NO NAME INDIAN RESERVATION

FOREST PRODUCTS USE POLICY

FOR CALENDAR YEARS 20XX-20XX

APPROVED PURSUANT TO TRIBAL RESOLUTION NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chairperson, No Name Tribe

APPROVED BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Regional Director, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Regional Office

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# POLICY AND SCOPE

Harvesting forest products from unallotted (tribal) trust lands under permit authority or free use without permits shall be in conformance with stipulations of this Forest Products Use Policy (FPUP). This policy reflects tribal and Bureau policy towards harvesting products under permit authority and describes the tribal prices, policies, and procedures for issuing paid and free-use permits and authorizing free-use cutting without permits on designated tribal reservation lands. This FPUP covers the harvesting and subsequent removal of all forest products not performed under formal timber contract. This policy is effective on the date of approval by the BIA Approving Officer and is effective until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

This FPUP is set forth to accomplish the following objectives:

* To harvest minor forest products under an approved Forest Management Plan that is consistent with established tribal goals and objectives, through the application of sound silvicultural and economic principles on a sustained yield basis.
* To manage forest products through permits when volumes and values are sufficiently small and formal contract sales are deemed inappropriate or unnecessary.
* To accurately account for the volume and value of minor forest products.
* To maintain records documenting compliance with sale provisions and to otherwise record information relating to the permittee's performance under the permit.
* To ensure the availability and harvest of minor forest products for cultural use and/or other needs of the Tribal government.
* To provide subsistence, seasonal employment and/or income generating opportunities for No Name Tribal members.
* To ensure the availability of minor forest products for the personal use of No Name Tribal members and provide for issuance of paid permits to No Name Tribal members, and in limited instances, non-tribal members.

The directives contained in this policy statement apply to all Tribal Departments and programs participating in the management, accountability, or protection of Tribal Trust lands. Regardless of the means of program execution, the appropriate federal/tribal official shall assure that the practices and procedures prescribed herein are followed.

# DEFINITIONS (also see 25 CFR 163)

As used in this Policy Statement and in any permit provisions or other attachments to the permit:

**"APPROVING OFFICER"** means, subject to IV (B) (6) below, the Officer approving the permit or his authorized representative. In most cases for the Bureau of Indian Affairs (BIA), this will be the Regional Director and for the Tribe will be the Tribal Chairperson, Executive Director, or Natural Resources Director.

**"EMPLOYEE"** means any person or persons working under the individual to whom the permit was issued.

**“ENTITY”** means: Any Tribally owned business, enterprise or authorized group (via chair/council approval), or any nonprofit chartered under Tribal law that is a supporting organization for the Tribe.

**"FIREWOOD"** shall mean wood that has a highest and best value as fuel.

**“INDIAN LAND”** shall mean Indian land for which title is held by the United States in trust for an Indian, Alaska Native, or Indian Tribe and which is subject to a restriction against alienation.

**"INDIAN LOGGER"** means an enrolled member of the No Name Tribe who is engaged primarily in the logging business and who meets the criteria herein defined.

**"LANDING"** means an area constructed to facilitate decking and loading of logs that may require modification of the contour of the land.

**"LIVE TREE"** means a tree in which the cambium layer is still white to cream colored. The cambium layer is that layer between the bark and wood. A tree with any amount of green needles or leaves, no matter how few, is considered to be a live tree.

**“FOREST PRODUCT”** means timber, a timber product, including lumber, lath, crating, ties, logs, pulpwood, fuel wood, posts, poles and split products, bark, Christmas trees, staves, branches, firewood, berries, mosses, roots, acorns, and herbs, other marketable material, and gravel which is extracted from, and utilized on, Indian forest lands.

**“FOREST RESOURCES”** means all the benefits derived from Indian forest lands, including forest products, soil productivity, water, fisheries, wildlife, recreation, and aesthetic or other traditional values of Indian forest lands.

**"FOREST PRODUCTS REMOVAL PERMIT”** means a separate authorization (removal permit) that is issued, at the discretion of the Approving Officer, for the removal and transport of forest products from No Name Forest lands. The authorization (removal permit) is attached to the vehicle load (or in possession) and authorizes delivery of the forest products to a log yard, processing facility, or other commercial buyer. Generally, the use of Removal Permits in conjunction with Timber Permits will be for harvest of timber products intended to be sold to commercial buyers of timber. In most other instances, the Timber Permit also serves as the Removal Permit.

**"LOG TRUCK"** means a vehicle designed to haul logs in excess of 8 feet in length.

**"MINOR FOREST PRODUCTS"** means forest products that have a relatively low economic value and when harvested and removed will not conflict with the sale of harvestable timber or the future growing stock of timber on the Reservation or the protection of culturally important plants and animals.

**"NON-MEMBER"** means a person who is not enrolled as a member of the Tribe.

**“NON-WOOD PRODUCTS”** means those products that are not developed from use of the hard fibrous substance (wood) which makes up the greater part of the trunks and limbs of trees. These include but are not limited to Christmas trees, salal (spays and tips), cedar boughs, other boughs, huckleberry greens, transplants, mushrooms, cascara bark, Oregon grape, ferns, cones, and moss.

**"OFFICER-IN-CHARGE" or “OIC”** means the forest officer of highest rank assigned to the supervision of forestry work at the agency having jurisdiction over the sale area, or their designated representative. This term may describe officials at the Bureau of Indian Affairs or the Tribal government.

**“PAID PERMIT VALUE”** means the value of all forest products harvested and sold under a single permit.

**"PERMIT"** shall mean a written document giving the Permittee permission to enter the Reservation and obtain the products as listed on the document. It requires the Permittee to follow all the rules and regulations in the permit document and in this Policy Statement.

**"PERMITTEE"** means the individual to whom the permit is issued, his/her employees, or his/her subcontractors.

**"ROAD MAINTENANCE"** means the grading, rocking, ditch clearing, brushing and other maintenance activities along roads that are required to maintain passable, environmentally stable roads.

**"ROAD CONSTRUCTION"** means any type of soil displacement where the contour of the land is altered for the purpose of building a road.

**"ROAD RECONSTRUCTION"** means the removal of vegetation or other debris from an existing road that prohibits vehicle passage.

**"SILVICULTURE"** means the science and practice of controlling the establishment, composition, and growth of the vegetation of forest stands. It includes the control of production of stand structures such as snags and down logs, in addition to live vegetation (Refer to the Silviculture section in CFRMP and Best Management Practices Standards and Guides in RPPIP).

**"SKID TRAIL"** means trails that were used to skid logs toward a landing. The No Name Indian Tribe has a list of roads that are designated to remain open. The remaining roads are designated as skid trails.

**"SKIDDING EQUIPMENT"** means horses, mules, or any track, rubber tire, or skid mounted equipment designed for log skidding purposes, that may or may not be mechanized.

**"SKID TRAIL MAINTENANCE"** means the stabilization and protection of a system of skid trails through road closure, vegetation and debris emplacement or ripping and grass seeding.

**"SLASH"** means limbs, tops, cull material, damaged young growth and other debris resulting from logging, road construction or other operations of the Permittee.

**“STUMPAGE VALUE”** means the value of a forest product prior to extraction from Indian forest land.

**“STUMPAGE RATE”** means the stumpage value per unit of measure for a forest product.

**"SUPERINTENDENT"** means the Superintendent or the Superintendent’s authorized representative in charge of the Indian Agency having jurisdiction over the permit area.

**“TICKET”** MEANS tribal authorized transportation approval either affixed to load or in possession.

**“TIMBER”** means commercial timber suitable for pulpwood, saw logs, peeler logs, chip & saw logs, and other wood products produced by commercial processing.

**"TRIBAL MEMBER"** means a person who is enrolled as a member of the Tribe.

**"TRIBE OR TRIBAL"** means of or belonging to the No Name Indian Tribe of XXXXX.

**“WOOD PRODUCTS”** means materials developed from use of the hard fibrous substance (wood) which makes up the greater part of the trunks and limbs of trees. Wood products include but are not limited to: saw timber, pulpwood, house logs, chip logs, cull peelers, bolts and shakes, pilings, posts, poles, firewood and hog fuel.

# FREE-USE WITHOUT PERMIT

Pursuant to 25 CFR 163.27 harvesting of the following forest products will be allowed without permit or contract and without charge to Tribal Members:

* Berries
* Bark
* Branches (not including Cedar Boughs)
* Roots
* Acorns/Nuts
* Herbs
* Any other forest product used as a traditional source of food or medicine
* Any other forest product used for basketry and/or making regalia

Forest products harvested are for personal use and are not to be sold or exchanged for other goods or services (25 CFR 163.27). Tribal members must have their official Tribal ID on their person while harvesting forest products without permit. Limits on the amount of forest products that can be harvested, and other restrictions may be established at any time at the direction of the Tribal Council: i.e. berries should be handpicked, should not degrade tree or plants to point of irretrievable recovery, etc. see attached.

# POLICIES FOR FREE-USE AND PAID PERMITS

## Free Use Permits

Tribal members may harvest timber and minor forest products under Free-use Permits in accordance with the General Policies stated in Section V and the following specific policies applicable to Free-use Permits. The quantities of products allowed to be harvested under Free Use Permits may be restricted due to limited availability or concerns related to forest management, environmental protection or cultural sensitivity.

1. Except for the following categories, only individual Tribal Members or organized groups of Tribal Members may remove forest products under a free-use permit.
   1. A non-tribal member spouse, domestic partner, child of a Tribal member.
   2. A non-tribal member parent and/or legal guardian of a Tribal member.
2. Forest products removed under free use permits may not be sold or exchanged for other goods or services.
3. The estimated value that may be harvested in a fiscal year by any individual cannot exceed $5,000. (25 CFR 163.26 (b)).
4. The approving officer delegated signature authority on free use permits is the Tribal Natural Resources Director or his/her designee.
5. The Permittee may hire other persons to assist him/her in operations under this permit or may contract with other parties for the performance of operations under this permit. However, the authority granted by this permit cannot be assigned to another party and the Permittee shall remain responsible for compliance with all of the provisions of this permit and shall be liable for any damages arising from failure to comply with the provisions.
6. Permittees must possess a Tribal ID card and/or other photo identification while harvesting forest products with a free use permit.
7. Lost or stolen permits must be reported to the No Name Indian Tribe’s Natural Resources Director.

## Paid Permits

Tribal members, and in limited cases, non-Tribal members, may harvest timber and minor forest products for personal or commercial use under Paid Permits in accordance with the General Policies stated in Section V and the following specific policies applicable to Paid Permits. Subject to the terms of this Policy, paid permits will use BIA forms 5331 or 5331 A.

1. Excepted for the following categories, only individual Tribal Members or organized groups of Tribal Members may remove forest products under a paid permit.
   1. A non-tribal member spouse or domestic partner of a Tribal member.
   2. A non-tribal member parent and/or legal guardian of a Tribal member.
   3. Subject to Tribal Council approval and tribal contracting preference, if any, a non-tribal member may be issued a paid permit for salvage logging projects and rights of way purposes.
   4. Subject to Tribal Council approval and tribal contracting preference, if any, a non-tribal member may be issued a paid permit when log volumes and stumpage values are sufficiently low and formal contract sales are deemed inappropriate.
2. For forest products where stumpage value applies, the appraised value of a paid permit cannot exceed $15,000 (25 CFR §163.19).
3. For Forest products where stumpage value applies, the stumpage value that may be harvested in a fiscal year under paid permit(s) cannot exceed $25,000, unless otherwise authorized by the Secretary or designee (25 CFR §163.26(c)).
4. For wood products where the stumpage value does not apply, the values set forth in IV(B)(3) will be determined based on the estimated sales volume and value of the product to be harvested and sold under paid permit(s). Receipts will be used to verify sales of these types of forest products.
5. Forest products harvested under Paid Permits may be sold or exchanged for other goods or services.
6. All sawlog permit(s) will be approved by the BIA Regional Director through the NWR BIA Forestry Office.
7. The BIA Regional Director approves the issuance of paid permits greater than $1,000 for non-sawlog forest products.
8. For non-sawlog permits less than $1,000 in value, the authority to approve such permits is granted to the Tribal Officer-In-Charge or other authorized tribal representative.
9. Insurance coverage may be required. The type and amount of coverage will be determined by industry standards and must meet liability requirements of the Tribe.
10. All forest products to be cut must be paid for in advance of harvest as agreed to by the Approving Officer and Permittee. A payment schedule may be specified in writing on the Permit.
11. Unauthorized cutting or excessive damage to reserve trees may be charged against the Permittee at triple the permit rate or as determined by the OIC. Timber trespass will be charged at triple the stumpage rates, and/or legal action may be taken against the Permittee as per 25 CFR 163.29.
12. Permit areas involving logging activity will be inspected periodically by the OIC during harvesting and at the conclusion of the logging operation. Waste in long butts, oversized tops, improper bucking, excessive breakage, trees left standing (that were designated for cutting), and logs not delivered to the scaling point will be scaled to the nearest two-foot length, provided it is one-third sound. Such material will be charged to the Permittee at the appropriate permit stumpage rates, and in certain cases may be charged at double the stumpage rate. High stumps will be assessed to the Permittee at $25.00 per stump. The OIC may require the Permittee to remove any logs or other forest products found on the permit area at the conclusion of logging activities, before the permit area can be approved for closure.
13. The Permittee shall be required to use such load and log accountability procedures as the Approving Officer may specify in writing on the Permit. Failure to follow such procedures will be considered an unauthorized removal, subject to a charge of double stumpage rate(s) for the volume of forest products involved.
14. The Permittee may hire and/or designate other persons to assist the Permittee in operations under this permit or may contract with other parties for the performance of operations under this permit. However, the authority granted by this permit cannot be assigned to another party and the Permittee shall remain responsible for compliance with all of the provisions of this permit and shall be liable for any damages arising from failure to comply with the provisions.
15. Lost or stolen permits must be reported to the No Name Tribe’s Natural Resources Director within two days.
16. Permittees must have visual identification on their person while harvesting forest products with a paid permit. Permits must be in possession when harvesting and transporting forest products.
17. Paid permits require payment of a fee for the assessed value for the products harvested in accordance with the Timber and Minor Forest Products Price Schedule set forth in this Policy Statement.
18. The Tribe may impose environmental, cultural or administrative restrictions on permitting or previously issued permits, including suspension or cancelation of forest product uses, as specified in any special provisions attached to the permit.
19. Permits for some products may not be available due to concerns related to limited quantity, environmental and cultural sensitivity or other restrictions.
20. Permits expire on December 31 of the year in which they are issued.

# GENERAL POLICY APPLYING TO ALL PERMITS

Except as otherwise provided in Section III above, all forest products harvesting by Tribal members and non-Tribal members will require a Free-use or Paid Timber Cutting Permit. All permits are subject to the following:

1. The Tribe reserves the right to modify or terminate a permit at any time.
2. Permits may be issued to any Tribal member 18 years old or older, and non-Tribal members as described in this Policy Statement. Tribal members under 18 years of age may receive approval for a permit by the Tribal Chairperson or authorized representative on a case-by-case basis; however, a legal parent or guardian will be responsible for maintaining compliance with all of the permit stipulations.
3. Permits shall be specific as to quantity of products and location of harvest. A map designating the area of harvest and any special guidelines or provisions for harvesting activities shall accompany each permit. The Permittee is responsible for confining activities to only those areas defined in the permit. The harvest area map and any special guidelines or provisions for harvesting activities provided by the Approving Officer or authorized representative shall be attached to the permit.
4. Special restrictions will apply to permits for the harvest of products in riparian reserve areas, areas or species of significant ecological importance, areas occupied by a listed species, and the harvest of products identified by the Tribe as having special cultural significance.
5. The Permittee is responsible for compliance with all permit terms and conditions. All helpers/assistants shall be listed on the permit at the time of authorization. The Permittee is responsible for the actions of helpers while they are engaged in permit activities.
6. The Permittee (and, if applicable, a permittee’s parent or legal guardian) and their authorized assistant(s) must have direct involvement and be present in all phases of permit activities and have the permit and attachments in possession at all times when engaged in such activities.
7. A performance bond may be required if, in the opinion of the Approving Officer or authorized representative, it is necessary to insure compliance with the terms of the permit. Performance bonds shall be in a form acceptable to the Approving Officer or authorized representative and may include cash, cashier’s check, or an irrevocable letter of credit. The size of the bond shall be determined by the Approving Officer or authorized representative and shall be based on the scale of the operation, value of products to be harvested and the potential for loss or damage to the Tribe.
8. Road construction and landing construction will require specific written authorization on the permit form by the OIC or authorized representative prior to such activities.
9. Only light ground skidding equipment, such as winch and line, block and tackle, or cable attached to vehicle will be allowed in gathering firewood or posts and poles, unless otherwise authorized by the OIC or authorized representative.
10. Permittees shall drive only on established road surfaces. Permittees are required to keep roads open at all times, unless otherwise authorized by the OIC. Vehicles will not be permitted to drive on skid trails or any other non-designated roads. During the period between November 1 and May 30, travel will only be allowed on paved or gravel hardened roads, unless otherwise authorized by the OIC. Permittees must not damage the road surfaces, ditches, or shoulders. At their own expense, Permittees will be required to correct any road damage resulting from their activities as determined by the OIC or authorized representative. Slash and debris will not be scattered on roads and Permittees will not litter.
11. The Permittee (and if applicable the Permittee’s parent or legal guardian) will be fully responsible for assuring a safe environment while carrying out permitted activities.
12. The Permittee (and if applicable, the Permittee’s parent or legal guardian) shall indemnify and hold harmless the Tribe from all suits, actions or claims of any character brought on account of any losses, injuries or damages received or sustained by any person, persons or property by or from the permitted activities.
13. All activities covered by this Policy Statement are subject to suspension due to fire danger, road closures risk of environmental damage, protection of a listed species and/or their habitat, and protection of archaeological and Tribal cultural resources as determined by the Officer-In-Charge or authorized representative.
14. All timber sold to Permittees, except for Port Orford cedar, is restricted from export from the United States in the form of unprocessed timber and is prohibited from being used as a substitute for private timber.
15. Permittee is required to follow the operational hours and/or access restrictions identified in the permit stipulations attached to each permit.
16. Unless otherwise stated in writing by the OIC, a permit does not authorize activity within any active timber sale area.

# TIMBER AND MINOR FOREST PRODUCTS PRICE SCHEDULE

Based on market conditions, the Tribe may revise this price schedule and incorporate such changes into a re-published Timber and Minor Forest Products Use Policy Statement.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Product(s) | Dimensions | Unit | Permit Prices | Paid Permit Value |
| Wood Products |  |  |  |  |
| Saw timber | Unspecified | MBF | Stumpage Value | Stumpage Value |
| Pulpwood | Unspecified | Tons | Stumpage Value | Stumpage Value |
| House Logs | Unspecified | MBF | Stumpage Value | Stumpage Value |
| Chip Logs | Unspecified | Tons | Stumpage Value | Stumpage Value |
| Cull Peelers | Unspecified | Tons | Stumpage Value | Stumpage Value |
|  |  |  |  |  |
| Pilings | Unspecified | MBF | Stumpage Value | Stumpage Value |
| Posts | 3"-7" top / 6'-11' long | Each | $1.00 | Sales Value |
| Poles | Up to 8" top | MBF | Stumpage Value | Stumpage Value |
| Firewood | Unspecified | Cord | $5.00 | Sales Value |
| Hog Fuel | Not suitable for Firewood | Tons | TBD | Sales Value |
| Christmas Trees, Boughs, Floral, Greenery & Other Non-wood Products | | | |  |
| Christmas Trees | ≤8 ft. | Each | $4.00 | Sales Value |
| Christmas Trees | 9-15 ft. | Each | $10.00 | Sales Value |
| Salal (Spays and Tips) | No Specs. | Pound | $0.07 | Sales Value |
| Cedar Boughs | 12"-24" | Pound | $0.20 | Sales Value |
| Other Boughs | 12"-24" | Pound | $0.10 | Sales Value |
| Huckleberry Greens | No Specs. | Pound | $0.05 | Sales Value |
| Transplants (trees < 2 ft.) | 0" - 24" | Each | $0.50 | Sales Value |
| Transplants (trees 2-4 ft.) | 24"-48" | Each | $2.00 | Sales Value |
| Transplants (trees >4 ft.) | Over 48" | Each | $3.00 | Sales Value |
| Transplants (shrubs< 2 ft.) | 0" - 24" | Each | $0.25 | Sales Value |
| Transplants (shrubs 2-4 ft.) | 24"-48" | Each | $0.50 | Sales Value |
| Mushrooms | No Specs. | Pound | $0.25 | Sales Value |
| Cascara Bark | No Specs. | Pound | $0.05 | Sales Value |
| Oregon Grape | No Specs. | Pound | $0.06 | Sales Value |
| Ferns | No Specs. | Pound | $0.07 | Sales Value |
| Cones | No Specs. | Bushel | $0.50 | Sales Value |
| Moss | No Specs. | Pound | $0.05 | Sales Value |
| Other Forest Products | Product Specific | Each | TBD | TBD |

# SPECIAL GUIDELINES AND PROVISIONS FOR SPECIFIC FOREST PRODUCTS

Forest products harvesters must adhere to the following special guidelines for products described below:

## Christmas Trees

1. Cutting is restricted to areas or specific trees designated on permit map.
2. Permits will not be issued for harvesting from plantations 5 years in age or less.
3. Maximum tree size is 15 feet in height.
4. Stump heights will not exceed six (6) inches.
5. Removal of the entire tree, not just the top is required. Sever all live limbs below cut height.
6. Christmas trees may not be cut from any trees four inches or greater in diameter at breast height.
7. Christmas trees will not be cut from areas specifically closed to Christmas tree cutting.
8. For **free use permits,** each permit is for one Christmas tree only and only two permits will be issued per family per year.

## Firewood

1. Issuance of permits will be subject to wood availability.
2. Firewood shall not be cut from any log deck or active logging unit without prior written approval of the OIC or authorized representative.
3. Only light Skidding equipment, such as winch line, block and tackle, or cable attached to vehicle will be allowed in gathering firewood or posts and poles, unless otherwise authorized by the OIC or authorized representative.
4. The maximum length of wood that can be removed is 7 feet.
5. Only wood within 50 feet of improved roads or landings may be cut without prior written approval of the OIC authorized representative.
6. For **free use permits**, the amount of firewood will be limited to 5 cords/household/year if firewood is the primary heat source; and, if firewood is to be used for recreational purposes then the limit is 1 cord/household/year.

## Cultural Use Timber

1. Permits may be issued to harvest forest products for cultural use.
2. Permits will be valid for a period of 6 months from the date of approval.
3. The Officer-in-Charge or authorized representative will designate the trees to be cut.
4. Utilization standards will be specified in the permit.
5. Skidding equipment may be used with prior written approval of the Officer-in-Charge or authorized representative.
6. Skidding practices will be conducted in a manner prescribed by the Officer-in-Charge or authorized representative to minimize soil erosion and/or damage to the forest site.

## Cedar Boughs

1. Before cutting, the Permittee must review with the Officer-in-Charge or authorized representative, the acceptable methods of harvesting boughs.
2. All bough cutting will be performed with hand tools only. Mechanized equipment such as chain saws or similar devices is prohibited.
3. Limbs will not be harvested from trees marked for protection in Precommercial Thinning Stands.
4. Boughs are not to be cut from trees that are less than 9 feet in height.
5. Boughs will be cut from the lower one-half of the tree only.
6. Climbing of trees is prohibited.
7. Boughs must be cut flush within 1/2” of the trunk of the tree.
8. Cut Boughs will be no longer than 24 inches.
9. Branches and debris will be scattered into timbered areas away from roads, shoulder of roads and ditches. Debris will be removed from road surfaces and ditches.
10. Boughs will not be collected within 50 feet of streams or wet areas.
11. Utilization standards will be specified in the permit.
12. Within seven days from the time of sale, copies of receipts will be provided to the Officer-in-Charge or authorized representative.
13. For **free use permits**, the amount of boughs harvested for personal use is limited to 50 pounds per individual each year.

## Cascara Bark

1. Trees must be cut down leaving a 12-inch maximum high stump. Peel stem and limbs down to a 1-inch diameter.
2. Trees shall not be cut in reforestation plantations less than 10 years old.
3. Damaging of coniferous trees is prohibited.
4. Remove all collection debris from the road surface and ditches.
5. Harvest no more than 50 percent of cascara trees in an area.
6. Only light Skidding equipment, such as winch line, block and tackle, or cable attached to vehicle will be allowed in gathering cascara bark, unless otherwise authorized by the OIC or authorized representative.
7. For **free use permits**, the amount of bark harvested for personal use is limited to 50 pounds per individual each year.

## Mushrooms

1. Disturbing the soil, woody debris or surrounding vegetation while harvesting mushrooms is prohibited.
2. Disturbing or damaging the mushrooms mycelial mat when harvesting is prohibited.
3. Mushrooms will be harvested by hand or by using hand tools only.
4. Digging matsutake (a species of mushroom) is prohibited.
5. Mushrooms will be harvested by cutting at ground level, except matsutake, which can be twisted/plucked. Mushroom stumps or depressions shall be covered with duff.
6. For **free use permits**, the amount of mushrooms will be limited to 15 pounds/household/year.
7. **Berries**
8. Berries must be handpicked.
9. Berry gatherers must not break branches.

Special Guidelines and Provisions for other forest products will be developed as needed and incorporated into future iterations of this Policy Statement.

# ENFORCEMENT

All alleged violations of this policy will be referred to the Tribe’s Legal Department for enforcement referral under applicable Tribal law. Penalties for non-compliance with this policy statement or any permits issued pursuant to it may include any combination of the following:

The Approving Officer or authorized representative may terminate the permit for such non-compliance.

1. The performance bond, if applicable, may be held for damage or loss to Tribal land, water, timber or improvements.
2. Privileges granted herein may be revoked if a Permittee fails to make timely restitution for damages assessed by administrative action of the Approving Officer or authorized representative or legal action of a recognized court of law.
3. Future permit applications may be denied.
4. Violations involving theft or damage to forest resources on Tribal land may be handled as a timber trespass under provisions of 25 CFR 163.29.
5. **AMENDMENTS & REPEAL**
6. By resolution, the Tribal Council may amend or repeal this policy, provided that any amendment conforms to applicable law.