

**Inter-Tribal Timber Council and US Forest Service  
Webinar**

# **Tribal Forest Protection Act**

## **Making it Happen**

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Montana**

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481465

# Flathead Reservation

1,317,438 acres total

## Land Status 2013

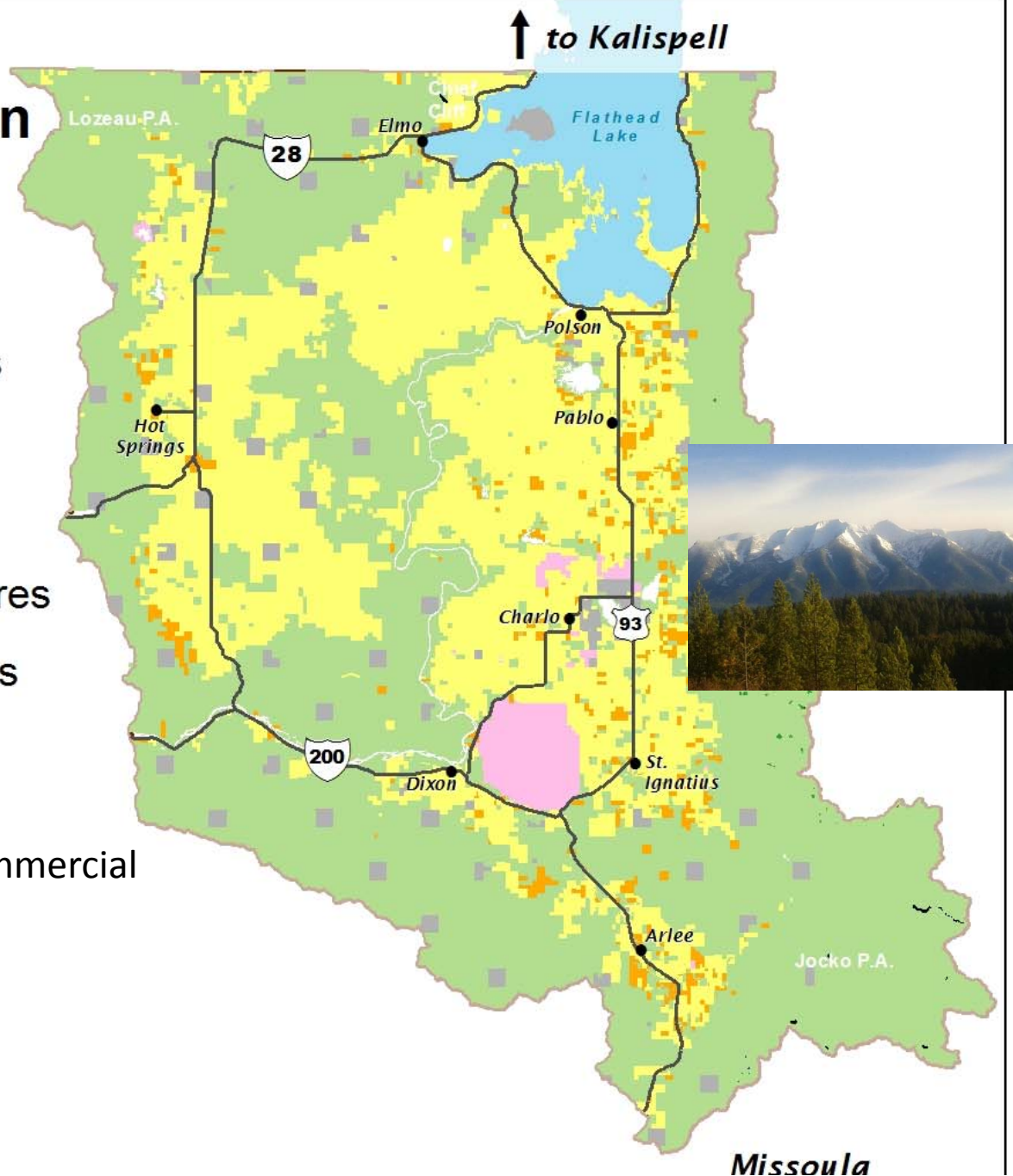
- Tribal: 734,860 acres
- Fee: 415,458 acres
- State: 36,942 acres
- Allotment: 30,996 acres
- Federal: 22,990 acres

459,408 forested acres

236,000 available (51%) for commercial harvest activity.

0 5 10 20 Miles

0 5 10 20 Kilometers





## Pend d' Orielle, Salish, and Kootenai Tribes

Salish includes 'salish speaking people, including Bitterroot Salish, Lower Pend d' Orielle, Upper Pend d' Orielle, Spokane, and Courd' Alene.

Kootenai include the band that were present at the time of Treaty signing, which are part of the Kootenai Nation which inhabited what is now eastern British Columbia, southern Alberta, northern Idaho, eastern Washington, and Montana (FMP 2000).





**Chippy Creek Fire, August 2007, as  
it enters CSKT lands.**



Chippy Creek Fire, August 2007

We need to start talking about  
TFPA!



# TRIBAL FOREST PROTECTION ACT (Public Law 108-278)

- The Tribal Forest Protection Act was passed in 2004 in response to the wildfires that crossed from federal land to Tribal lands the prior summer.
  - It provides a tool for Tribes to propose work and enter into contracts and agreements with FS and BLM to reduce threats from federal lands to Indian trust lands and Indian communities.



# Policy

- FS implementation policy is included in FSH 2409.19, Chapter 60. Draft policy was sent to Regional Foresters for a formal tribal consultation and comment period that ended in June of 2005.

# Key Points of the Policy

- Proposal must focus on FS lands that:
  - Border or are adjacent to tribal lands
  - Pose a fire, disease, or other threat to Indian lands or communities
  - Are not subject to another conflicting contract or agreement
  - And, involve a feature or circumstance unique to the proposing tribe.

# To Qualify

- Indian land must:
  - Border or be adjacent to FS lands
  - Be in trust or restricted status
  - Be forested or have vegetative cover or, if burnt over, be capable of regenerating vegetative cover.

# Contracts and Agreements

- FS may utilize their complete array of appropriate contracting instruments to enter into contracts and agreements with tribes to further the TFPA and will emphasize the use of stewardship contracting.

# Agencies may use best value basis

- Giving special consideration to tribal related factors such as:
  - Historical and cultural affiliation with the land
  - Treaty rights
  - Agency/tribal working relationships
  - & landscape features.

McGinnins/Cabin Area, West boundary of CSKT Lands  
Plains/Thompson Falls RD, Lolo National Forest



# Chronology




- Initial discussion started shortly after the Act was implemented about CSKT interest in a project under the TFPA authority
- It wasn't until the Plains/Thompson RD had a project in hand, that we started talking logistics (Rx done, NEPA complete, funding available)
- CSKT sent a Letter of intent to Lolo Forest Supervisor in November 2007
- Meetings began with FS, both from the District and with Contracting Officer to discuss contracting authorities and requirements
- Integrated Resource Service Contract signed in June 2009
- Smurfit-Stone pulp mill closes January 2010
- Contract suspended in August 2011 at request from CSKT
- By July of 2013 a new market for pulp logs had developed
- Complete harvest of sawlog and thinning in 2014
- Slash piles burned in winter of 2015 and fall of 2016
- Contract expired December of 2016

# CSKT/Lolo National Forest Plains/Thompson Falls Ranger District

## *Integrated Resource Service Contract (IRSC)*

**Bid Items: 998 acres of commercial thinning**

- Saw logs
- Logging Cost for non-saw material (acre)
- Contractor treatment of non-saw material at landing (burning landings) (piles)
- Contractor treatment of non-saw material at landing (chipping & hauling) (tons)
- Contractor Rehab of landing piles (landing)
- Contractor marking of saw timber (acre)
- Contractor purchase of non-tracer paint (cost)
- Road Maintenance
- Road Construction & Reconstruction

CONTRACT	
Issuing Office:  U.S. Department of Agriculture Forest Service Western Montana Acquisition Zone Building 24, Fort Missoula Missoula, Montana 59804	 Remember: only <b>you</b> can <b>PREVENT FOREST FIRES!</b>
Contract Name:  LOLO NATIONAL FOREST MCGINNIS-CABIN STEWARDSHIP	
Contract No.: AG-03R6-C-09-1003	HELP PREVENT FOREST FIRE









# My Perspective

- No magic solution; no silver bullet
- Just a lot of hard work, commitment, dedication and a little delusion
- Up-front communication pays off as we moved through the project



# Working Relationships

## Historic Working Arrangements

Fire Crews, Aviation, Road Use Agreements, Cultural Preservation, Planting or Thinning contracts. Annual leadership visits, Research, Social Interaction, Sports, and Collaborative meetings



# Mission Valley Helitack (MVH)



# MV Helitack-History of Program

- Started joint contract for a helicopter in 1996
- CSKT fully staffed Helicopter crew (1996-1999)
- In 2000 USFS funded 2 personnel for crew, while CSKT funded 6 personnel.
- 1996-2009 USFS helicopter contract
- 2010-present National BIA helicopter contract
- Present BIA funded personnel-8 (Mgr., Asst., Sqd ldr, Sr FF, 4 Aid/Tech positions)
- Present USFS funded personnel-5 (Asst., 2-Sqd ldr, 2 Sr FF)
- We no longer have a combined helitack program- but continue to maintain a positive relationship.

# Additional Opportunities after TPFA

- Reserved Treaty Rights Lands Fuels Funding

Using federal funds under RTRL to support Rx fire, weed treatments and road maintenance on FS lands near our border.

- Ongoing discussions with the Forest

Supervisor about potential projects already on their 5 year plan of work (meadow restoration, white bark pine restoration)





## Looking Forward

1. Working through a formal contract is difficult and sometimes inflexible. Selecting the contract mechanism to fit best for both parties is important
2. Government-to-Government relationship to focus on common goals and objectives.



10 / 15 / 2008