



THE PINCHOT LETTER

News from the Pinchot Institute for Conservation

Winter 2001

Certification Pilot Study to Assess Forest Management on Tribal Lands Nationwide

In partnership with the Seattle-based Intertribal Timber Council (ITC), the Pinchot Institute has embarked upon a project to examine the applicability of forest certification on tribal forest lands throughout the United States. The project will be conducted in two phases. The first phase will include an initial evaluation of current forest practices on the lands of 30 different tribes relative to the standards used by both the Forest Stewardship Council (FSC) and the Sustainable Forestry Initiative (SFI). The second phase will include full-scale field assessments which, if successful, will lead to forest certification. The number of tribes participating in the second phase will not be known until after the initial evaluations are completed. It is expected that this evaluation of forest practices on tribal lands also will help fulfill the requirements of the National Indian Forest Resources Management Act, which calls for an independent assessment of forestry on tribal lands every ten years. The last such assessment was performed in 1990. Results of the study should be available by the end of 2001.

Native American forest lands are a frequently overlooked dimension of the forestry picture in North America. In the U.S. these forest lands spread over 16 million acres in 23 states. Across these acres the forests support a diversity of uses,

cultural and commercial, while serving as the environment in which many tribal members live. In this respect, the forest managers on tribal lands have to answer to the broadest expectations, perhaps more than for any other category of forest land.

The diversity of tribes that own and manage these forests make it difficult to characterize management of Indian forest land. Indeed, forests and woodlands occupy portions of the land within 243 reservations. As has been recently demonstrated by the certifications for Menominee and Hoopa lands, the objectives and expertise in forest management vary widely and assume a different level of self-determination in matters of forestry.

However, there are several aspects of Indian forest management that are widely shared. One of the commonalities is a proximity to the forest. Living near the forests often means tribal members are keenly interested in the activities of forest managers. For tribes in which members are closely tied to their natural resource organizations, the forest is often managed for a broader suite of benefits, and in a more holistic manner. This can include cultural resources, recreation, and subsistence. Other tribes focus on timber production to the exclusion of non-revenue resources. Some of these

have vertically integrated forestry operations, moving wood products from field to shelf. Aggregating all management approaches, the 243 forested reservations annually generate approximately \$465 million while providing 9,000 jobs in timber-related activities.

For each tribe there is distinct relationship among three major factors influencing forest management: (1) what tribal members expect of their forests, (2) tribal forest management expertise, and (3) technical assistance provided by the Bureau of Indian Affairs and other federal agencies. Interest in better understanding the current state of Indian forest lands led to the passage of the

INSIDE

-  **Restoring Faith in Forest Service Decision Making** page 4
-  **Collaborative Stewardship in High Fire Risk Communities** page 12
-  **Congress Authorizes Additional Stewardship Contracts** page 13
-  **Defining the Terms of Conservation** page 17

Leadership in Forest Conservation Thought, Policy and Action

National Indian Forest Resources Management Act (NIFRMA), Title III, Public Law (P.L. 101-630) in 1989. This law directed the Secretary of the Interior, in consultation with the affected tribes, to obtain an independent assessment of the status of Indian forest resources and their management. The process was first carried out in 1990 by a coalition of scientists and managers working as the Indian Forest Management Assessment Team (IFMAT). The Intertribal Timber Council (ITC) was given an oversight role by Congress to coordinate the assessment among the 34 tribes.

The IFMAT evaluated several aspects of management, considering on-the-ground operations, staffing expertise, values of tribal members not involved in forestry, and the processes for coordinating forestry and broader tribal objectives. Many of these aspects of tribal timber operations were compared to similar activities on other land systems (e.g. National Forests and private forest lands). The actual site visits to timber operations included 22 reservations. An additional set of surveys and analyses addressed forest management for a broader suite of 34 tribal lands (Figure 1).

ASSESSMENT COMPONENTS OF THE NIFRMA¹

1. An in-depth analysis of management practices on, and the level of funding for, specific Indian forest-land compared with similar federal and private forest lands;
2. A survey of the condition of Indian forest lands, including health and productivity levels;
3. An evaluation of staffing patterns of forestry organizations of the BIA and of Indian tribes;

ABOUT THE PINCHOT INSTITUTE

The Pinchot Institute for Conservation is an independent non-profit research and education organization dedicated to leadership in natural resource conservation thought, policy, and action. The Pinchot Institute was dedicated in 1963 by President John F. Kennedy at Grey Towers National Historic Landmark in Milford, Pennsylvania, historic home of conservation leader Gifford Pinchot, to facilitate communication and closer cooperation among resource managers, scientists, policy makers, and the American public. The Institute continues Pinchot's legacy of conservation leadership as a center for policy development in support of sustainable forest management. Further information about the Pinchot Institute's programs and activities can be found at www.pinchot.org.

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The Pinchot Letter is published 3 times a year by The Pinchot Institute for Conservation.
 Project coordinator: Ane al Sayyed. Designer: Judith Barrett
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 Printed on recycled paper

4. An evaluation of procedures employed in timber-sale administration, including preparation, field supervision, and accountability for proceeds;
5. An analysis of the potential for reducing or eliminating relevant administrative procedures, rules, and policies of the BIA consistent with the federal trust responsibility;
6. A comprehensive review of the adequacy of Indian forest land management plans, including their compatibility with applicable tribal integrated resource management plans and their ability to meet tribal needs and priorities;
7. An evaluation of the feasibility and desirability of establishing minimum standards against which the adequacy of the forestry programs of the BIA in fulfilling its trust responsibility to Indian tribes can be measured; and
8. A recommendation of any reforms and increased funding levels necessary to bring Indian forest land management programs to a state-of-the-art condition.

The comparison of technical expertise between tribal forest management and non-tribal forest management revealed that tribes received and appropriated less to management than federal and private organizations charged with the same task. In other words, for every dollar generated and acre managed, there are fewer wildlife biologists, hydrologists, road engineers, etc. As the IFMAT reports, “. . . Indian forestry is seriously under-funded and understaffed compared with similar federal

and private forests.” Even when there is staffed expertise, the grade level for BIA or tribal staff was typically lower than those at public agencies. Their conclusions also pointed to several areas where the role of the BIA, and other organizations that manage the trust relationship between the tribes and the federal government, are ill-defined.

The IFMAT also described how differences on the ground relate not only to a discrepancy in expertise, but also an adherence to broader objectives. In some respects, resource and expertise-dependent forestry operations simply lagged behind management on other similar lands. There was a greater thinning backlog and Continuous Forestry Inventory (CFI) systems were unreported or incomplete. However, lack of similarity with private industrial forest land management also resulted from the development of a different type of forestry. The IFMAT report notes the use of “more highly developed uneven-aged management techniques,” and that tribal forest land managers paid more attention to non-timber resources on their active timberlands, retaining more snags and wildlife trees and managing for a wider array of valued understory species. As is the case with their commercial timber management though, none of these activities were strongly supported by research or monitoring targeted to specific tribal resources.

In the past ten years much has changed within tribal forest management organizations, and now a second assessment is due. Since the IFMAT was an independent assessment, with a precedent set before the development of forest certification,

there had been little consideration of using certification as an assessment component. Through the planning process the Pinchot Institute met with tribal land managers, the ITC, and former IFMAT investigators, beginning the conversation on how certification assessments might be used for accomplishing the goals in NIFRMA.

Certification on tribally-owned lands is not a completely new prospect. Both the Menominee Tribe, with lands in Wisconsin and the Hoopa Tribe in California are certified. The 234,951 acres of forest land managed by the Menominee Tribe underwent assessment in 1996 and became certified the following year. The Hoopa Tribe's 86,115 acres were assessed in 1999 and also became certified. For both of these tribes certification has raised the profile of their forestry activities and expanded their market reach. Both tribes realize premiums for some of their certified products.

Many tribes and the Intertribal Timber Council view the Menominee and Hoopa certifications as models for other Indian forest lands, others do not. Overall, certification raised the profile of the Menominee and Hoopa Tribes, and provoked more interest in the status of Native American forests. Increased attention comes from within, as the internal oversight by Tribal Councils, and from the outside. Tribal forestry organizations therefore already must pass muster with many constituents. And in this respect some tribes feel that soliciting the review of certification organizations is simply another compromise in tribal self-determination in setting their management goals. However, others recognize the opportunity to use certification to gain recognition for their forestry operations while adhering to tribal goals. In fact, it is their self-determination in forestry that enabled the Hoopa and Menominee to develop



the expertise and capacity to become certified.

Pilot certifications are therefore especially valuable within the context of tribal forestry. The diversity of tribal forest management objectives and constraints, necessitate a better understanding of the applicability of certification. The Institute has been working with the Intertribal Timber Council to design a certification process that addresses the broader challenges faced by tribal managers. These discussions lead to a commitment from thirty tribes to use certification as part of the Congressionally-mandated NIFRMA.

The proposed effort will be a collaboration between the 30 tribes, the Intertribal Timber Council, FSC and SFI auditors, IFMAT-II, and the Pinchot Institute. Assessments carried out by FSC and SFI teams will determine the readiness of tribes to undergo certification, while serving as much of the in-field portion of the NIFRMA. Several tribes have already expressed interest in going through the full assessment if they are recommended to do so. Others will wait for the outcome of this first phase. The Pinchot Institute will interview everyone involved to understand how each tribe made these decisions. Overall the project will achieve several valuable outcomes, both for the Tribes and for the certification systems — doing so in a way that carefully preserves the unique and independent approaches to forestry practiced on Indian forest lands. For more information please contact Will Price at (202) 797-6578, or at will-price@pinchot.org.

¹ IFMAT summary report available from the Intertribal Timber Council.

² IFMAT summary report available from the Intertribal Timber Council.

COMMENTARY

Restoring Faith in Forest Service Decision Making

V. Alaric Sample

The U.S. Forest Service will soon celebrate its centennial. In recognition of this, Resources for the Future has just released a book entitled *A Vision for the U.S. Forest Service: Goals for Its Next Century*.¹ The book is based on a 1999 conference convened by RFF and the Pinchot Institute in honor of the late Marion Clawson. Through most of the Forest Service's one hundred years, the agency was regarded as one of the most successful and effective of all the Federal agencies. During the three decades, however, the Forest Service's public esteem and political support has eroded to the point where thoughtful people, such as several of the authors in *A Vision for the U.S. Forest Service*, speculate openly about the dissolution of the organization and the assignment of its assets to other agencies. What happened?

CENTRALIZATION AND THE EROSION OF COMMUNITY SUPPORT

It is no accident that this period of declining support has coincided with a period of increasing centralization of decision making authority in the Forest Service. Observers from former Interior Secretary Harold Ickes to political scientist Herbert Kaufmann recognized that one of the greatest strengths of the Forest Service in its heyday was its highly developed, and finely-tuned system for decentralized decision making within a broad framework of national-level policies. Local decisions, particularly those limiting resource uses, were regularly challenged. But user groups, Congress,

local communities—and most importantly the local Forest Service decision makers themselves—knew that a decision based on local knowledge and conditions, and within the bounds of general Forest Service policy (as articulated in the 4" x 5" x " Use Book), would be supported all the way to the Chief of the Forest Service if necessary.

After more than a half-century of success with this organizational model, Forest Service decision making began to get more and more centralized. Timber targets were handed down by Congress through the annual appropriations process, often in excess of what was proposed by the Forest Service, and assigned to local units. There were growing concerns from local resource managers as well as many forest users that such harvest levels were not sustainable, but the Forest Service was a "can-do" agency and somehow found a way to make it work.

But it didn't work. Unheeded public concerns eventually spilled over into the courts in places like the Bitterroot and Monongahela National Forests. The Forest Service ended up with laws like RPA² and NFMA,³ with detailed rules and regulations about how forest resources could and could not be managed, and how decisions were to be made and reviewed. The early 1970s were the heyday of rational-comprehensive planning in the Federal government, and the Forest Service embraced these planning mandates as the ultimate manifestation of the "scientific management" model that would allow them to make decisions on the basis of hard, cold facts rather than by arbitrating among conflicting value systems. NEPA was just