unrestricted Interest in which there are Trust or Restricted Interests.** Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or restricted Indian interests, the Secretary may include such unrestricted interest in a sale of the trust or restricted interests in the timber. When an individual with unrestricted interest cannot be located, the Secretary, after a reasonable and diligent search and the giving of notice by publication, may execute the sale on behalf of all owners with consent of a majority of restricted interest.

B. Limitations.

(1) **Free Use.** Tribes may stipulate that forest products harvested under this authority cannot be sold or exchanged for other goods or services.

(a) **Free Use Permits.** The stumpage value that may be harvested under free use permits in a fiscal year by any individual Indian or organized group of Indians shall not exceed \$5,000 (refer to 25 CFR §163.26(b)).

(b) **Harvesting Without Permits.** Permissible with landowner consent and for personal use only (refer to 25 CFR §163.27).

(2) **Paid Permits.** The stumpage value that may be harvested under paid permits in a fiscal year by any individual shall not exceed \$25,000. These permits may be subject to forest management deductions and performance bonds.

(3) **Special Allotment Timber Cutting Permits.** These permits can only be issued to an Indian having sole beneficial interest in an allotment, and allow the permittee to harvest and sell designated forest products from his or her allotment (refer *the Handbook, Volume 4* for guidance on the Special Allotment Timber Cutting Permit (SATCP)). Performance bonds may be required as per 25 CFR §163.21.

4.6 Sale Preparation. All harvest under this authority shall be based on value established by some form of appraisal, and shall conform to sustained-yield principles. The following elements are required:

A. Environmental and Cultural Resource Requirements. An environmental analysis and other studies as necessary will be prepared to comply with applicable laws and regulations for the protection and enhancement of environmental and cultural resources.

B. Permit forms. Essential departures from the fundamental requirements contained in the approved forms shall be made only through the Secretary. Additional provisions may be added to the permit as necessary. The following permit forms are approved for use and appear as illustrations in *the Handbook, Volume 4*:

(1) Form BIA-5331. Timber Cutting Permit.

(2) Form BIA-5328. Special Allotment Timber Cutting Permit.

C. Other. Powers of Attorney, if permit is on allotted lands and permittee is not the sole owner operating on his/her allotment.

4.7 Forest Management Deductions. Forest management deductions shall be withheld from the gross proceeds of sales of forest products except where the total sale value is less than \$5,001 or the Secretary has waived the collection. Expenditure plans are required that detail how estimated

expenditures fall within the areas of land management activities which may be funded (see 25 CFR §163.25 and 53 IAM 11 for more on withholdings and expenditure plans).

4.8 Responsibilities.

A. Director, Bureau of Indian Affairs.

- (1) Develop and revise policy on permits and other forest products harvesting.
- (2) Provide oversight, guidance, and technical assistance to Regional offices as needed.
- (3) Establish reporting standards and requirements.

B. Regional Director.

- (1) Establish procedures for permit sale preparation and administration.
- (2) Perform or delegate authority for responsibilities of the approving official.
- (3) Provide oversight, guidance, and technical assistance to Agency and Tribal offices as needed.
- (4) Receive, review, and compile other forest products harvest accomplishment reports from field offices and tribes for annual Central Office reporting requirements.

C. Approving Officer. (May be Regional Director, Agency Superintendent, or any line officer with the delegated authority)

- (1) Secure consent of all owners for harvest of forest products under this authority.
- (2) Issue permits and collect and distribute trust funds proceeds in conjunction with the Office of the Special Trustee (OST) and non-trust funds proceeds in conjunction with the Division of Accounting Management (DAM) (refer to the *BIA Forestry Collections and Distribution Handbook*).
- (3) Approve all permits for the sale of forest products.
- (4) Ensure permittee's compliance with permit requirements.
- (5) Maintain required sale records.
- (6) Consult with the Indian owners in all aspects of conducting a timber harvest program under the auspices of this authority, assist in the development of a *Timber Use Policy Statement*, and approve the policy statement.
- (7) Prepare, develop and submit to the Regional Director the required forest products accomplishment reports.

5.1 Purpose. This chapter provides the policies, standards, and responsibilities for conducting and implementing Forest Development activities on Indian lands.

5.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary (see 53 IAM 1.3; also see the *Indian Forest Management Handbook, Volume 5*, titled, *Forest Development*, for detailed process and procedural guidance).

5.3 Scope. Forest Development is that segment of the Forestry program that addresses the improvement of the commercial forest resources. Forest Development encompasses reforestation and commercial forest stand improvement (CFSI) projects and activities, and shall consist of all investments applied to establish, promote, enhance, and maintain optimum growth on selected trees to produce sustained yields of desired forest products under the principle of sustained yield forest management. Forest Development activities shall be planned and executed with emphasis on accomplishing on-the-ground projects using benefit-cost analyses as one of the determinants in establishing priorities for project funding. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest lands. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

5.4 Policy. Forest Development projects and activities on Indian lands shall have tribal input and tribal approval. The overall direction for the Forest Development program shall be incorporated into the approved Forest Management Plan. All projects and activities must be planned and implemented from guidelines established in a Forest Development Plan. Non-recurring Forest Development funds will only be used for the improvement or enhancement of identified forest development needs utilizing appropriate silvicultural treatments. Reforestation immediately after a timber sale is not an approved use of these non-recurring funds.

5.5 Responsibilities.

A. Director, Bureau of Indian Affairs.

- (1) Develop and provide national forest development program direction, policies, and oversight.
- (2) Establish reporting standards and requirements.
- (3) Maintain program budget and funding justification and procedures for efficient and effective program administration.

B. Regional Director.

- (1) Provide Agency Superintendents with national and regional forest development policies, guidelines, and directives.
- (2) Provide technical assistance to field offices including tribal programs; monitor and evaluate field activities and expenditures; make recommendations; and conduct program oversight.
- (3) Allocate available funds to field programs for approved forest development activities. Reallocate funds when necessary.
- (4) Receive, review, compile and approve forest development plans and annual project planning/activities reports.

(5) Receive, review, and compile forest development accomplishments and expenditures reports from field offices and tribes.

C. Agency Superintendent.

(1) In consultation with tribe(s), prepare and implement forest development plans and projects consistent with an approved forest management plan and an approved silvicultural prescription.

(2) Prepares, develops, and submits to the Regional Director the following reports on dates specified by the Director, Bureau of Indian Affairs:

(a) Forest Development Program Planned/Activities.

(b) Forest Development Projects/Activities Accomplishment Reports.

(3) Maintain program funding accountability, project accomplishments and expenditures, and maps.

(4) Assist tribe(s) with submission of reports and accomplishments.

6.1 Purpose. This chapter provides the policies, standards and responsibilities for conducting and implementing Forest Pest Management (FPM) activities on Indian lands, using specially appropriated FPM funds. This chapter does not apply to forest pest management activities not funded using these special appropriations.

6.2 Guidance. A cooperative agreement between the United States Department of Agriculture (U.S.D.A.) and the Department of Interior signed on March 28, 1983, allows the U.S. Forest Service to provide funding and technical assistance to the Bureau of Indian Affairs (BIA). In addition, handbooks, directives and other guides may be issued and revised as necessary (see 53 IAM 1.3; also see the *Indian Forest Management Handbook, Volume 6*, titled, *Forest Pest Management*, for detailed process and procedural guidance).

6.3 Policy and Scope. Administration of forest pest management legislation is a function of the U.S. Forest Service, which provides technical assistance and funding for approved forest pest management programs or projects involving Indian lands. It is Departmental policy to detect, control, and mitigate harmful effects of forest insects and diseases on forest lands under Department of Interior jurisdiction. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest lands. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

6.4 Responsibilities.

A. The **Secretary of the Interior** coordinates Forest Pest Management activities with the Interior Bureaus and the U.S. Forest Service.

B. Director, Bureau of Indian Affairs.

(1) Meet with the other Bureaus of the Department and the Forest Service to coordinate activities and the distribution of funds based on proposals submitted.

(2) Consolidate and prioritize proposals for insect and disease prevention/suppression projects submitted by Regional Directors.

(3) Allocate funds provided by the Forest Service for those projects approved for funding to Regional Directors.

(4) Consolidate and transmit to the Forest Service, Bureau-wide annual prevention/suppression project accomplishments on approved forms.

D. Regional Director.

(1) Coordinate Regional BIA operations with the Regional Forest Pest Management staff of the Forest Service.

(2) Provide assistance and guidance to Agencies/Tribes in all aspects of Forest Pest Management.

(a) Assure that preventive measures are taken to reduce the hazard of insect or disease damage. These may include silvicultural, cultural or mechanical treatments, the timing of forest activities, use of chemicals, and use of biological control agents. Assure that Integrated Pest Management systems and strategies are

incorporated into Forest Management Plans. All uses of chemicals on Indian forest lands will conform to Environmental Protection Agency (EPA) regulations and registration information, label directions, state pesticide laws, and Department of Interior Pesticide Use Policy.

(b) Assure that the Forest Service Manual, Washington, Title 3400, "*Forest Health Protection*", be used as the Region's general guidelines for the administration and conduct of its forest pest management program unless inapplicable to the Bureau forestry program.

(3) Submit complete project proposal packages received for anticipated insect and disease control funding needs for the following year to Central Office. If more than one is submitted, a prioritized list of project proposals for the Region shall be included in the submission.

(4) Allocate funds to the Agencies and Tribes based on approved projects.

(5) Provide training and technical assistance to the Agencies and Tribes regarding the preparation of pest management project proposals.

(6) Consolidate and send region-wide annual prevention/suppression project accomplishments reports to Central Office on approved forms.

(7) Cooperate with other government agencies in pest management programs and projects that affect lands adjoining tribal lands.

E. Agency Superintendent.

(1) Request detection surveys and entomological or pathological evaluations to be made by the Forest Service on Indian lands.

(2) Decide whether to submit a pest management proposal (refer to *Indian Forest Management Handbook, Volume 6*, for factors to consider in making this decision

(3) Perform field observations and specialized detection surveys when needed to supplement Forest Service efforts.

(4) Submit detailed project proposals to the Regional Director.

(5) Carry out approved project proposals.

(6) Submit annual accomplishment reports to the Regional Director.

(7) Cooperate with other Agencies/Tribes in insect and disease control programs and projects of other ownerships that involve or affect lands administered by the Bureau of Indian Affairs.

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7.1 Purpose. This chapter documents the policies, standards and responsibilities for protecting all forest resources on Indian lands from trespass.

7.2 Guidance. Handbooks, directives and other guides may be issued and revised to provide procedural guidance (see 53 IAM 1.3; also see the *Indian Forest Management Handbook, Volume 7*, titled, *Forest Products Trespass*, for detailed process and procedural guidance).

7.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest resources. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

7.4 Policy. Forest resources on all Indian lands shall be protected from trespass. The policy of the Bureau of Indian Affairs is to:

- A. Proceed in every reasonable manner to detect all acts of trespass.
- B. Assure that acts of trespass are properly investigated, reported, payment demanded and, when appropriate, recommend prosecution to the proper authorities.
- C. Develop and maintain adequate records of each case.
- D. Furnish complete, immediate and vigorous support in handling trespass cases at all levels of the Bureau.
- E. Obtain suitable and sufficient training for Bureau and Tribal staff to carry out this policy.
- F. Issue and maintain detailed procedural guidelines in the form of handbooks for processing cases.
- G. Promote and support tribal concurrent civil jurisdiction as defined in 25 CFR §163.29(j).
- H. Obtain full recoverable damages when possible.

7.5 Characteristics of Civil Trespass Actions.

- A. Successful prosecution of a civil trespass case requires proof of Indian ownership of the premises and commission of the acts by the trespasser.
- B. The intent of civil prosecution is to recover damages suffered by the injured party.
- C. Damages may be recovered from the trespasser and/or the purchaser of forest products removed or damaged in trespass.
- D. Civil action is independent of criminal action and may be filed before, during or after prosecution for criminal acts of trespass.
- E. Civil prosecution is subject to applicable tribal, federal and state law as described in 25 CFR §163.29(a) (1) & (2).

7.6 Characteristics of the Criminal Trespass Actions.

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A. Successful prosecution of a criminal trespass case requires proof beyond a reasonable doubt that the defendant(s) committed the criminal act(s) with which charged.

B. The intent of criminal prosecution is to punish the wrongdoer (trespasser) and act as a future deterrent for similar offenses. Any money receipts taken in fines or damages go to the U.S. Treasury, or can be applied towards restitution to the landowner as ordered by the court.

C. Criminal prosecution is subject to applicable federal, tribal and state statutes and ordinances. Public Law 83-280 (67 Stat. 588) states Regional Directors, where applicable, will issue special instructions to provide for compliance with state laws and regulations pertaining to trespass.

D. The criminal defendant can be apprehended in any state in which located and returned to the scene of the crime for prosecution.

7.7 Investigation. Initial investigation and formal investigation of civil damage claims will be undertaken by the BIA or by tribes with delegated authority in accordance with 25 CFR, §163.29(i), whereas criminal cases will be investigated by the FBI, BIA law enforcement, sheriff, or other local authorities depending on applicable federal, tribal and state statutes and ordinances. The office which begins the investigation should follow it through the final stages or until it is relieved in writing by the appropriate authority. Very few cases with low value in damages and costs are acceptable for civil prosecution by the U.S. Attorney. Such cases should be considered for prosecution in Tribal court under tribal concurrent civil jurisdiction.

7.8 Appeals. Any trespass decision by officials of the Bureau of Indian Affairs in which a person or persons may be adversely affected is appealable in accordance to 25 CFR, Part 2 - Appeals From Administrative Action.

7.9 Responsibilities. In addition to the responsibilities identified in 53 IAM 1.7, the following are directly associated with trespass:

A. Director, Bureau of Indian Affairs.

- (1) Develop national trespass policy and guidance for Indian forest resources.
- (2) Provide national trespass program direction, oversight and guidance.

B. Regional Director.

- (1) Develop regional forest trespass guidelines for program implementation.
- (2) Assure trespass policies and standards are met.
- (3) Refer trespass cases to Regional Solicitors Office involving compromise settlements or which may be of a criminal nature.
- (4) Authority to accept payment of damages in full in settlement of civil trespass cases. "Payment of damages in full" means payment of the maximum amount due under applicable law.
- (5) When requested, approves Indian tribe's concurrent civil jurisdiction to tribe when requirements of 25 CFR §163.29(j) are met.

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(6) Rescinds Indian tribe's concurrent civil jurisdiction over trespass cases as defined 25 CFR §163.29(j)(3).

C. Agency Superintendent.

(1) Responsible for detection and investigation of trespass of forest products.

(2) Responsible for initial administrative actions as defined in 25 CFR §163.29 (a), (e) and (g).

(3) Responsible for coordinating prosecution of trespass actions with tribes when tribal concurrent jurisdiction has been exercised.

D. Field Solicitor.

(1) Provide legal guidance to Regional Director and Agency Superintendents on trespass cases.

(2) May provide legal assistance in collecting damages and negotiating compromised trespass settlements.

(3) May request initiation of civil and criminal litigation by the U.S Department of Justice.

(4) Coordinates communication between U.S Department of Justice, Regional Directors, and Agency Superintendents in trespass litigation.

E. U. S. Department of Justice.

(1) May prosecute civil and criminal trespass cases as requested by Regional Solicitor.

(2) May settle referred cases in accordance with Department of Justice and Department of Interior regulations.

F. Tribal Government. Jointly responsible as described in 25 CFR §163.29(j)(2), for prosecution of civil trespass cases when concurrent civil jurisdiction has been exercised.

8.1 Purpose. This chapter documents the policies, standards, and responsibilities applicable to the collection, analysis and use of scientifically based data for monitoring and management of resources on Indian forest lands (see 53 IAM 1).

8.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary. In addition to standard guides identified in 53 IAM 1.3 and the *Indian Forest Management Handbook, Volume 8*, titled, *Inventory and Monitoring*, a project specific "Forest Inventory Field Procedures Guide" will be developed for all inventories.

8.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest resources. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

8.4 Policy. Sound forest inventory and analysis shall be the basis for approval and implementation of decisions relative to the management and protection of Indian forest resources.

8.5 Inventory Standards. The national inventory standards described herein are tiered to the Reservation Prioritization Categories defined in 53 IAM 2.8.A. Inventory design shall be correlated with the basic purpose and need for data collection. The BIA recognizes the following inventory types:

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A. Forest Inventory for Management Planning & Trust Monitoring (Planning Inventory).

The purpose of the Planning Inventory, also known as the Continuous Forest Inventory (CFI) system on Category 1 Reservations, is accountability of the Indian forest resource and scientific basis for long-term planning. Planning Inventories must meet or exceed the following national standards.

	Category 1	Category 2	Category 3	Category 4
Scheduling	15-years or less	15-years or less	15-years or less	As necessary for plan
Design	Permanent fixed-area plot for entire timberland ownership on a systematic grid with 100% of plots measured, & Category 3 standards applied on woodland areas.	Temporary plot for entire timberland ownership on a systematic grid with 100% of plots measured, & Category 3 standards applied on woodland areas.	Forest-wide inventory based on Regional Discretion	Forest-wide inventory based on Regional Discretion
Mapping Requirements	Ownership, Forest Land Classification, Cover Type, Stratum Boundaries, Plot Location	Ownership, Forest Land Classification, Cover Type, Stratum Boundaries	Ownership, Forest Land Classification, Cover Type	Ownership, Forest Land Classification, Cover Type
Accuracy of Inventory and Trust Monitoring (Sampling Error at 1 Standard Deviation)	<u>TIMBERLAND:</u> ≤ 5% for BA <u>Comm. Timberland Stratified:</u> ≤ 5% for pooled strata for primary unit of volume and ≤ 15% per stratum <u>Unstratified:</u> ≤ 5% for primary unit of volume <u>WOODLAND:</u> Cat. 3 standards.	<u>TIMBERLAND:</u> ≤ 10% for BA <u>Comm. Timberland Stratified:</u> ≤ 10% for pooled strata for primary unit of volume and ≤ 15% per stratum <u>Unstratified:</u> ≤ 10% for primary unit of volume <u>WOODLAND:</u> Cat. 3 standards.	<u>Comm. Woodland:</u> 20% for BA	At Regional Discretion
Data	Acres, Species, Frequency, Diameter, Height, Tree Condition, Plot Description, Regeneration	Same as Category 1.	Same as Category 1.	Same as Category 1.
Analysis	See 53 IAM 8.6.	See 53 IAM 8.6.	See 53 IAM 8.6.	See 53 IAM 8.6.
Quality Control	10% plot verification, Crew qualifications as per Forest Inventory Field Procedure Guide.	Same as Category 1.	Same as Category 1.	At Regional Discretion.
Document Retention	Data & Approved FIA archived in Central Office	Same as Category 1.	Same as Category 1.	Same as Category 1.

Trust Standards are not specified for Category 5 reservations, as they are non-trust.

B. Forest Inventory for Timber Product Sales (Cruise). The purpose of the Cruise is to accurately estimate the timber products and volume of the forest resources. Cruise design will vary depending upon product values, extent of the resource, harvest policies, etc. However, the Cruise standards below shall be met as a minimum and further constrained as necessary by the Regional Office to fulfill the Secretary's trust obligations.

	All Categories
Scheduling	Within 2-years of advertisement of predetermined volume sale and within 5-years of advertisement of estimated volume sales. This will occur as detailed in the Forest Management Plan (FMP) harvest schedule.
Design	As Regionally required.
Accuracy (Sampling Error at 1 Standard Deviation)	Estimated Volume Sale of Timber: 15% for volume and value. Pre-determined Volume Sale of Timber: 5% for volume and value.
Data	Acres, Species, Products, Volume and Value Variables
Analysis	Sample Compilation with summary statistics Sample Expansion using spatial data
Quality Control	Standards will be set by Regional Directors.
Document Retention	Consistent with BIA <i>Files and Maintenance Handbook</i> .

C. Forest Inventory for Other Forest Product Sales (Other Products Inventory). The purpose of the Other Products Inventory is to accurately estimate the other forest products and their volume from the forest resources. Design standards will vary depending upon product values, extent of the resource, harvest policies, etc., and will be determined by the Regional Director to fulfill the Secretary's trust obligations.

D. Forest Inventory for Real Estate Values (Realty Cruise). Timber is part of the "Real Property" and thus a trust resource under the protection and care of the Secretary. The fair market value of the timber must be accounted for as a part of a Realty appraisal. A Realty Cruise will be performed to the standards determined by the Regional Director to fulfill the Secretary's trust obligations.

E. Forest Inventory for Stand Management (Stand Exam). The purpose of this type of inventory is to collect site-specific forest data and other information for silvicultural and other forest management purposes. All stand level inventories shall be based upon site specific data acquired by the Stand Exam, consistent with procedures defined in the *Indian Forest Management Handbook, Volume 8*. Stand Exams will be performed to the standards determined by the Regional Director to fulfill the Secretary's trust obligations.

F. Forest Inventory for Trespass Investigation (Trespass Inventory). When unauthorized use or damage of the resource is reported, a determination of extent and value is to be made using Trespass Inventory methods to substantiate claims for compensation. The nature of the damage and the physical evidence present will influence the design (refer to 53 IAM Chapter 7. A Trespass Inventory shall be performed to the standards below.

\	For All Occurrences
Scheduling	Promptly upon reported detection.
Design	100% sample; or utilize a sampling method regionally approved for the specific incident.
Accuracy	5% Sampling Error at 1 standard deviation if using regionally approved sampling method.
Data	All physical evidence will be mapped and photographically documented. All measurements necessary to yield quantity and value will be recorded.
Analysis	Full documentation of quantity and value calculations, cost of site rehabilitation, and loss of intrinsic values.
Quality Control	Regional Discretion.
Document Retention	Consistent with BIA file maintenance plans.

G. Forest Inventory for Fuels Management (Fuels Inventory). The purpose of the Fuels Inventory is to quantify downed woody debris and determine stand conditions influencing fire behavior and fuel characteristics. Fuels Inventory may be applied throughout time to monitor long-term affects of wildland and prescribed fire. Fuels Inventory design will vary depending on management objectives defined in the IRMP, FMP, Fire Management Plan, and project-level implementation plans. However, the Fuels Inventory standards in the table below shall be met as a minimum and further constrained as necessary by the Regional Office to fulfill the Secretary’s trust obligations.

	Strategic Fuels Inventory (Monitoring)	Operational Fuels Inventory
Scheduling	Consistent with Planning Inventory.	Refer to <i>Fire Use Handbook</i>
Design	Permanent plot (<i>Brown’s method INT-16, 1974 or Anderson, INT-122 1982</i>) over entire forest area on a systematic grid, or other plot designs approved by the Regional Director.	
Accuracy	<i>INT-16</i> : 20% (Tons/Acre) SE @ 1 SD. <i>INT-122</i> : N/A, or other standards approved by the Regional Director.	
Data	<i>INT-16</i> or <i>INT-122</i> requirements, or as approved by the Regional Director.	
Analysis	Sample Compilation with summary statistics Sample Expansion using spatial data	
Quality Control	Regional Discretion	
Document Retention	Digital data file, and Analysis Report maintained Regionally.	

Refer to IFMH for INT-16 and INT-122

H. Forest Inventory for Ecosystem Management. Ecosystem management is recognized as an integration of resources, values, and activities over a very broad area. Ecosystem inventory is more than simple measurement of physical characteristics of trees. The standard required is that of adequate documentation of forest related data collected in all types of inventory, so as to facilitate its use by other disciplines. This type of inventory could be used in addressing forest health, adaptive management and landscape issues. Standards are determined by the Regional Director.

I. Forest Inventory for Research (Research Inventory). BIA research studies are designed to demonstrate and understand local forest potentials. Research Inventories for stocking study blocks shall meet the standards in the *Indian Forest Management Handbook, Volume 8*. Research Inventories for other purposes, such as genetic improvement, shall have applicable scientifically based procedures established and record analysis maintained.

8.6 Minimum Content Standards for a Forest Inventory Analysis (FIA). The analysis of Planning Inventory data shall be documented by a Forest Inventory Analysis report approved by the Regional Director. The substance of the functional elements will be unique to the resource and its beneficial owners' aspirations for management. Prior to approval, the FIA shall meet or exceed the following content standards according to Reservation Prioritization Categories defined in 53 IAM 2.8.A. The identified basic elements within each function shall be addressed with sufficient detail for clarity and understanding of the data. For examples of Forest Inventory Analysis outline formats, refer to *Indian Forest Management Handbook, Volume 8*.

	Category 1	Category 2	Category 3	Category 4
APPROVAL	Required	Required	Required	Required
PREFACE	Required	Required	Required	Required
SYNOPSIS	Required	Required	Required	Required
DESCRIPTION OF FOREST	Required	Required	Required	Required
SUMMARY OF RESULTS	Previous Inventories Current Inventory Sample Methods Area and Volume Growth Forest Condition Forest Trends Cut Calculations Indicated Annual Cut Regulated Annual Cut Comparative Analysis	Previous Inventories (if any) Current Inventory Sample Methods Area and Volume Growth Forest Condition Cut Calculations Indicated Annual Cut Regulated Annual Cut Comparative Analysis	Regional discretion	Regional discretion
COMPILATION AND ANALYSIS OF DATA	Forest Strata Description. Statistical Analysis Method of Forest Regulation Volume and Growth Cutting Cycle / Rotation Age Planning Period Objectives Present Forest Objectives Indicated Annual Cut Regulated Annual Cut	Same As Category 1	Regional discretion	Regional discretion
RECOMMENDATIONS	See <i>Indian Forest Management Handbook, Volume 8</i>	Same As Category 1	Same As Category 1	Regional discretion
APPENDIX	FIMP&TM Field Proc Guide Volume Reference & Tables Regression Coefficients and Equations, Site Index Curves/Equations Inventory Cost Data	Same As Category 1	Same As Category 1	Regional discretion

Trust Standards are not specified for Category 5 reservations, as they are non-trust.

8.7 Responsibilities. In addition to the responsibilities identified in 53 IAM 1.7, the following are directly associated with forest inventory.

A. Director, Bureau of Indian Affairs.

- (1) Develop national inventory and trust monitoring policies.
- (2) Provide national forest inventory program direction, oversight and guidance.
- (3) Provide direction and guidance nationally to facilitate state-of-the-art forest inventories.
- (4) Maintain data and document archive for all forest lands in trust.
- (5) Annually compile and publish the "Status of Forest Management Inventories and Planning Report".

B. Regional Director.

- (1) Develop regional inventory guidelines for program implementation.
- (2) Assure trust monitoring standards and policies are met.
- (3) Assure inventory standards and policies are met.
- (4) Provide regional forest inventory program direction, oversight and guidance.
- (5) Approve "Forest Inventory Field Procedures Guide" prior to project initiation.
- (6) Approve "Forest Inventory Analysis" report.

C. Agency Superintendent.

- (1) Plan and budget for field inventory events.
- (2) Organize and conduct field inventory activities.
- (3) Develop project "Forest Inventory Field Procedures Guide".
- (4) Analyze inventory data and develop "Forest Inventory Analysis" report.
- (5) Assure inventory quality control.

9.1 Purpose. This chapter documents the policies, standards, and responsibilities relevant to the application of silviculture on Indian forest lands (See 53 IAM 1).

9.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary (see 53 IAM 1.3; also see the *Indian Forest Management Handbook, Volume 9*, titled, *Silviculture*, for detailed process and procedural guidance). Regional directives may be issued as necessary to address local processes and procedures.

9.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest resources. Regardless of the means of program execution, the appropriate Federal Official shall assure that the standards prescribed herein are met.

9.4 Policy. All Indian forest lands shall have effective management and protection through the application of sound silvicultural principles.

A. Strategic. Silvicultural guidelines will be included in all Forest Management Plans (See 53 IAM 2.8, C.14.).

B. Operational. Forest treatments on Indian forest lands shall be consistent with sound silvicultural principles. Silvicultural prescriptions shall be required for all forest treatments that affect the present and/or long term character of a forest stand. Project level silvicultural decision-making should include the process of silvicultural examination, diagnosis of treatment, silvicultural prescriptions, and monitoring.

9.5 Silvicultural Examinations. The silvicultural examination is the process for obtaining data needed to identify existing conditions for stand diagnosis and prescription development. Various methods exist for gathering such data, ranging from informal surveys to formal Stand Exams (refer to 53 IAM 8.5.E.). The particular method used and the amount of information collected will vary with the complexity of the resource and detail needed to adequately prescribe treatment.

9.6 Silvicultural Prescription. A silvicultural prescription is usually stand specific but can encompass several stands, a cover type or forest type, where the desired treatment result is the same.

A. Diagnosis of Treatment Needs. Stand diagnosis follows silvicultural examination. Diagnosis includes collecting, recording, compiling, summarizing, and analyzing of Stand Exam data. The results of this diagnosis along with the data used shall be documented in the Silvicultural Prescription document.

B. Silvicultural Prescription Document. The prescription proposes a specific treatment that will meet management and resource objectives within existing constraints and desired time frames. The prescription document shall use standard terminology and definitions (See *The Dictionary of Forestry*, Society of American Foresters, September 1998). In order to reduce paperwork, a Forest Officer's Report or other project reports can also serve as the Silvicultural Prescription document, as long as the following minimum content is met:

General: Reservation/Property Preparer's name Date of preparation Method of field exam Stand designation number Silvicultural system to be applied. Cutting method/treatment this entry.
Stand Description
Special management constraints
Land owner desires as described in IRMP/FMP and other specific sources
Stand needs and treatment objectives
Spatial data such as a map or GIS theme
Description of prescribed treatment
Implementation Guide.
Monitoring needs
Appendix of supporting material
Signature page

9.7 Monitoring and Evaluation of Silvicultural Treatments. Appropriate monitoring plans will be included in the prescription to evaluate the results of the prescription and all silvicultural treatments that have been implemented. Monitoring may indicate the need for additional management action(s) to satisfy the objectives of the prescription.

9.8 Document Retention.

A. Short Term. The prescription with all supporting information should be retained throughout the duration of the project.

B. Long Term. The prescription and monitoring/evaluation results shall be retained indefinitely.

9.9 Responsibilities. In addition to the responsibilities identified in 53 IAM 1.7, the following are directly associated with silviculture.

A. Director, Bureau of Indian Affairs.

(1) Develop national silvicultural policies.

(2) Provide assistance in the implementation of Regional silvicultural program direction, oversight and guidance.

B. Regional Director.

(1) Develop regional policies, standards and silvicultural guidelines for program implementation.

(2) Assure silvicultural standards and policies are met.

(3) Provide assistance in the implementation of Reservation silvicultural program direction, oversight and guidance.

C. Agency Superintendent.

(1) Plan and budget for silvicultural program needs.

(2) Prepares, organizes, and conducts silvicultural activities.

(3) Assure silvicultural quality control.

(4) Maintain silvicultural data and document archive for all Indian forest lands.

10.1 Purpose. This chapter documents the policies, standards, and responsibilities relevant to the management of woodlands on Indian forest lands (See 53 IAM 1).

10.2 Guidance. Handbooks, directives and other guides may be issued and revised as necessary (See 53 IAM 1.3). The Assistant Secretary - Indian Affairs August 1987 memorandum and "*Native American Woodland Resources: A National Overview*" provide guidance (also refer to *Indian Forest Management Handbook, Volume 10*, titled, *Woodland Management*, for detailed process and procedural guidance). Regional directives may be issued as necessary to address local processes and procedures.

10.3 Scope. The directives contained in this chapter apply to all federal agencies and programs participating in the management, accountability, or protection of woodlands on Indian forest lands. Regardless of the means of program execution, the appropriate Federal Official shall assure that the standards prescribed herein are met.

10.4 Policy. All woodlands on Indian forest lands shall be afforded the opportunity for effective management and protection through the application of sound silvicultural principles. Woodlands are a component of the overall forest resource, and are subject to all policies and standards relating to forest management on Indian lands. Non-recurring Woodland project funds will only be used for the management, utilization, development, restoration, or protection of resources within designated woodland land classification areas.

10.5 Woodland Terms.

A. Woodland means forest land not included within the timberland classification, stocked, or capable of being stocked, with tree species of such form and size to produce forest products that are generally marketable within the region for products other than lumber, pulpwood, or veneer. (25 CFR §163.1)

B. Commercial Woodland is land qualifying as forest, containing less than 5 percent commercial timber species crown cover, diameters at least 3.0" at root collar (DRC) of woodland species or 5.0" at breast height (DBH) timber, and considered of high site potential capable of growing at least 5 cu. ft/ac/yr of merchantable material. It is a term coined to describe that portion of woodland producing marketable woody products, which is currently or prospectively accessible, is not withdrawn from such use, and not already accounted for within commercial or noncommercial timberland.

10.6 Woodland Cover Types. The Bureau of Indian Affairs (BIA) currently recognizes seven woodland cover types for project funding purposes. Additional woodland cover types may be recognized by the BIA Director upon request of the Regional Director.

A. The ***Pinyon-Juniper*** type accounts for the vast majority of the woodland acreage nationally. These stands are composed of varying mixes of pinyon pines and junipers throughout the Southwest and Great Basin. Woodlands end where timber crown cover is 5 percent or more (timberland status begins).

B. The ***Juniper*** type of the Northwest is a variant of pinyon-juniper. Rocky Mountain and western junipers predominate. This type is found in Idaho, Oregon and Northern California.

C. Non-timber Oak woodlands have been identified in California, Arizona, Oregon, Washington, Utah, New Mexico, Colorado and Oklahoma. They most often hold the niche between timberland and savanna that is quite droughty and harsh.

D. Riparian woodlands are found in most regions of the country. They are defined by their obligate tree species and are generally composed of cottonwood and willow forests, with alder, maple, elm, ash, and other associated species.

E. The **Mesquite** type is found in lower elevations of the Southwest, Southern California and Oklahoma with most of the acreage in Indian Country centering in Arizona. This most xeric of the woodland types includes honey, velvet, and screwbean mesquite and catclaw acacia. Mesquite grows best in flood plains, along dry washes and other intermittent drainages.

F. Aspen woodlands are found in the northern Rockies and intermountain regions. They exist as pure stands on moist sites, or in association with Rocky Mountain juniper and other species on the dry end of its range. Aspen woodlands tend to be climax to the site (whereas aspen timberlands are seral with conifers becoming later dominants to the area).

G. Indian holdings of the **Sabal Palm** type are found exclusively on the Seminole Indian Reservation in Florida. This woodland type is on the mesic end of the forest spectrum, where wetland pasture is below it and mixed stands of palm/hardwoods/conifers are above.

10.7 Cultural Aspects. For many Indian woodland owners, the most important and commonly practiced use of Woodland species centers on cultural uses. Proposed woodland management activities should enhance, protect or sustain these cultural uses.

10.8 Project Proposals. Proposals must include descriptions of the proposed project, desired results, and a project cost detail that includes personnel requirements, estimated salaries and wages, travel expenses, and equipment/supply costs. The proposal may also include a discussion of the potential economic spin-offs in terms of numbers of jobs created on and off the reservation, salaries and wages (Indian and non-Indian), expected tribal revenues, etc. A Tribal resolution or other authority supporting the woodland project is a required component of the proposal.

10.9 Selection Criteria. Selection criteria will vary somewhat from Region to Region. Important considerations for project selection are available budget, resource values, ability to complete the project, and tribal consensus for project necessity, among other considerations.

10.10 Responsibilities. In addition to the responsibilities identified in 53 IAM 1.7, the following are directly associated with woodland management.

A. Director, Bureau of Indian Affairs.

- (1) Develop national woodland management policies.
- (2) Provide assistance in the implementation of regional woodland management program direction, oversight and guidance.
- (3) Maintain program budget and funding justification and procedures for efficient and effective program administration.
- (4) Establish reporting standards and requirements.

B. Regional Director.

- (1) Develop regional policies, standards and woodland management guidelines for program implementation.

(2) Provide technical assistance to field offices including tribal programs, monitor and evaluate field activities and expenditures, make recommendations, and conduct program oversight.

(3) Receive, review, compile and approve woodland management project proposals and annual project planning reports.

(4) Review and retain current woodland management literature for distribution to Tribes and Agencies.

(5) Allocate available funds to field programs for approved woodland management activities. Reallocate funds when necessary.

(6) Receive, review, and compile woodland management accomplishments and expenditures reports from field offices and tribes for annual central office reporting requirements.

C. Agency Superintendent.

(1) In consultation with the tribe(s), prepare and implement woodland management projects consistent with woodland management plans, sound silvicultural principles, and woodland policy.

(2) Prepare and submit to the Regional Director an annual Woodland Management Accomplishment Report for each fiscal year that non-recurring funds are utilized.

(3) Maintain program funding accountability and establish a scope of work consistent with woodland funding intent.

11.1 Purpose. This chapter documents the policies, standards, and responsibilities relevant to the collection and expenditure of forest management deductions (see 25 CFR §163.25 and 53 IAM 1).

11.2 Guidance. Handbooks, directives and other guides may be issued and revised to provide procedural guidance (see 53 IAM 1.3; also see the *Indian Forest Management Handbook, Volume 11*, titled, *Forest Management Deductions*, for detailed process and procedural guidance). Regional directives may be issued as necessary to address local processes and procedures.

11.3 Scope. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of Indian forest lands. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met.

11.4 Policy.

A. Forest Products Harvesting. A forest management deduction (FMD) will be withheld from the “gross proceeds” (as defined in 25 CFR §163.25 (b)) of sales of forest products harvested from Indian forest lands, via timber sale contracts or permits, where the value of the sale of forest products is greater than or equal to \$5,001 (25 CFR §163.25 (a)(b)(c)). The term “gross proceeds” is further defined to mean the exact stumpage revenue that is generated in this process.

B. Trespass Recovery. In trespass cases, a FMD will only be withheld where the “highest stumpage value” of the unprocessed forest products taken in the trespass, or greater, has been recovered. The “highest stumpage value” is defined as the highest obtainable stumpage value from the raw materials involved in the trespass. Recovery that exceeds the highest stumpage value of the trespass product, but is less than the full recovery of all damages, shall be distributed as described in 25 CFR §163.29(b)(2).

C. Actions Subject to Forest Management Deductions. The following actions are subject to FMD:

- (1) Gross proceeds from estimated and predetermined volume contracts and paid permits.
- (2) Total estimated value of forest products harvested using special allottee permits.
- (3) Gross proceeds from cutting or destruction of trees or products not designated for harvest.
- (4) Gross proceeds resulting from deficiencies in cutting requirements.
- (1) Gross proceeds resulting from unauthorized movement of products.
- (2) Liquidated damages charged to the Purchaser
- (7) Gross proceed resulting from trespass settlements (as described in Section B above).

11.5 Withholdings.

A. Amount Withheld. The amount of FMD withheld at each location will be 10 percent of the gross proceeds or the percentage that was in effect on November 28, 1990, whichever is less. The Secretary may increase or decrease the FMD percentage or waive the collection requirement entirely

upon receipt of a written request by a Tribe supported by a tribal resolution executed by the authorized tribal representatives. FMD's will be used for the performance of forest management activities on the reservation from which the FMD is deducted.

B. Individual Indian Lands. The same policy for the withholding of FMDs applies on reservation allotments, public domain and Alaska Native allotments, trust or restricted, for individual Indians, except that FMD's may or may not be utilized on the allotment(s) from which the FMD was withheld. Also, if a Tribe has been authorized to withhold an amended FMD rate, that rate will also be withheld on all allotments administered by the Tribe.

C. Trespass Settlements Involving Installment Payments. In trespass settlements involving installment payments, there is no way of knowing whether the "highest stumpage value" will be fully recovered until the final payment is received. In these cases, if the settlement is for the highest stumpage value or greater, the assumption will be that the highest stumpage value is fully recovered, even though it is based upon installment payments. In these cases, the FMD will be collected with each installment.

11.6 Expenditures. Forest management deductions are to be utilized to perform authorized forest land management activities in accordance with an approved expenditure plan. FMDs must be incorporated into an approved expenditure plan during the fiscal (or calendar) year following the fiscal year that they are withheld. Any FMDs not incorporated as just described will be collected into the general funds of the United States Treasury. FMDs incorporated into an approved expenditure plan will remain available until expended.

A. Expenditure Plan. Expenditure plans will describe the forest land management activities anticipated to be undertaken, establish a time period for their completion, summarize anticipated obligations and expenditures, and specify the method through which funds are to be transferred or credited to tribal accounts from accounts established to hold amounts withheld as FMDs. The expenditure plan will also describe the activities on carryover funds and funds budgeted but not spent on previous year expenditure plans. Refer to the *Indian Forest Management Handbook, Volume 11* for guidance.

(1) Expenditure plans for FMDs withheld from Reservation lands will be approved by the authorized Tribal representative and the Secretary.

(2) Expenditure plans for FMDs withheld from public domain and Alaska Native allotments will be approved by the Secretary.

B. Authorized Forest Land Management Activities. Expenditures of FMDs must only occur within the eleven forest land management activities defined in 25 CFR §163.1 and summarized below. FMDs will not be used to offset Federal appropriations for meeting the Federal trust responsibility for management of Indian forest land.

(1) **Program Administration** includes policy and operational procedures, program oversight and evaluation; legal assistance and the handling of legal matters; budget, finance and personnel; databases and program reports.

(2) **Forest Inventory and Management Plans** includes aerial photography, mapping, field management inventories and re-inventories, inventory analysis, growth studies, allowable annual cut calculations, environmental assessment, management plans, and forest history.

(3) **Forest Development** includes forestation, thinning, tree improvement activities, and the use of silvicultural treatments for forest land restoration and improvement.

(4) **Wildfire Protection** includes acquisition and maintenance of fire fighting equipment and fire detection systems, construction of fire breaks, hazard reduction, prescribed burning, and the development of cooperative wildfire management agreements. FMDs will not be used to cover the costs that are paid from funds appropriated for fire suppression.

(5) **Insect and Disease Protection** includes: detection and evaluation; preparation of project proposals, including descriptions, environmental analyses, and cost-benefit analyses necessary to secure funding; field suppression operations and reporting. FMDs will not be used to cover the costs that are paid from funds appropriated for pest control.

(6) **Damage Assessments** includes assessment of damage caused by forest trespass, infestation or fire, including field examination and survey, damage appraisal, investigation assistance and report, demand letter and testimony.

(7) **Sale of Indian Forest Products** includes all aspects of the preparation, administration, and supervision of timber sale contracts, paid and free use permits, other Indian forest products harvest sale documents, and forest product marketing assistance.

(8) **Education of Indians and Alaska Natives** includes financial assistance for the education of Indians and Alaska Natives enrolled in accredited programs of post-secondary and post-graduate forestry and forestry-related fields of study.

(9) **Tribal Integrated Resource Management Plans (IRMP)** includes development and implementation of IRMPs for current and future multiple uses of Indian forest lands.

(10) **Roads** include improvement and maintenance of extended season primary and secondary Indian forest land road systems.

(11) **Research** includes research activities to improve the basis for determining appropriate management measures to apply to Indian forest land.

11.7 Justifiable Expenses. The following are justifiable expenses: personnel services; travel and training; contractual services; shipping costs; rent; utilities; printing costs; supplies, materials, and equipment.

11.8 Reporting. Tribes shall submit a written report within 120 days after the close of the tribal fiscal year. The report will detail the actual expenditures of FMDs during the past fiscal year. Refer to the *Indian Forest Management Handbook, Volume 11* for guidance.

11.9 Responsibilities.

A. Assistant Secretary - Indian Affairs (AS-IA).

- (1) Review and approve changes to FMD rates, as requested by Tribes.
- (2) Review and approve waivers of FMD, as requested by Tribes.

B. Director, Bureau of Indian Affairs.

- (1) Recommend changes to rates or waivers of FMD to AS-IA.
- (2) Develop and revise policy on FMD.

(3) Develop national guidance.

C. Regional Director.

(1) Audit FMD expenditures.

(2) Develop regional guidance.

(3) Approve expenditure plans (unless delegated to Superintendents).

D. Agency Superintendent.

(1) Assist Tribes in the preparation of expenditure plans.

(2) Review expenditure plans.

(3) Collect FMDs.

(4) Oversee FMD expenditures and accomplishments, and review expenditure report.

E. Tribal Government.

(1) Prepare expenditure plan.

(2) Use FMD in accordance with approved expenditure plan.

(3) Prepare and submit to Superintendent annual FMD expenditure report.