

# Tribal Forest Management and the Trust Responsibility



## Yale Forest Forum

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# What is Trust Responsibility?

- The legal foundation of trust responsibility started in the early 1800's with the Marshall Trilogy. (Johnson v. M'Intosh 1823, Cherokee Nation v. Georgia 1831, and Worcester v. Georgia 1832)
- Cohen's Handbook on Federal Indian Law: "trust responsibility consists of the highest moral obligations that the United States must meet to ensure the protection of tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights"
- 2013 Secretarial Order 3335 from Secretary Jewell, which established the Commission on Indian Trust Administration and Reform Commission defined it as "a legal obligation that originates from the unique, historical relationship between the United States and Indian Tribes"

# How do we interpret trust responsibility, and what obligations does that create for the federal government?

- The answer is often different depending on who you ask
- How do those obligations impact tribal forest management?
- The Indian Forest Management Assessment Team (IFMAT) report gives us one comparison
- Is the United States meeting their trust responsibility?



# Tribal Forest Management

- 574 tribes on the federal register as “Indian Entities Recognized by and Eligible to Receive Services From the United States Bureau of Indian Affairs”
- Guided by the National Indian Forest Resource Management Act (NIFRMA) of 1990
- 345 tribal forests are managed across the nation, with 316 of those forests containing land held in trust
- 19.3 million forested acres held in trust

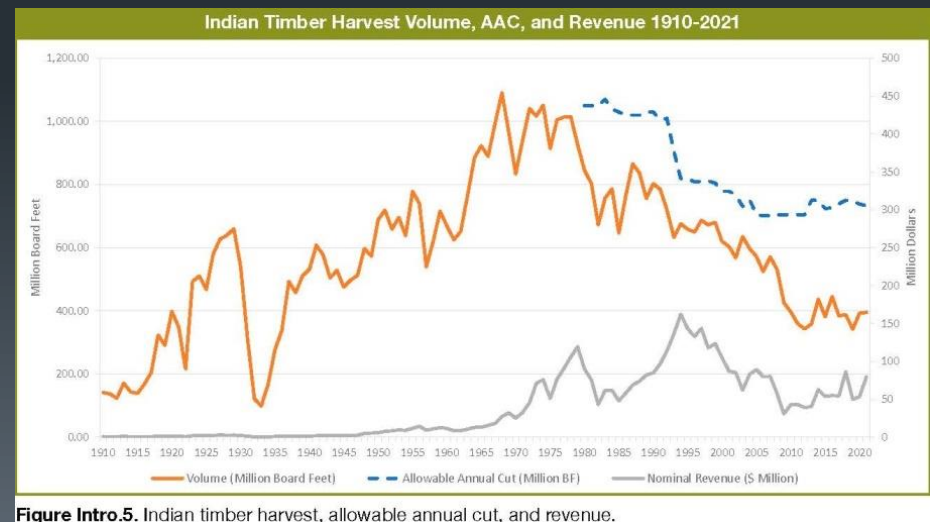
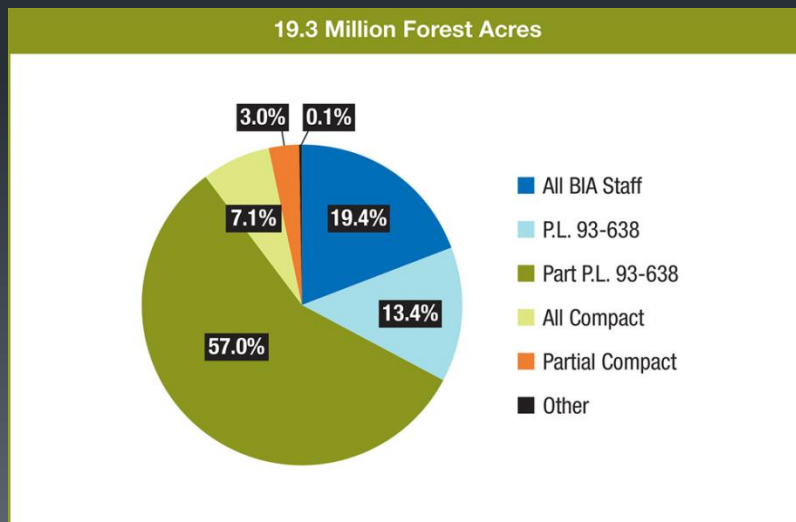


Figure Intro.5. Indian timber harvest, allowable annual cut, and revenue.

# Tribal Forest Management Vision

- Tribal management is focused on stewardship, and providing for the subsistence and cultural needs of their tribal membership
- Tribal management also recognizes the responsibility we have as part of these ecosystems, and the obligation tribal people have to take care of the resources that provide for us
- Less focus on traditional forest products as a driving management goal



Figure C.2. Comparison of number of acres per forestry staff 2019.

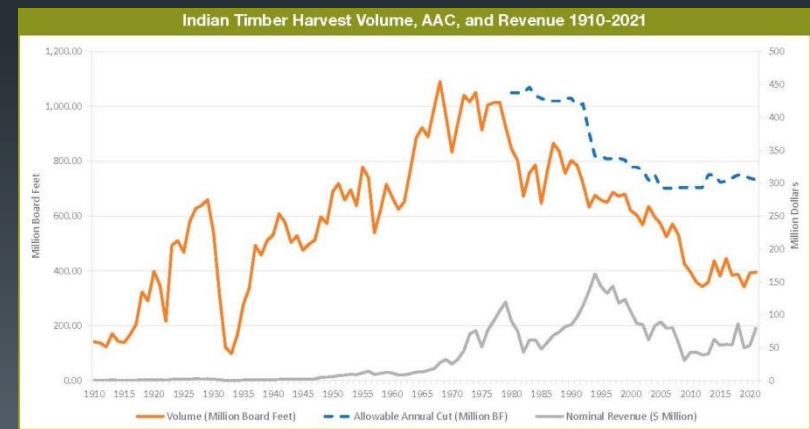


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# Creating and Maintaining Forest Resilience vs Volume Production

- Management focused on resilient landscapes that function with natural and indigenous disturbance
  - Diverse forests across the landscape
  - Forest and fuels management to produce post fire conditions more consistent with historical conditions
- Restoration after disturbance
  - Planting
  - Salvage
  - Aquatic improvements



# Forest Health/Restoration

- How do we get to our desired future conditions and maintain those conditions over time?
- How do we coordinate and collaborate with adjacent land managers to improve management and protect tribal rights?
  - Tribal Forest Protection Act
  - Good Neighbor Authority



# Forest Management

- Balance of forest structure consistent with historic range of variability that move across the landscape through time (forests are not static)
- Forest composition with targets for:
  - Species
  - stocking
  - Age class distribution
- Also provide for other ecosystem benefits to meet tribal needs
  - Wildlife habitat
  - Cultural plants
  - Clean water
  - Clean air



Historic Forest Condition



Current Forest Condition



# Fuels

- Protect communities
- Protect infrastructure
- Reduce firefighter risk
- Reduce severity
- Treatments strategically located with fire use and suppression as primary considerations



# An uncertain future

- Climate change
- Finite management resources
- Diminishing fire suppression resources
- Longer fire seasons

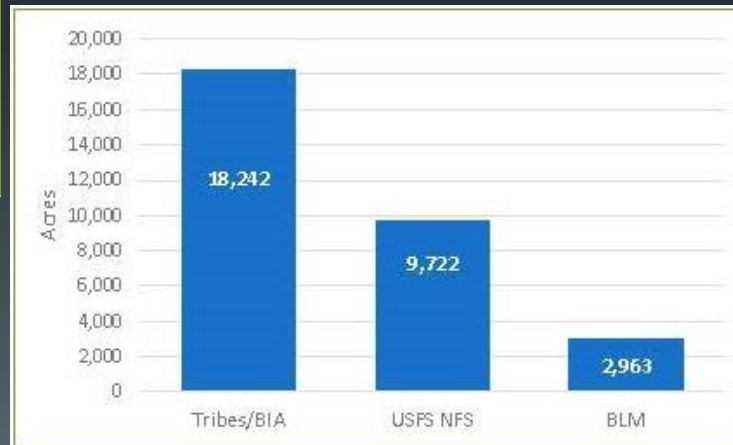
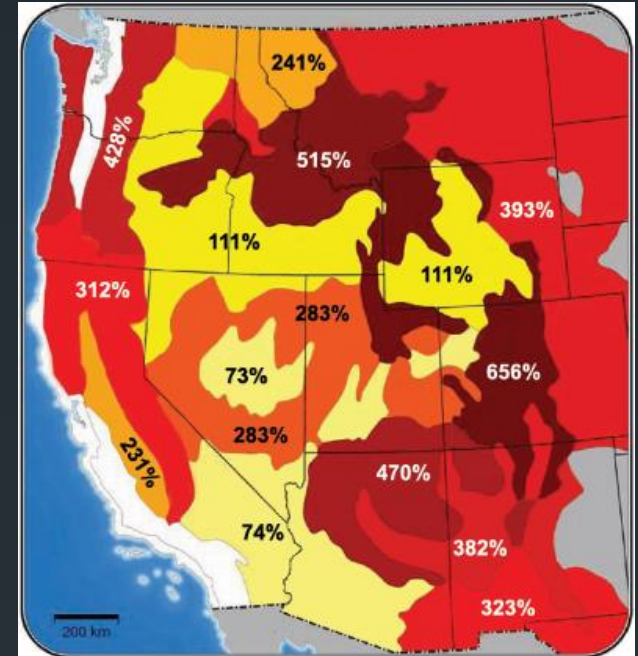
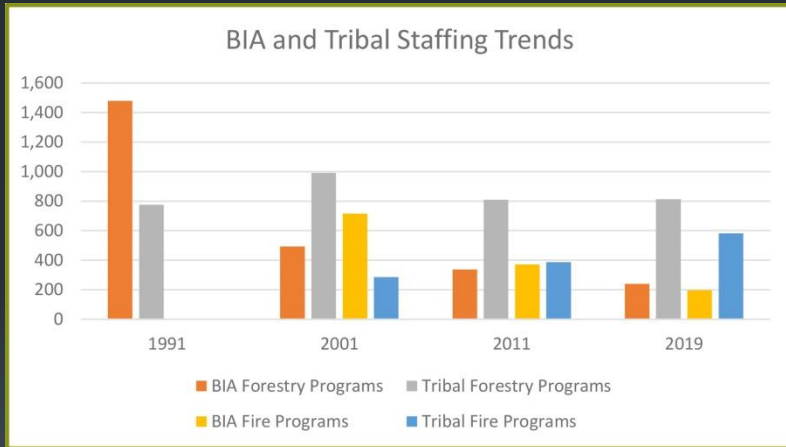
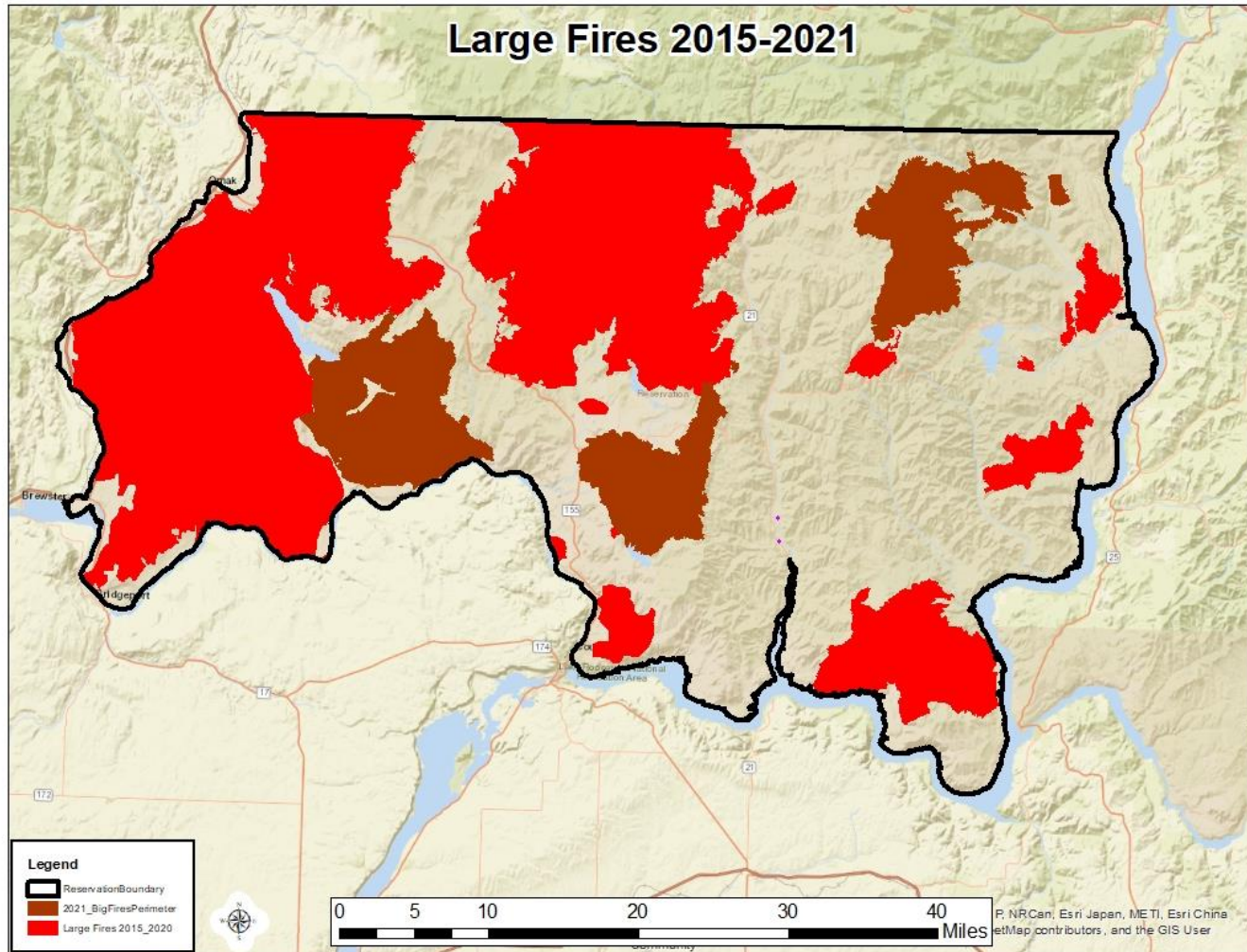


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# Colville Reservation example 2015-2021





# Long term planning/management

- We know these events will continue in the future, and based on climate change predictions more frequently with higher severity.
- What can we do now and going forward to monitor and mitigate those impacts and risks?
- How do we contribute to reducing greenhouse gas emissions?
  - On reservation
  - Working with other land management agencies



Questions?

