

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter documents the Bureau of Indian Affairs' (BIA) policy for the authorized harvest of forest products on Indian land.
- 1.2 Scope.** This policy applies to all individually held and Tribal trust and restricted Indian lands under BIA jurisdiction, and to all Indian Affairs (IA) programs and staff charged with the management of these lands.

This policy may also apply to entities acting on behalf of the United States under contracts or other agreements if expressly agreed to in the contracts or agreements, or if requirements to abide by such policy is otherwise required by law. These entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638. Compacted Tribes may not be required to abide by this policy (depending on individual compact language) but are encouraged to use IA policy as guidance. This policy does not apply to Tribes that have an approved Indian Trust Asset Management Plan (ITAMP) authorized under the Indian Trust Asset Reform Act (ITARA). Other federal agencies and programs that are also involved in the administration of Indian forest resources are encouraged to ensure that the standards prescribed herein are met.

- 1.3 Policy.** It is BIA's policy to promote self-sustaining communities, value-added industries, Tribal employment, and economic opportunities for Indian people through the authorized harvest of forest products. An approved Forest Management Plan (FMP) is required to harvest forest products except under the allowances specified in 53 IAM 2 section 2.7. FMPs are to be consistent with established Tribal goals and objectives and follow all legal and Department of the Interior (DOI) processes and requirements.

1.4 Authority.

A. Statutes and Regulations.

- 1) 25 CFR 163, General Forestry Regulations
- 2) 16 U.S.C. § 594, Protection of timber owned by the United States from fire, disease, or insect ravages
- 3) 16 U.S.C. 1531-1544, Endangered Species Act (ESA) of 1973, as amended
- 4) 25 U.S.C. § 196, Sale or other disposition of dead timber
- 5) 25 U.S.C. § 406, Sale of timber on lands held under trust
- 6) 25 U.S.C. § 407, Sale of timber on unallotted lands

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- 7) 25 U.S.C. § 407d, Charges for special services to purchasers of timber
- 8) 25 U.S.C. § 413, Fees to cover cost of work performed for Indians
- 9) 25 U.S.C. § 33, National Indian Forest Resources Management
- 10) 42 U.S.C. § 4321 et seq., National Environmental Policy Act (NEPA), as amended
- 11) 54 U.S.C. § 300101 et seq., National Historic Preservation Act (NHPA) of 1966, as amended

B. Handbooks.

- 1) 53 IAM 2-H: Forest Management Planning
- 2) 53 IAM 3-H: Harvest of Forest Products
- 3) 53 IAM 9-H: Silviculture
- 4) 53 IAM 11-H: Forest Management Deductions

1.5 Responsibilities.

A. Associate Deputy Bureau Director, Environmental and Natural Resources Directorate, Office of Trust Services (OTS) is responsible for all activities associated with the management and protection of Indian land and forest resources.

B. Chief, Division of Forestry, OTS is responsible for:

- 1) maintaining policies on the sale and harvesting of forest products;
- 2) maintaining forest product harvest forms;
- 3) providing oversight, guidance, and technical assistance to BIA regional offices; and
- 4) establishing national reporting standards and requirements for the harvest of forest products.

C. DBD, Field Operations is responsible for:

- 1) setting the metrics of each Regional Director's (RD) performance specific to the preparation of forest products for harvest; and
- 2) verifying forestry reports are submitted on time and that they are correct.

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- D. RD** is under the direction of the DBD, Field Operations, and is responsible for:
- 1) establishing supplemental procedures for preparation and implementation of forest product sales;
 - 2) establishing reporting standards and requirements that address conditions specific and unique to the region;
 - 3) receiving, reviewing, and compiling timber sale preparation and harvest accomplishment reports from field offices and Tribes to meet Central Office reporting requirements;
 - 4) approving the general harvest schedule in the FMP;
 - 5) performing the responsibilities of the Approving Officer (1.5 E.) if necessary; and
 - 6) reviewing and approving direct pay agreements.
- E. Approving Officer (AO)** may be a RD, BIA Agency Superintendent, or any line officer with designated authority. The AO is responsible for:
- 1) approving annual or periodic harvest schedules;
 - 2) approving Forest Products Use Policy (FPUP) documents;
 - 3) approving Forest Officer Reports (FORs);
 - 4) approving Statements of Completion;
 - 5) authorizing the advertisement of forest products for sale;
 - 6) approving contracts and permits;
 - 7) designating an Officer in Charge (OIC) to oversee each contract or permit;
 - 8) representing allottees as Power of Attorney (POA) when they are designated through a signed POA form;
 - 9) ensuring all forestry document information is entered into the Trust Asset Accounting Management System (TAAMS) according to national, regional, and local business rules;
 - 10) ensuring Purchaser or Permittee compliance with contractual requirements;
 - 11) maintaining sale records;
 - 12) collecting and distributing trust funds from contracts and permits through TAAMS unless a direct pay agreement has been approved;
 - 13) collecting and distributing non-trust funds in conjunction with the IA Office of the Chief Financial Officer's Division of Accounting Operations;

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- 14) preparing, developing, and submitting required timber sale preparation and harvest accomplishment reports;
- 15) resolving disputes with Purchasers or Permittees; and
- 16) issuing written Suspension and Resumption of Operations letters.

F. OIC is the Forest Officer of highest rank assigned to the supervision of forestry work at the Tribe or BIA agency having jurisdiction over the sale area, or their authorized representative. The OIC reports to the AO, and their responsibilities include, but are not limited to:

- 1) overseeing Timber Sale Officers (TSOs), Timber Sale Accountants (TSAs), log accountability, and payments for forest products;
- 2) determining if a Logging Plan is required, and if so, approving the document;
- 3) determining emergency suspension of operations and implementation of logging restrictions;
- 4) reviewing monthly Scale or ROTC reports;
- 5) ensuring TAAMS is used as the reporting system for all contract or permit accounting activities;
- 6) reviewing and recommending approval of the Statement of Completion (SOC);
- 7) ensuring payments are made in advance of harvest; and
- 8) reviewing stumpage rate determination information and recommendation of rates to the AO.

G. TSO reports to the OIC; if there is not a designated TSO, the OIC performs these functions. TSO responsibilities include, but are not limited to:

- 1) communicating with the Purchaser regarding all aspects of contract and permit implementation;
- 2) verifying payments are made in advance of cutting;
- 3) monitoring and documenting field operations, including road access, construction and maintenance, landing development, cutting, yarding, and hauling;
- 4) ensuring compliance with contract and permit provisions, and that inspection reports are complete;
- 5) recommending and notifying the Purchaser or Permittee of suspension of operations when appropriate;
- 6) ensuring that all material meeting specifications is hauled from the site or waste scaled, and charged to the Purchaser;

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- 7) maintaining log and load accountability procedures;
 - 8) maintaining organized sale folders and field folders;
 - 9) ensuring all provisions of the contract or permit have been completed;
 - 10) providing estimates of volume based on production to determine if value harvested is covered by advance deposit (AD);
 - 11) documenting performance, compliance, issues, and resolution on all operations being performed, and providing this information for inclusion in the Official Sale File; and
 - 12) performing non-financial contract or permit sale close out procedures and audits.
- H. TSA** reports to the OIC; if there is not a designated TSA, the TSO performs these functions. TSA responsibilities include, but are not limited to:
- 1) ensuring that bid deposits and performance bonds have been credited to the correct accounts;
 - 2) requesting the creation of trust accounts that will be needed for administration of a contract or permit, and ensuring the accounts are open for deposit;
 - 3) creating invoices and reviewing TAAMS transactions to ensure Purchaser payments are made when requested;
 - 4) ensuring the Official Sale File is complete and accurate;
 - 5) reviewing scale data for accuracy in a timely manner;
 - 6) reviewing timber sale proceeds distributions for accuracy;
 - 7) inputting sale information, generating invoices, and ensuring scale and penalty scale are correctly entered according to contract or permit provisions into TAAMS; and
 - 8) preparing the Timber Sale SOC for OIC review.

1.6 Definitions.

Definitions related to the harvest of forest products are documented in the corresponding handbook, 53 IAM 3-H: Harvest of Forest Products. This handbook is located on the IA Handbook webpage here: <https://www.bia.gov/policy-forms/handbooks>.

1.7 Standards, Requirements, and Procedures.

The harvest of forest products is guided by Tribal priorities, goals, and objectives. In order to facilitate consistency and ensure the goals of BIA and Tribes are met, the BIA established the following standards and requirements. Specific procedural information can

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
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be found in the companion handbook to this policy, 53 IAM 3-H: Harvest of Forest Products. The procedures in the handbook are in line with the following requirements:

- A. Harvest planning requirements.** Forest products may only be harvested under an approved FMP that is consistent with established Tribal goals and objectives, through the application of sound silvicultural and economic principles on a sustained-yield basis (25 CFR § 163.11).
- B. Use of approved contract and permit forms.** Forest products are sold through contracts or permits that serve the best interest(s) of the Indian owners and with their written consent. Additionally, the Secretary of the DOI must approve all contract and permit forms under which forest products are sold (25 CFR § 163.19).
- C. Use of TAAMS.** TAAMS is the official system of record and must be used to account for all forest trust assets removed from trust lands.
- D. Harvest records.** Records must be sufficient to document contract or permit preparation, advertisement, compliance, and other information related to implementation of the contract or permit.
- E. Program mission.** Self-sustaining communities, value-added industries, Tribal employment, and economic opportunities for Indian people through the authorized harvest of forest products (25 CFR 163.3 (4)) should be promoted.
- F. Compliance with laws.** All forest harvest activities must comply with federal laws including the NEPA, NHPA, and the ESA.

Approval

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Darryl LaCounte
Director, Bureau of Indian Affairs

Date