

INDIAN AFFAIRS WOODLAND MANAGEMENT HANDBOOK

53 IAM 10-H



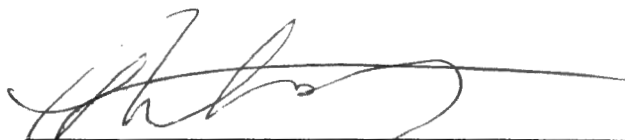
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FOREWORD

This handbook documents the practices and procedures required to implement the Indian Affairs (IA) Woodland Management policy, 53 IAM 10. This handbook is referenced as 53 IAM 10-H.

Although this handbook is intended primarily to assist foresters and natural resource managers who administer the IA Woodland Management policy, it may also be informative for other IA forestry employees, Tribes, other government agencies, or other entities or organizations seeking to fund woodland projects on Indian land.



Michael Black
Director, Bureau of Indian Affairs

10/18/16
Date

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CHAPTER 1: OVERVIEW

1.1 Introduction

This handbook documents the practices and procedures necessary to manage woodland resources on Indian lands. It applies to all Indian Affairs (IA) offices and programs participating in the management, accountability, utilization, or protection of woodland resources. Other Federal agencies and offices that are also involved in the management of woodlands on Indian lands are encouraged to adhere to the procedures prescribed herein. Compacted Tribes may not be required (refer to the Tribe's compact) to abide by the practices and procedures contained in this handbook, but may use it as guidance in the performance of their woodland management projects and programs.

The purpose of this handbook is twofold: 1) to provide broad national-level guidance and procedures necessary to prepare, administer, and report on Woodland Program (WP) projects implemented using Forestry Projects funding on Indian forest lands; and 2) to reference the authorities related to the administration and implementation of all other woodland management activities, including but not limited to, woodland management planning and environmental compliance; silvicultural treatments; the harvesting of woodland forest products via permits and contracts; insect and disease control within woodland ecosystems; woodland fuels management; and monitoring, reporting, and documentation.

For additional guidance on statutory, regulatory, and policy requirements, refer to 25 CFR Part 163, General Forestry Regulations; and 53 IAM Chapter 10, Woodland Management. Additional guidance or direction relating to site specific woodland management practices and procedures may be available at the regional or Tribal level.

1.2 Woodland Defined

The WP is that segment of the IA Forestry program that addresses the management of woodland forest types found on Indian lands. Specifically, woodlands are described in 25 CFR § 163.1 as follows:

“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.”

Further, 25 CFR § 163.1 makes clear that woodlands are recognized as legitimate forest types in its definition of forest land:

“Forest or forest land means an ecosystem at least one acre in size, including timberland and woodland, which: Is characterized by a more or less dense and extensive tree cover; contains, or once contained, at least ten percent tree crown cover, and is not developed or planned for exclusive non-forest resource use.”

In its definition of Indian forest land, 25 CFR § 163.1 states:

“Indian forest land means Indian land, including commercial, non-commercial, productive and non-productive timberland and woodland, that are considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover, regardless of whether a formal inspection and land classification action has been taken.”

Finally, forest products as defined in 25 CFR § 163.1 include products specifically derived from woodland ecosystems such as pinyon nuts and acorns as well as more general products that could be harvested from any forest land such as bolts, pulpwood, fuelwood, posts, poles, bark, Christmas trees, stays, branches, etc. The preferred wood for many of these products (depending on the particular Tribe) may very well be woodland species. Juniper, for instance, is often preferred for use as fence posts because of its very high natural resistance to decay as well as its excellent resistance to termite and fungal attack.

1.3 BIA Woodland Program

The Bureau of Indian Affairs (BIA) WP was initiated after a formal request by the Southern Pueblos Governors Council to the Assistant Secretary -Indian Affairs in 1987. The Governors' Council requested funding to inventory and begin management of their pinyon/juniper woodlands. In response to this request, the Deputy to the Assistant Secretary for Trust commissioned a study of Native American woodlands to assess the extent, best management practices, and potentials of Native American woodland resources. The study was documented in a comprehensive report entitled *“Native American Woodland Resources: A National Overview”*. This document was published by the BIA, Branch of Forest Resources Planning (BOFRP) in 1988.

Forestry Projects funding (which funds the WP) became available in fiscal year (FY) 1990 for the management of Tribal woodlands. This project funding is non-recurring (i.e., not part of the regular IA Forestry appropriation) and has restrictions on the ways it can be used. Originally, the use of Forestry Projects funds within the WP was focused on specific short-term projects related to the following:

- Enterprise Establishment
- Feasibility/Marketing Studies
- Woodland Inventory
- Woodland Management Planning
- Resource Utilization/Management
- Program Support

However, woodlands, which are forests, require the entire gamut of forest management practices including inventory, silvicultural prescriptions, utilization, thinning, planting, reestablishment, and protection from wildfire, insects and diseases. Fire-use practices are also extremely important.

1.4 Woodland Cover Types

The BIA currently recognizes seven woodland cover types as being under the auspices of the BIA's WP. These woodland types with their descriptions were published in the 1988 "*Native American Woodland Resources: A National Overview*," referenced earlier. Brief descriptions from this document are included here:

- A. The ***Pinyon/Juniper*** (PJ) 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 within the states of Colorado, New Mexico, Arizona, Utah and Nevada. Lower slopes and plains contain sparsely stocked junipers. Mid-slopes and plateaus contain mixes of junipers and pinyons in moderate densities. Upper slopes generally contain a smaller percentage of juniper, with greater amounts of pinyon, oak, and timber species. Cordwood volumes range from 3 to 20 cords per acre depending on site potential and past stand treatments. Current uses of these woodland areas include fuelwood cutting, grazing, pinyon nut harvesting, hunting, and recreation.
- 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. Lower slopes have lesser densities of junipers that have shrub-like form, while the upper slopes of its dominance have greater densities of tree-like form in combination with ponderosa pine. Cordwood volumes range from 8 to 12 cords per acre. Current use is focused upon grazing. There is seasonal harvesting of boughs for florists.
- C. ***Non-timber Oak*** woodlands have been identified in California, Arizona, Oregon, Washington, Utah, New Mexico, Colorado, and Oklahoma. They often, but do not always, hold the niche between timberland and savanna that is quite droughty and harsh. Stocking is usually dense. Volumes range from 5 to 25 cords per acre. Acorns from several species of oak are a traditional food for some tribes.
- 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. Tree volumes available in riparian areas have not been extensively quantified. They are undoubtedly more productive than surrounding upland stands, and their volumes may range from 5 to 30 cords per acre. Riparian woodlands tend not to be utilized for wood products. Resource management direction focuses on water, wildlife, grazing and cultural values. The Great Plains Region is an exception where Tribal members actively harvest trees for personal use of fuelwood.
- E. The ***Mesquite*** type is found in lower elevations of the American 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, with ironwood, palo verde, and catclaw acacia growing in the dry washes. Mesquite grows best in flood plains, along dry washes and other intermittent drainages

that do not afford riparian growth. Though usually thought of as a shrub, mesquite can also grow taller, with single or multiple stemmed tree forms with substantial cordwood volumes. Wood volumes in this type range from one cord per acre in dry washes to 4 to 5 cords per acre in floodplains. Current uses include fuelwood and traditional use as part of funeral ceremonies.

- F. *Aspen* woodlands are found predominantly 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). Local estimates indicate that 6 to 8 cords per acre may be expected, however, these woodlands tend not to be used for woody products. Tribal preferences are for other hardwoods and conifers.

- G. Indian holdings of the *Sabal Palm* type are found 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. Stocking is generally quite dense ranging from 500 to 1,500 trees per acre. The species aggressively reclaims old pasture lands and other openings. Its leaves are used to make traditional thatch roofs. It is also marketable for landscape ornamentals throughout the subtropical South.

CHAPTER 2: WOODLAND MANAGEMENT PLANS, PERMITS, & ACTIVITIES

2.1 Woodland Management Plans

The basis for all woodland management activity is an approved management plan. This can include a Forest Management Plan (FMP) that addresses woodland management, a stand-alone Woodland Management Plan (WMP), or an Integrated Resources Management Plan (IRMP) that contains a forest management component which addresses woodland management.

Woodland management project proposals need to follow the management plan goals and objectives. Annual project proposals and other woodland management activities must address and conform to the requirements of the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Air and Clean Water Acts, and all other pertinent laws not already addressed in a WMP or FMP.

For detailed guidance on Woodland Management planning, refer to 53 IAM Chapter 2: Forest Management Planning, and its accompanying handbook, 53 IAM 2-H: Forest Management Planning. WMP content requirements will be the same as listed for Category 3 Reservations for a stand-alone WMP or a comprehensive FMP that addresses woodland management.

2.2 Woodland Permit Program

Refer to 53 IAM 3: Contract Sales of Forest Products; 53 IAM 4: Permit Sales of Forest Products, and the two handbooks associated with these policies, 53 IAM 3-H and 53 IAM 4-H, as references for administration and implementation of the harvesting of woodland forest products. The development of a Forest Products Use Policy Statement (FPUPS) for reservations with woodlands resources is a crucial step in the administration of a well-regulated permit program. An example of a FPUPS is included in Attachment 1.

2.3 Forest Pest Management on Tribal Woodlands

Assistance in managing insect and/or disease problems within woodland ecosystems can be obtained in cooperation from the United States Forest Service (USFS) Forest Health Protection (FHP) Zone that covers the area where the affected Tribal land is located. Proposals are required to be submitted for funding requests. FHP personnel will usually prepare a Biological Evaluation for the proposed project to verify the need and feasibility of the funding request and to suggest appropriate management techniques for specific insect and disease issues. For more information, please refer to 53 IAM 6: Forest Pest Management, with its associated handbook 53 IAM 6-H: Forest Pest Management.

2.4 Trespass on Tribal Woodlands

Incidents of trespass on Tribal woodlands or involving woodland forest products should be handled according to policies and procedures outlined in 53 IAM 7: Trespass and its accompanying handbook, 53 IAM 7-H: Trespass. Woodland forest products are specifically listed in 25 CFR § 163.1 and are not restricted to the woody stem.

2.5 Woodland Inventory Procedures

Woodland inventory procedures will vary depending on the particular objective for the data collection, e.g. reservation-wide woodland management planning, stand level woodland silvicultural treatments, woodland hazardous fuels treatments, or specialized woodland research projects. Refer to 53 IAM 8: Forest Resources Inventory and Monitoring and its associated handbook, 53 IAM 8-H: Forest Resources Inventory and Monitoring for procedures, guidelines, and protocols relating to woodland inventories.

2.6 Silvicultural Treatment Activities

Silvicultural prescriptions are required for woodland treatments. The attachment to the National Management Strategies in Section IV of the *Native American Woodland Resources: A National Overview*, describes silvicultural management strategies for each of the recognized woodland types. These are suggested strategies. Each woodland management unit, like any forest unit, is unique and may have specific management objectives. Thus, silvicultural prescriptions should be site specific, and based on stand-level data and on-the-ground reconnaissance. Refer to 53 IAM 9: Silviculture and its associated handbook, 53 IAM 9-H: Silviculture, as well as Attachment X in *Native American Woodland Resources: A National Overview* for implementing the

silvicultural prescription process.

2.7 Woodland Project Proposal Form

A Woodland Project Proposal Form is used to submit a proposal for woodland Forestry Projects funding. These forms may vary by region, but are used to describe the project's goals, explain how the project follows direction from an approved FMP or WMP, give detailed information about the planned project, show Tribal concurrence, and list funding needed to complete the project. A completed example of a Woodland Project Proposal Form is shown in Attachment 2.

2.8 Woodland Project Accomplishment Form

A Woodland Project Accomplishment Form is used to describe the completed (or in-progress) woodland project that was funded using Forestry Projects funding. This is usually due shortly after the end of the FY in which WMFP funds were spent. The Accomplishment Report should show all expenditures using the same line-items that were shown in the project proposal. Accomplishment Reports should also describe how these project accomplishments furthered the goals and objectives of the Tribe or Agencies' FMP or WMP. A completed example of a Woodland Project Accomplishment Form is shown in Attachment 3.

2.9 Woodland Project Checklist

Some regions use a Woodland Project Checklist to assist the Tribe or Agency in completing their proposal or to prioritize project proposals. The checklist's questions provide a framework for a successful woodland management project. An example of a woodland project checklist is shown in Attachment 4. A blank checklist template can be found on the Online Forms website here: <http://www.bia.gov/WhoWeAre/AS-IA/ORM/OnlineIAForms/index.htm>

These latter three forms (discussed in 2.7 to 2.9 above) are not standardized but should be developed at the regional level to assist in woodland management planning and project implementation.

CHAPTER 3: FUNDING SOURCES AND FUNDED ACTIVITIES

3.1 Funding Sources

Forestry Projects funding to manage woodland ecosystems has been an issue since the program's inception. Funding sources may need to be combined to accomplish all aspects of a particular project. Additional funding sources available for woodland management activities, along with the management activities authorized by each source, are listed below:

- A. WP.** The primary BIA funding source for WP management activities is the congressionally appropriated Forest Projects funding. These funds are first placed in the

Division of Forestry and Wildland Fire budget (Central Office) which reallocates the funding to the qualifying regions. Distribution of Forestry Projects funding for woodland management projects to a Tribe or Agency is tied to needs identified in the WP proposals, the existence of an approved FMP or WMP, Tribal concurrence or approval of a woodland project proposal, sound and appropriate silvicultural prescriptions included with the proposal, and environmental/cultural clearances. A region might incorporate a project ranking based on any of these criteria.

Forest Projects funding for WP activities are distributed to the Agencies or Tribes on a competitive basis and are not guaranteed on a year-to-year basis.

B. Tribal Priority Allocation (TPA). TPA funds are distributed based upon how Tribes rank the importance of the various programs funded by the BIA. Tribes that rank forestry relatively high in their priority receive federally appropriated TPA funds to be used for forestry activities. Usually, TPA funds are used to perform general forestry program management and to fund the timber sales program, but TPA may also be used to accomplish woodland management activities if desired by the Tribe or Agency. There are no restrictions for woodland management activities funded with this source other than the laws, standards, and policies that are already in place for the general BIA Forest and Wildfire Management Program.

C. Forest Management Deductions (FMD). FMD are collected by the BIA as a percentage (usually 10%) of the revenue generated by the sale of forest products. FMD are held in an interest bearing account by the Department of the Interior (DOI) Office of the Special Trustee (OST) until the Tribe or Agency develops an approved expenditure plan for them.

Once the expenditure plan is approved, Tribes may draw down the entire FMD amount covered in the plan, and expend the funds on approved forestry activities without time constraints. FMD funds need to be incorporated into an approved expenditure plan before the end of the second FY after they are collected. If not, these funds could be collected into the general funds of the U.S. Treasury pursuant to 25 U.S.C. 413. All Indian forest land management activities including woodland management activities may be funded with FMD. Construction of facilities, however, may not be funded with FMD.

D. Forest Health Protection (FHP). FHP funds (once known as Forest Pest Management funds) are project driven congressional appropriations that are transferred from the USFS to the BIA. FHP funds are awarded competitively to the four land managing agencies within the DOI (BIA, National Park Service, Bureau of Land Management, and Fish and Wildlife Service). These funds are intended for forest pest suppression projects and/or inventories of the conditions leading toward these suppression projects. If awarded, FHP funds may be used on woodland ecosystems.

It should be noted that contracted Tribes cannot collect “indirect” or “administrative support” costs for administrative expenses from these funds.

- E. Hazardous Fuel Reduction (HFR).** HFR funds are congressionally appropriated for accomplishment of fuels reduction projects associated with the National Fire Plan. There could be considerable overlap between a woodland management activity and a fuels reduction project. To determine whether a woodland management project is eligible for partial or complete funding using HFR dollars, the *Activity Fuels Funding Key* contained within the BIA Fuels Program Business Management Handbook, [issued by the National Interagency Fire Center (NIFC)], should be consulted. Woodland species, with their high densities, low crowns, their position in a mixed canopy, or their lack of treatment, often play a role as ladder fuels that affect fire behavior.
- F. Tribal Funds.** Tribes may choose to augment their woodland management program by funding activities or projects that would not otherwise be funded. There are no restrictions on the types of woodland management activities that may be implemented with Tribal funds. Because of their importance as a cultural resource, woodlands often become of critical concern to Tribes.
- G. Indian Forest Land Assistance Account (IFLAA).** The IFLAA was established as part of the National Indian Forest Resources Management Act of 1990 (25 U.S.C. § 33). The purpose of the IFLAA is to create a special fund within the Tribe's trust fund account that can be used to augment the Tribe's forest land management activities, including woodland management.

Funds that are deposited into this account are unobligated federal forestry appropriations for the benefit of the Tribe; non-federal funds that are related to the Tribe's forest land activities; donations and contributions; and user fees or other funds transferred under federal interagency agreements, as long as they are related to the Tribe's forest land management activities. IFLAA funds are interest bearing and available to the Tribe until spent. This legislation can be found in 25 USC § 3109 and 25 CFR § 163.27.

3.2 Equipment and Equipment Purchases

Equipment is defined in this handbook as an individual item costing more than \$5,000 with a life expectancy that is greater than one year. Equipment purchases made with Forestry Projects funds must be used in direct support of the WP. TPA funds are restricted only by the federal acquisition process. FMD and IFLAA funds must be used in direct support of the Forestry program and listed in the approved expenditure plan. FHP funds must be used in direct support of the Forest Health Suppression Project, while HFR funds must be used in direct support of hazardous fuels reduction. Tribal funds are only restricted by the equipment acquisition protocol of the Tribe.

CHAPTER 4: WOODLAND MANAGEMENT FREQUENTLY ASKED QUESTIONS (FAQS)

The most commonly asked questions include the following:

- 1) **What types of Woodland Management funding are there?** As previously discussed in Chapter 3, the potential funding sources for WP activities are BIA Forestry Projects funding; TPA; FMD; FHP funds transferred from the USDA Forest Service; HFR funds; general Tribal funds; and the IFLAA.
- 2) **Is a WMP required to implement woodland management activities?** Woodlands, like all forest lands, are required to have a management plan prior to most types of management treatments. WMPs have been developed separately from Forest (Timber) Management Plans (FMPs) and can continue to be done on Category 3 Reservations. However, the management of woodland types on most Tribal/Indian land should be incorporated into comprehensive FMPs since woodlands are a component of the overall forest. This prevents a duplication of efforts and is more cost effective and sensible. Stand-alone WMPs, like FMPs, require Tribal concurrence and BIA approval. If a current management plan does not exist that addresses the management of woodland resources, management activities are restricted to the activities listed below until an approved management plan is in place:
 - Preparation of an FMP (25 CFR 163.11).
 - Emergency sale of timber on allotted lands held in trust (25 CFR 163.14(b)).
 - Free-use cutting without permit (25 CFR 163.27).
 - Fire management measures (25 CFR 163.28(a), (b), and (c)).
 - Trespass protection and prosecution (25 CFR 163.29).
 - Insect and disease control (25 CFR 163.31(b)).
- 3) **How have recent developments in biomass utilization impacted the WP?** As directed by the Secretary of the Interior, all federal service contracts that generate biomass (which include woodland management contracts) must have a clause written into them that allows the contractor to utilize the biomass that is generated during the treatment. This can be handled within the WP contract itself as an exchange of goods for services, or a forest products permit or timber sale may be entered into whereby any revenue generated by the utilization of the biomass can be collected and distributed to the beneficial owners.
- 4) **Must woodland management projects comply with environmental laws?** All projects performed with federal funding are subject to federal environmental laws. Specifically, compliance with the following environmental laws are required: NEPA; the Endangered Species Act (ESA); the National Historic Preservation Act (NHPA); the Clean Air and Clean Water Acts; Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and pertinent federal and Tribal laws and ordinances. In many instances, compliance for an individual project is obtained within a programmatic document, e.g., the NEPA document attached to a WMP, a comprehensive FMP that addresses woodland management, and/or an IRMP. If additional environmental compliance work is necessary for a project, then the cost of that

work may be structured into the project proposal. Some woodland management activities may be covered under categorical exclusions under NEPA.

- 5) **What type of approval process is necessary to perform WP work on allotted lands?** It is a good business practice to obtain the approval of beneficial owners of allotments in order to perform WP work on their allotments. Some regions and field locations have developed internal policy that requires notification of individual beneficial owners and approval of a majority interest for the WP work to be implemented. Just as Tribes are consulted about WP work on Tribal land, so every effort should be made to consult with beneficial owners of allotments to advise them of any planned woodland management projects.
- 6) **Can equipment be purchased with Forestry Projects funds?** Equipment may be purchased with Forestry Projects funds, but restrictions are as follows: Forestry Projects funds must be used in direct support of the WP; TPA funds are restricted only by the federal acquisition process; FMD and IFLAA funds must be used in direct support of the Forestry program and listed in the approved expenditure plan; FHP funds must be used in direct support of the forest health suppression project; and, HFR funds must be used in direct support of hazardous fuels reduction. Tribal funds are only restricted by the equipment acquisition protocol of the Tribe.
- 7) **Can hazardous fuels funding be used for treating WP project slash?** It is possible, with some advance planning, to cost-share WP projects and their resulting slash/fuel treatment with the hazardous fuels reduction programs (both wildland urban interface (WUI) and Non-WUI) that are managed by the BIA Branch of Wildland Fire Management. It should be noted that these programs cannot be used exclusively for the treatment of activity fuels. Activity fuels, in general, are fuels that result from silvicultural or other cultural treatments implemented to improve site productivity and result in the extraction of commercial forest, woodland, or other products and biomass. However, the use of HFR program funding does not prevent the combining of natural fuels project treatments with treatments for activity fuels when this is cost efficient and biologically sound.
- 8) **Why do we have to report on WP accomplishments?** The WP Accomplishment Report is required annually for three primary reasons. First, it demonstrates that the Tribal/agency accomplishments are in line with the planned projects/activities for that FY. Second, the accomplishment report shows how WP non-recurring funding is being apportioned. Third, it allows the Division of Forestry and Wildland Fire Management (DFWFM) to compile the accomplishments and submit them annually to Congress, as required by law.

Attachment 1

Forest Products Use Policy Statement *(example)*

Each Tribe should develop their own regulations, policies, and product rates.

FOREST PRODUCTS USE POLICY STATEMENT FY-2016 _____ INDIAN RESERVATION

POLICY AND SCOPE

The harvest of forest products provides many benefits to the _____ Indian Community. Where the value of products obtained through harvesting is less than \$15,000 and a contract sale of forest products is not required, the harvest of forest products will be accomplished through a Timber Cutting Permit (BIA Form 5-5331) or through the free-use without permit policy.

AUTHORITY

25 CFR §163.26; 25 CFR § 163.27

I. GENERAL

Permits are available at the _____ Forestry Office.

Forest Products harvested with a free use or paid permit shall be harvested on designated Tribal Lands. A map of areas where harvesting is permitted shall be issued along with the permit.

Free use and paid (resale) permits shall be issued using BIA Form 5-5331, Timber Cutting Permit. This form is used for non-timber forest products as well. Free-use harvesting without permit will not require a BIA permit form.

Except as authorized in Section IV, the permittee must be an enrolled member of the _____ Indian Community. The permittee must be at least 21 years of age.

If the forest products are to be harvested by other than a tribal member, the permittee must be present during all harvesting and transportation and have the permit in his/her possession. If the permittee is disabled, exception to this paragraph may be granted by the Tribal Council.

All harvesting equipment used to harvest forest products under this authority must be approved by the Forestry Department prior to use.

Violations or misuse of the permit will result in immediate revocation of the permit. No other permit will be issued for the remainder of the fiscal year.

Permittees are subject to all tribal laws.

Attachment 1 continued

II. FREE-USE HARVEST WITHOUT PERMIT

All Tribal members residing on the reservation shall be allowed free-use without permit for:

- Eight (8) cords of firewood (dead only) per household,
- One (1) Christmas tree per household,
- Balsam boughs for religious or ceremonial use,
- Nuts or berries (for personal use, not resale), and
- Thirty fence posts.

Free-use harvesting will not require the use of a BIA permit form. Free-use harvesting without permit is strictly for personal use. Products shall not be sold or exchanged for other goods or services. A Tribal member found in violation of these restrictions shall be subject to the penalties and consequences described in part VI, Forest Products Trespass, of this document.

Trash and other debris shall not be left behind when harvesting the products listed above, and slash shall be lopped and scattered to a height of no more than 2 feet above the ground.

III. FREE-USE PERMITS

These products may not be traded, sold, or exchanged for other goods or services. The estimated value which may be harvested in a fiscal year by any individual under this type of permit cannot exceed \$5,000.

The value of forest products removed under free-use permits will be determined in accordance with Section V (below). These values will be used for the statistical reporting of forest products harvested on the reservation each fiscal year.

The Tribal Forester will issue free-use permits. All harvesting will be in areas designated by the Forestry or Natural Resources Department. The harvest area will be indicated on the free-use permit, or a map will be included.

Free-use permits will be used for the following:

- Firewood cutting
- Clearing of vegetation from residential or recreational leases
- Fence posts
- Maple sap collection
- Miscellaneous cutting done for educational, religious, or ceremonial use by groups authorized by the Tribal Council.

Attachment 1 continued

IV. PAID PERMITS

Forest products harvested under paid permits may be sold or exchanged for other goods or services.

The stumpage value which may be cut in one year by an individual using a paid permit shall not exceed \$15,000.

Permits for products with an estimated value of less than \$1,500 will be sold at the rates shown in the Table in Section V.

A map will accompany each permit, designating the areas where harvesting is allowed. (See Exhibit 1 for example) For higher value permits, the legal description of the area will also be included. (Compartment, Stand and legal description to ¼ sections are required). The area will be designated on the ground by ribbon or paint. Products that may be harvested from these areas may also be designated with blue paint.

No paid permits shall be issued for forest products on active harvesting units.

Volumes of forest products to be removed will be estimated by cruising to accuracy standards of 10% for paid permits valued at over \$1,500.

Stumpage rates for forest products to be removed will be calculated using an accepted forest product appraisal system (an appraisal which accounts for quantity, quality, harvesting difficulty, and market conditions) for permits over \$1,500. Each permit over this limit will be appraised individually. Exceptions to the appraised rate will be made only upon Tribal Council approval.

Bonds will be required on paid permits with an estimated stumpage value over \$_____. The amount of the bond will be 25% of the estimated stumpage value.

An advance stumpage payment amounting to 25% of the estimated value of the forest products designated for harvesting must be made before harvesting begins for permits with an estimated stumpage value over \$_____. At no time during the cutting can the prepaid stumpage balance amount to less than 10% of the estimated permit value. Scaling methods and locations will be specified on the permit.

Paid permits may be issued to a non-tribal entity when it is necessary to prevent loss of value resulting from fire, insects, disease, wind throw, or other catastrophic events, provided Indian operators decline or are unable to harvest these materials in a timely manner.

Attachment 1 continued

V. FOREST PRODUCT VALUES

Forest Product Values for Paid Permits	
Firewood (dead) All Species	\$10.00/cord
Posts (green cedar)	\$2.00/post
Posts (dead, all species)	\$1.00/post
Christmas Trees	\$5.00/each
Maple Sap	\$.50/gallon
Sawtimber <12" DBH	\$20/MBF
Sawtimber >12" DBH	\$50/MBF

VI. TRESPASS RELATED TO THE HARVESTING OF FOREST PRODUCTS

Any unlawful harvesting, removal, or wanton injury or destruction of trees or other vegetation standing or growing upon trust Indian land, either on or off of the designated permit area, is considered trespass.

Trespass by a permittee will result in the assessment civil damages of triple stumpage, revocation of any timber permit, and making the permittee ineligible for further harvesting until the damages are paid.

The tribe reserves the right to prosecute all violators for forest product trespass under federal and tribal criminal law.

This Forest Products Use Policy Statement was approved by the _____ Tribal Council Resolution # _____ on _____ by a vote of _____ for and _____ against.

Regional Director

Date

Attachment 2

Project Proposal Form (example)

A Project Proposal must be submitted to the funding office in order to receive Forestry Projects funding. Regions differ, but will include an accepted Project Proposal Form with their announcement of WP funding each year. An example of a completed Woodland Management Project Proposal form is shown below. Project proposals are submitted to regional offices each year a prospective recipient is seeking to participate in WMFP funding.

WOODLAND PROGRAM PROJECT PROPOSAL FORM FISCAL YEAR 2015			
Region		Tribe	
Project Name/Number			
Project Type (check all that apply)			
Enterprise Establishment		Feasibility Study	
Inventory/Planning		Continued Funding	
Resource Utilization	X	Program Support (NTE \$5,000)	
Marketing Study			
Project Objectives:			
<p>These projects will achieve some of the broad goals and objectives outlined in the Big Mountain Agency Fire Management Plan, 2014 and Forest Management Plan, 2012. The projects will also achieve some of the goals and objectives, and fuel management strategies detailed in the 2016 Comprehensive Fuels Management Plan.</p> <p>Site specific project objectives that will be met by these treatments include creating defensible space within the pinyon pine/juniper habitat type, reducing the brushy understory, and reducing the stocking level of the mature tree stands. The treatment will lower the risk of catastrophic fire occurring within and adjacent to project area, will improve the health and vigor of the residual stand, and will increase the palatability of the grass and forb understory for large ungulates.</p>			
Project Objectives:			
<p>Piñon Mesa project: The project area is approximately 210 acres in size. In the summer of 2014, approximately 182 acres were treated with by mastication. In the summer of 2016, the remaining 28 acres were masticated. All identified cultural resource sites within the project area were designated as “no treatment” sites and avoided during the mastication work. The larger sites that are located adjacent to or near the road that traverses the project area are in need of treatment because of the fire hazard they pose.</p> <p>One 6.7 acre site has been identified for treatment. During FY14, 4.8 acres were thinned by hand crews using chainsaws. Slash on 3.6 acres of the thinned area was hand piled for later</p>			

burning. In order to complete the work in this site, 1.9 acres of thinning and 3.1 acres of slash piling needs to be completed. The Tribe has hauled approximately 18 cords of pinyon pine and juniper fuelwood from the project area to the Tribal woodlot. Additional fuelwood is available in the thinned area and more wood will be available when the remaining 1.9 acres are thinned.

Burned Dome project: This project area is approximately 10 acres in size. Treatment involves creating a buffer around the Burned Dome radio repeater site. The site is presently at risk of being damaged by wildfire because the land adjacent to the site is covered with a dense stand of mature pinyon pine and juniper trees with numerous dead trees scattered throughout. The combination of older trees and scattered dead trees has created a high volume of ladder fuels and a potential high fire risk.

The stand will be treated by removing all juniper trees that are low vigor, that have poor form, that contain true mistletoe or that will directly impact the repeater in the event of a fire. A residual juniper savanna will result. This treatment will provide a buffer around the repeater site. Tree removal will be by hand crews using chainsaws. Healthy pinyon trees will be left to continue to provide pinyon nuts for Tribal members.

In both project areas, the crews will cut the trees designated for removal, buck the material into firewood length pieces, and gather the fuelwood into small piles. The woody debris that is created during the cutting will be hand piled and burned when it has sufficiently cured.

Juniper removal will be done by the Tribal fire crew. In order to efficiently use the crew, it is desirable to finish the cutting before fire season begins in April.

	Burned Dome – estimated completion date 3/14.			
	Piñon Mesa – 12/2016			
	Categorical Exclusion			
Silviculture				
	Yes	x	No	
	Yes	x	No	

Hand thinning will satisfy project and FMP objectives by creating stand conditions that reduce the risk of catastrophic fire occurring in the project areas. Lower stand densities and the grass/forb understory that will develop as a result of the treatment will also provide more desirable conditions for livestock and wildlife use. The residual stands will have ground conditions that are favorable for the development of new pinyon pine and juniper regeneration.

Project Cost Estimate

An estimated 6 acres of thinning and 7 acres of slash piling will be completed in FY15 by hand crews using chainsaws. Woodland Management Funds in combination with HFR funds will be used to complete the treatments. The woodland management funds will be used to offset the additional work that is required to cut the wood into fuelwood lengths and gather it into piles. Funds will also be used by the Tribal Forester to monitor the thinning and coordinate the fuelwood hauling with the Tribe.

**WOODLAND PROGRAM
PROJECT PROPOSAL FORM
FISCAL YEAR 2015**

	Total Costs	Tribe/Agency/Other Sources	Funds Requested
Personnel			
Training			
Salaries	\$5,500		\$5,500
Fringe Benefits			
Equipment/Facilities			
Tree Marking Supplies	\$850		\$850
Chain Saws	\$1,450		\$1,450
Chain Saw Maintenance	\$1,000		\$1,000
Service/Goods			
Feasibility Study			
Marketing Study			
Administrative Costs			
Raw Materials			
Other Costs			
Advertisement			
Transportation	\$1,000		\$1,000
Risk			
Total Project Funds Requested	\$9,800.00		\$9,800.00

Attachment 2 continued

Fuelwood Cutting Map
for the
Big Forest Indian Reservation
East Side Unit

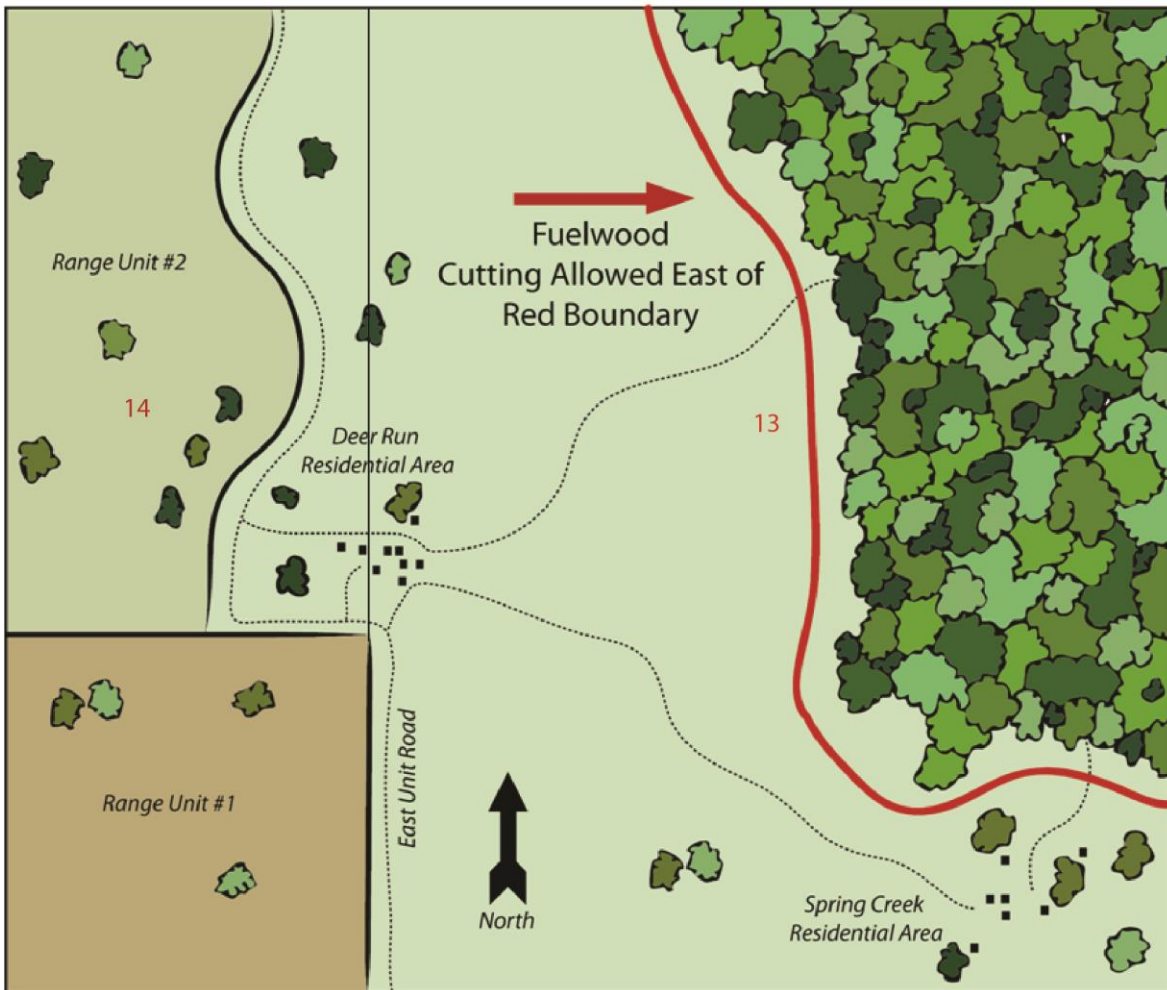


Exhibit 1. Example of a Woodland Fuelwood Cutting Map for Permittee's Use.

Attachment 3

Accomplishment Report Form *(example)*

WP Accomplishment Reports are required at the end of each fiscal year that WP funding is expended by a Tribe or Agency. These reports will be submitted to the regional office that funded the WP. A narrative should accompany this form.

WOODLAND PROGRAM PROJECT ACCOMPLISHMENT REPORT FISCAL YEAR 2015			
Region		Tribe	
Project Name/Number			
Project Type (check all that apply)			
Enterprise Establishment		Feasibility Study	
Inventory/Planning		Continued Funding	
Resource Utilization	X	Program Support (NTE \$5,000)	X
Marketing Study			
	Funding Received	Funds Expended	
Personnel			
Training			
Salaries	\$5,500	\$5,500	
Fringe Benefits			
Equipment/Facilities			
Tree Marking Supplies	\$850	\$800	
Chain Saws	\$1,450	\$1700	
Chain Saw Maintenance	\$1,000	\$650	
Other Supplies /Materials		\$325	
Service/Goods			
Feasibility Study			
Marketing Study			
Administrative Costs			
Raw Materials			
Other Costs			
Advertisement			
Transportation	\$1,000	\$825	
Risk			
Total Project Funds Requested	\$9,800.00	\$9,800.00	
Total Acres Treated	19.5		
Treatment Cost	\$503/acre		
Volume of Products Harvested	67.5 cords (fuelwood)		

Attachment 4

Woodland Project Checklist *(example)*

A Woodland Project Checklist can be used provide a framework for a successful woodland management project or to assist Tribes and Agencies in completing their proposal.

Agency/Tribe: _____ Proposed Project: _____

Woodland Project Checklist

Please fill in the boxes with a Y (yes) or N (no) or N/A (not applicable) to indicate whether or not the proposed woodland project meets the listed criteria and then submit this form with your proposal. Please explain any “no” answers.

Does the proposed project involve woodland species as defined in *Native American Woodland Resources* within their historic range?

Is the objective of the proposed project the management, protection, re-establishment, or utilization (not conversion) of woodland resources?

Is the proposed area to be treated on tribal or allotted trust land?

Does the proposed project fall under an approved management plan?

Will the proposed project provide tribal employment?

Is the woodland component culturally significant?

Will the area remain as a woodland site for the foreseeable future (i.e., not be converted for agriculture, housing, or other land use)?

Is the proposed project ecologically sound and biologically possible?

Attachment 4 continued

Will the proposed project increase or support biodiversity criteria?

Does the proposed project have strong tribal support?

(A Tribal Council resolution supporting the project will be required.)

Has the history of the area been looked into to understand factors that led to the present ecosystem condition?

Will a long-term monitoring plan be in place so that the project objectives can be qualitatively analyzed?

Are to project's effects on threatened and endangered (T&E) wildlife and plant species being considered?

Is the Tribe willing to use tribal matching funds, or have they looked for alternative sources of funding to augment the woodland funding?

If the project is designed to start a business enterprise, has a business plan been developed?

Will the business be economically sustainable?

Do the proposed project start/completion dates take into consideration biological windows for planting, access, seed collection, disease control, etc.?

If the proposed project is a restoration effort and past land use practices led to the deterioration of the site, will the Tribe be willing to alter those practices if they still exist?

Has any past woodland funding been spent as it was intended?

Attachment 4 continued

Were fiscal year reports submitted in a timely fashion?

Please explain any “no” answers below: