

Using the Tribal Forest Protection Act to Advance Tribal Climate Adaptation Priorities

Webinar #1:
Background
Information on
Climate Adaptation
and the TFPA



Introduction

Using the Tribal Forest Protection Act to advance Tribal Climate adaptation priorities and facilitate greater collaboration between Tribal Nations and associated National Forests. This webinar will discuss the Tribal Forest Protection Act (TFPA) and how TFPA projects can help advance shared priorities for climate change adaptation.



Presenters

Tribes and Forest Service Evolving Toward Co-Stewardship: Alicia Bell-Sheeter (Office of Tribal Relations, US Forest Service)

Tribal Climate Adaptation Menu: Ziigwanikwe (Katy Bresette)

(Dynamite Hill Farms)

TFPA Process and Requirements: Jim Durglo (Inter-Tribal Timber Council); Susan Johnson and Glen Van Zandt (Forest & Rangeland Management and Vegetation Ecology, US Forest Service)

Grants and Agreements: Tory Hahka (Region 9, US Forest Service)





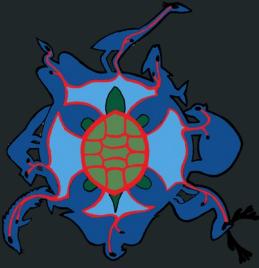
Office of Tribal Relations
Forest Service

Alicia Bell-Sheeter
Asst. Director, OTR



Dynamite Hill Farms

Ziigwanikwe (Katy
Bresette)



Dibaginjigaadege Anishinaabe Ezhitwaad: A Tribal Climate Adaptation Menu for Indigenous-led Climate Adaptation

Katy Bresette
Co-owner and Operator
Dynamite Hill Farms



How will climate change affect tribes?

Tribes depend on non-human relatives to meet spiritual, ceremonial, medicinal, subsistence, and economic

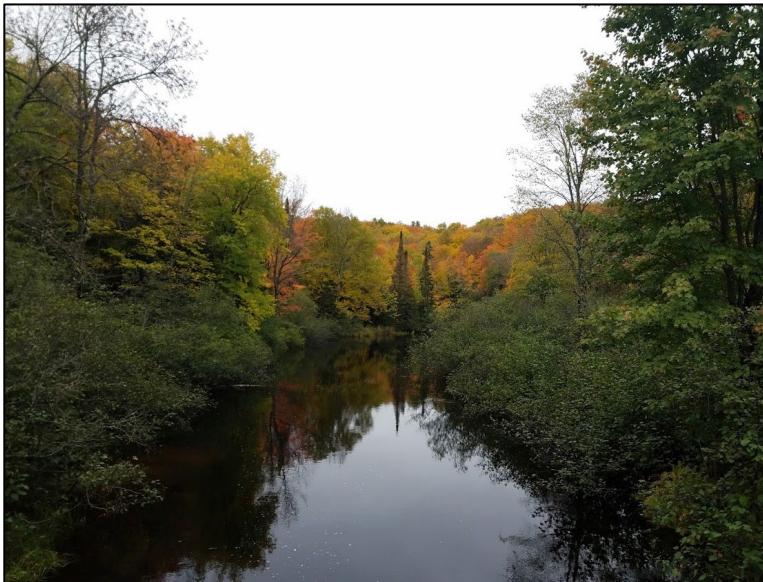




- Culturally important beings are shifting locations, seasonality, and/or disappearing due to climate change.
- Tribal homelands, reservations and treaty ceded territories are fixed in place.
- Loss of access to culturally important beings and those reciprocal relationships that have been maintained since time immemorial is an existential threat to Indigenous culture and community.
- Adaptation actions must be culturally appropriate and community supported.

Relatives, not Resources

- Decisions for use of our relatives were originally communal decisions made with recognition, acknowledgement and reciprocity throughout
- Today, management and decision-making for land and the natural environment is no longer communal, but made by individuals, agencies, institutions, and industry AND operates without integration of Indigenous knowledge systems.





TAM Beginnings

The Need for Indigenous Perspectives



Tribal Adaptation Menu (TAM) Team

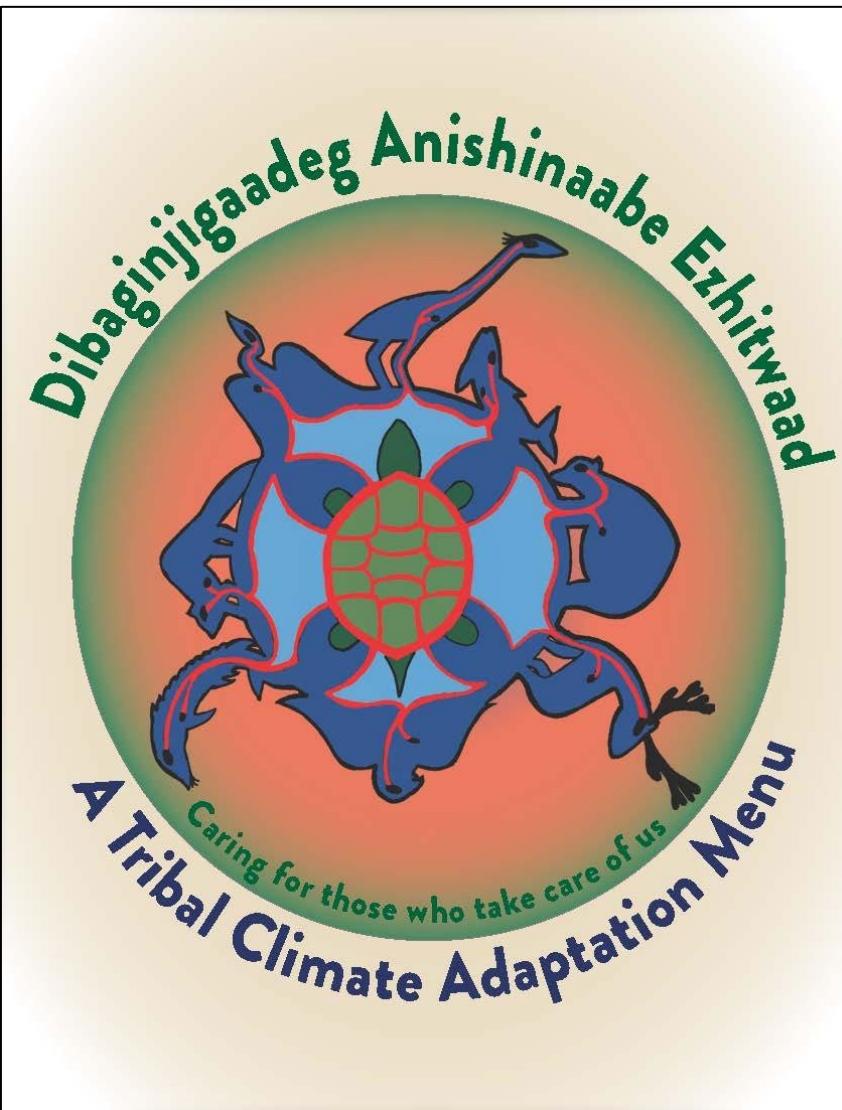


Michigan Tech





Dibagijnjigaadeg Anishinaabe Ezhitwaad



- Need for an adaptation planning tool for Tribes that integrates Indigenous knowledge, culture, science and perspectives with western science and perspectives
- Need to facilitate culturally appropriate climate adaptation between Tribes and non-Tribal partners
- Need to address the language used when discussing the natural world

Why a *Tribal* climate adaptation menu?

Forest Adaptation Menu:

Strategy: Prevent the introduction and establishment of invasive plant species and remove existing invasive species.

Approach: Eradicate existing populations or seed sources (e.g., upstream) of invasive plants through physical or chemical treatments.

Tribal Adaptation Menu:

Strategy: Maintain or improve the ability of communities to balance the effects of bakaan ingoji gaa-ondaadag (non-local beings).

Approach: Remove existing bakaan ingoji gaa-ondaadag after communicating with beings in the local area to explain intended actions.

Menu of Adaptation Strategies and Approaches

Strategy 1: Consider cultural practices and seek spiritual guidance.

Indigenous knowledges and ways can provide the backbone for successful climate adaptation. Seeking guidance from the community on adaptation needs and actions, respecting and building on dynamic relationships, and honoring cultural responsibilities and histories may benefit both short- and long-term adaptation efforts.

1.1. Consult cultural leaders, key community members, and elders.

Cultural leaders, community members, harvesters, elders, and other key individuals have important knowledges and perspectives that can inform climate adaptation activities. Taking time to build relationships and properly consult with the broader community will result in more informed decisions and more support for adaptation actions.

Example tactics:

- ⌘ Conduct community engagement workshops to learn about past changes using specific examples or important resources as discussion points.
- ⌘ Interview wild rice gatherers to discuss observed impacts on wild rice from storm events or changing lake levels.
- ⌘ Work with tribal leaders and members to identify knowledgeable individuals in the community, such as elders, and how to consult with them in a good way.
- ⌘ Build organizational capacity by funding outreach staff who are trained to discuss climate change with the community.



Pat and Chibinesibani Jim Northrup from Fond du Lac Band of Lake Superior Chippewa. Chibinesibani Jim Northrup has since walked on. (Photo by Melonee Montano, GLIFWC.)

1.2. Consider mindful practices of reciprocity.

Healthy relationships depend on reciprocal exchanges of gifts, knowledge, and respect, among others. For example, it is appropriate to offer asemaa/nâēqñemaw (tobacco) when requesting permission to use a gift (resource). This principle applies to land management as well as interpersonal relationships within the community.

Example tactics:

- ⌘ Offer asemaa/nâēqñemaw (tobacco) when requesting permission to use a gift (resource).
- ⌘ Provide gifts when seeking guidance or knowledge from elders or community members.
- ⌘ Share data and results of climate change assessments and adaptation projects with the local community.
- ⌘ Ensure that teachers and contributors are credited in presentations, public documents, and materials.
- ⌘ Teach harvesting in a good way, such as taking only what you need and leaving enough to sustain a population. For example, harvesters should refrain from harvesting wild rice when it is raining, because it can weaken the root system.

1.3. Understand the human and landscape history of the community.

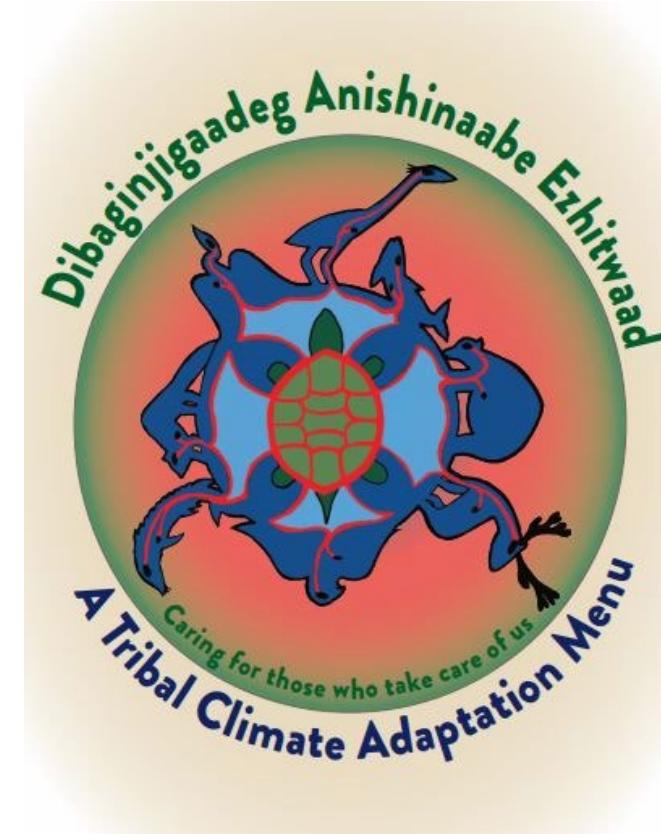
Every place has a unique context and unique stories to tell. The history of the community and the land can inform land management decisions, and it is worth investing time and attention to cultivate a deeper understanding of a place before deciding on appropriate management actions.

Example tactics:

- ⌘ Identify and meet with Tribal Historic Preservation Officers and discuss the history of the local community.

Introduction: A Tribal Climate Adaptation Menu

- This is the first version of the Menu
 - Based on Ojibwe and Menominee perspectives, languages, concepts and values
 - Was intentionally designed to be adaptable by other indigenous communities, allowing for the incorporation of their language, knowledge and culture



Introduction: A Tribal Climate Adaptation Menu

- o Primarily developed for the use of Indigenous communities, tribal natural resource agencies and their non-indigenous partners
- o Designed to be used across a diversity of ecosystems, scales, management contexts, and values
- o Helping to bridge communication barriers for federal agencies or other organizations that have the duty to incorporate Indigenous approaches to climate adaptation and must do so in a culturally appropriate manner.





Guiding Principles

Guiding Principles

- Provides general guidance for non-tribal partners working in indigenous communities
- Focus on empowering tribal communities, restoring language and culture and promoting tribal sovereignty
- Gives the rationale behind the language use throughout the document



Placing asemaa (tobacco) at the base of a tree



TAM Strategies and Approaches

Strategies 1-3

Strategy 1: Consider cultural practices and seek spiritual guidance.

- 1.1. Consult cultural leaders, key community members, and elders.
- 1.2. Consider mindful practices of reciprocity.
- 1.3. Understand the human and landscape history of the community.
- 1.4. Hold respect for all of our relations, both tangible and intangible.
- 1.5. Maintain dynamic relationships in a changing landscape.



Strategy 2: Learn through careful and respectful observation (gikinawaabi).

- 2.1. Learn from beings and natural communities as they respond to changing conditions over time.

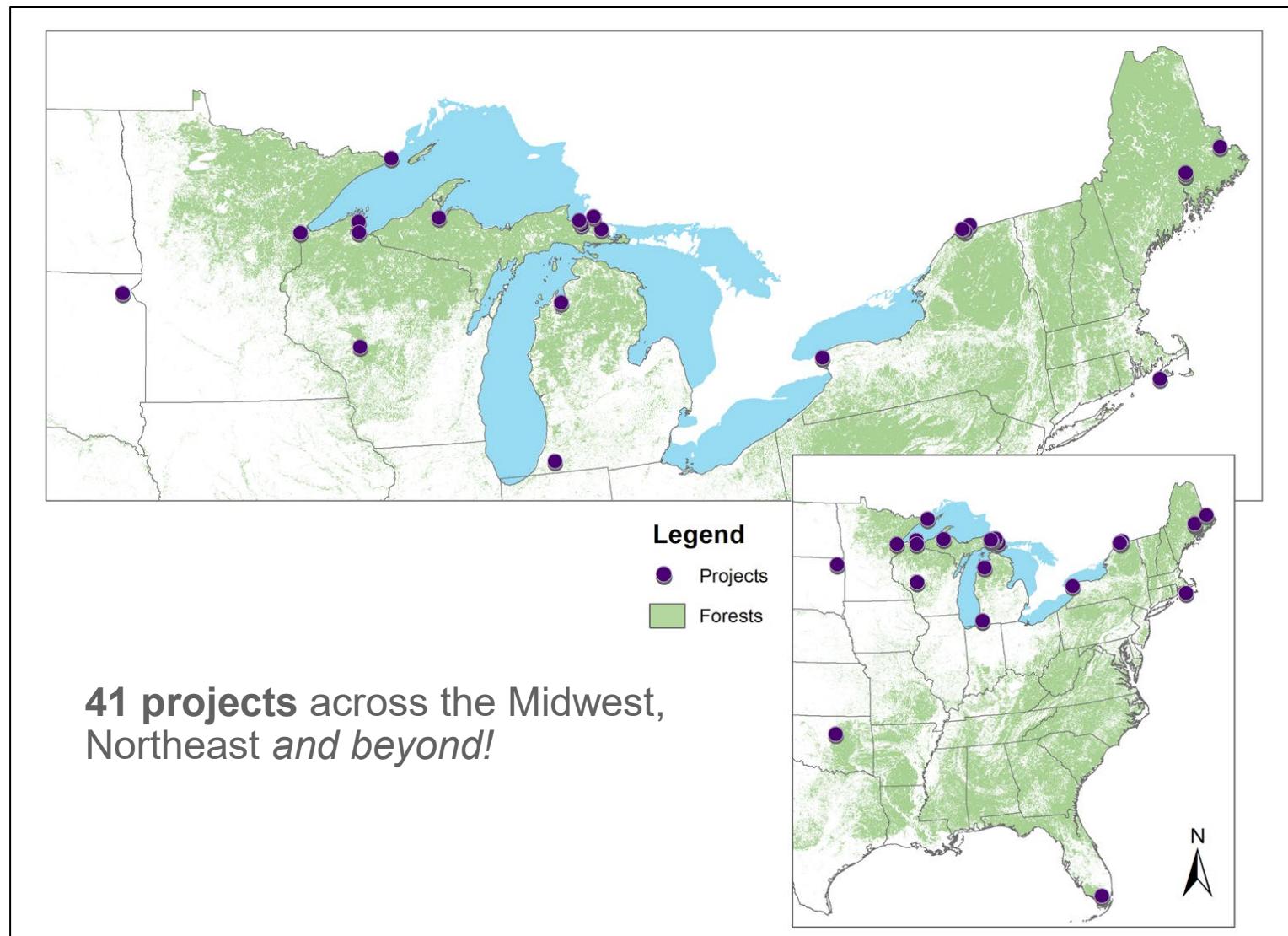
Strategy 3: Support tribal engagement in the environment.

- 3.1. Maintain and revitalize traditional relationships and uses.
- 3.2. Establish and support language revitalization programs.
- 3.3. Establish, maintain, and identify existing inventory and monitoring programs.
- 3.4. Establish and maintain cultural, environmental education, and youth programs.
- 3.5. Communicate opportunities for use of tribal and public lands.
- 3.6. Participate in local- and landscape-level management decisions with partner agencies.



**Putting the TAM to
work**

The TAM has been used throughout the US



TAM workshops: 6 since January 2019



Akwesasne
September 2019



Chambers Grove - Manoomin
June 2022



Cloquet Forestry Center
January 2019



College of Menominee Nation
October 2019



Northern Great Lakes Visitor
Center
March 2020



Bay Mills Community College
June 2019

“Knowledge is of the past and wisdom is of the future.”

- Dibaginjigaadeg Anishinaabe Ezhitwaad will continue to evolve and help guide future projects
 - How can you help tribes and Indigenous communities around the country use this tool and customize it for their own use?
 - How can you help non-tribal organizations use this tool to collaborate and communicate with tribes in your region?
 - How can the TAM help facilitate climate change planning and potential TFPA projects in your area?



Miigwech bizindawiyeg!

Katy Bresette
nind0330ikwew@gmail.com
@Dynamite Hill Farms on Facebook



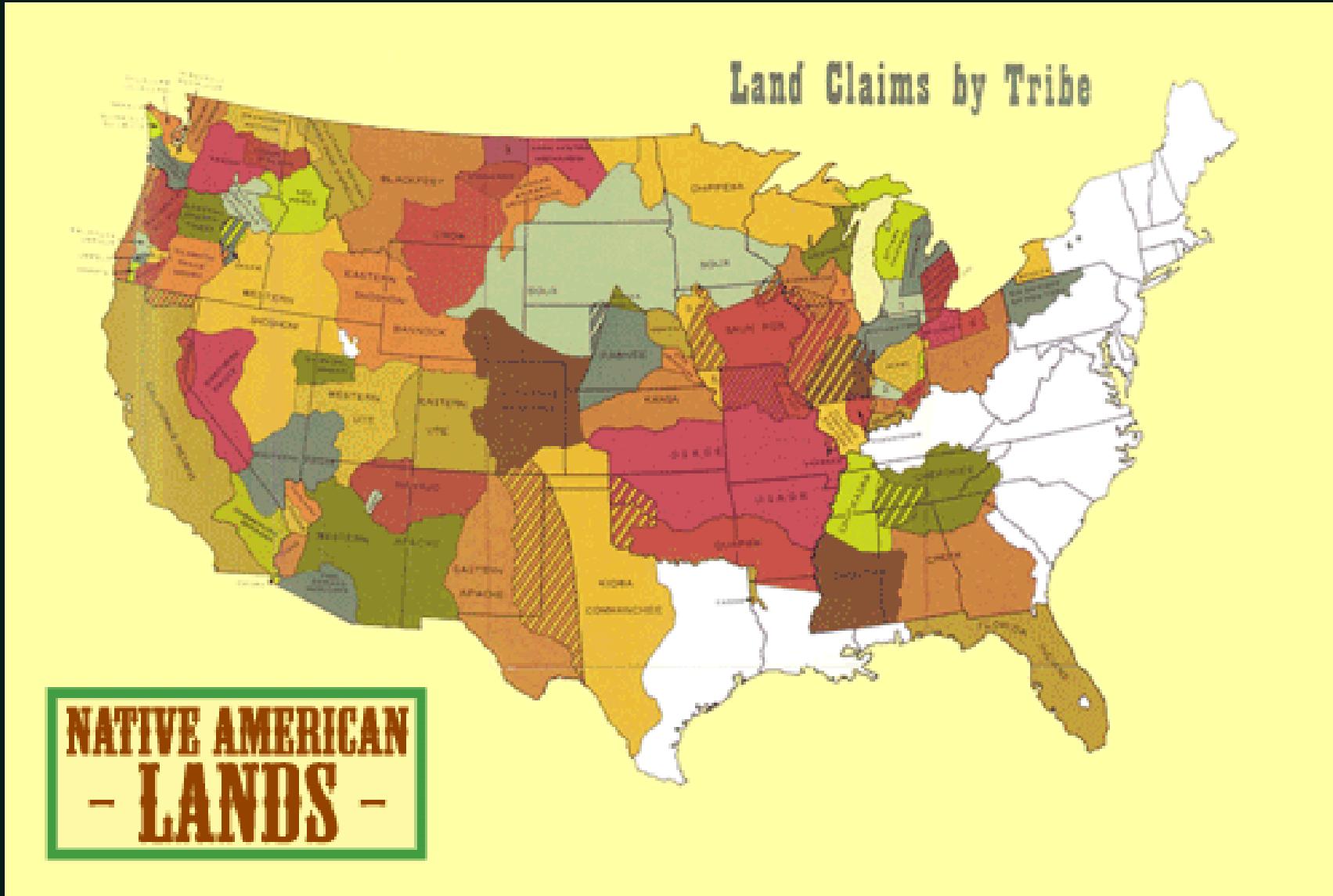
<https://www.glifwc.org/ClimateChange/TribalAdaptationMenuV1.pdf>



Establishing Connection

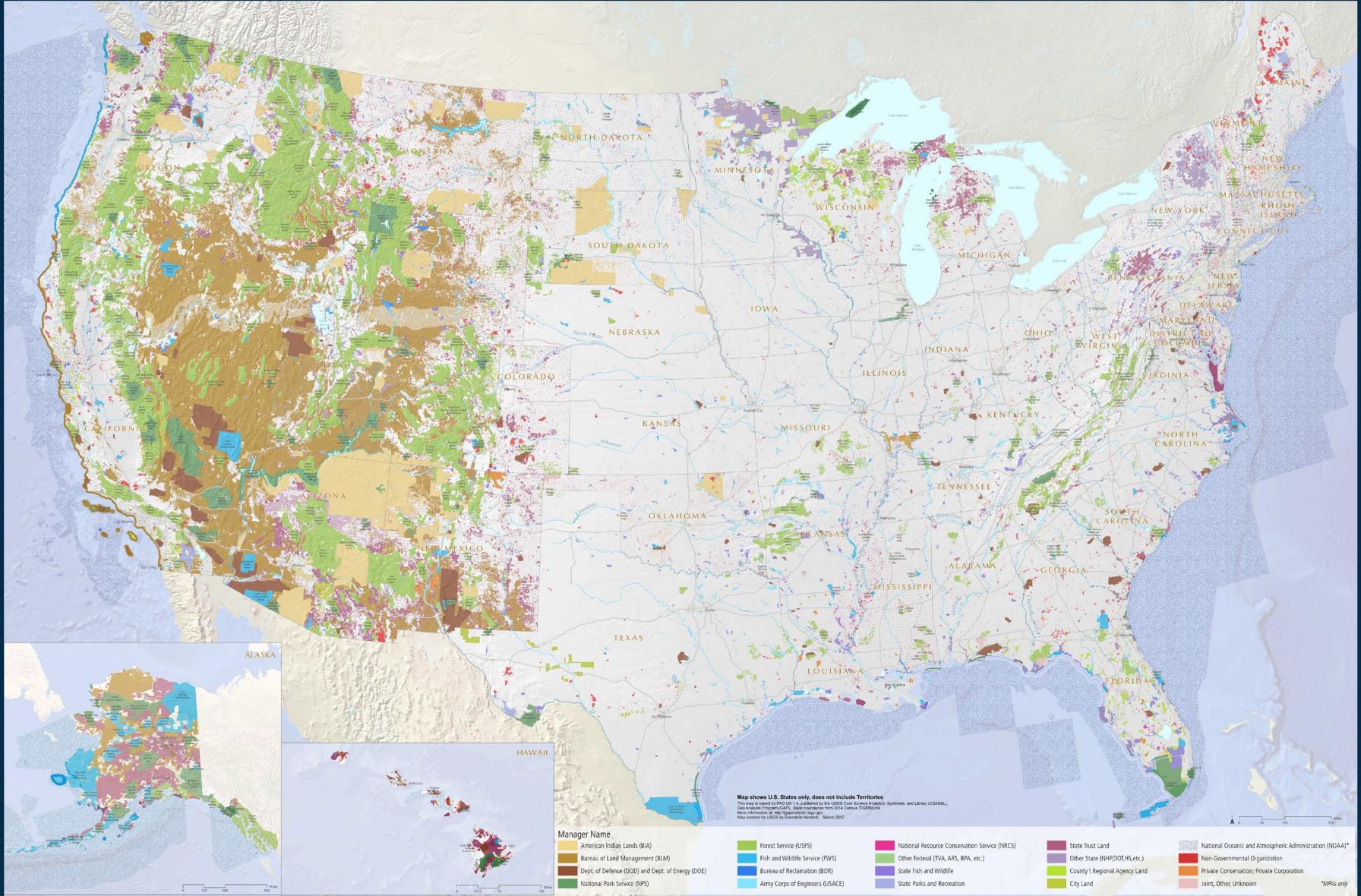
Perspective





Indigenous Lands/Treaty Lands/Traditional Lands/Land claims

Protected Areas Database of the U.S. (PAD-US) - Land Management





History of the Tribal Forest Protection Act of 2004

The 2003 San Diego County Fire Siege Fire Safety Review

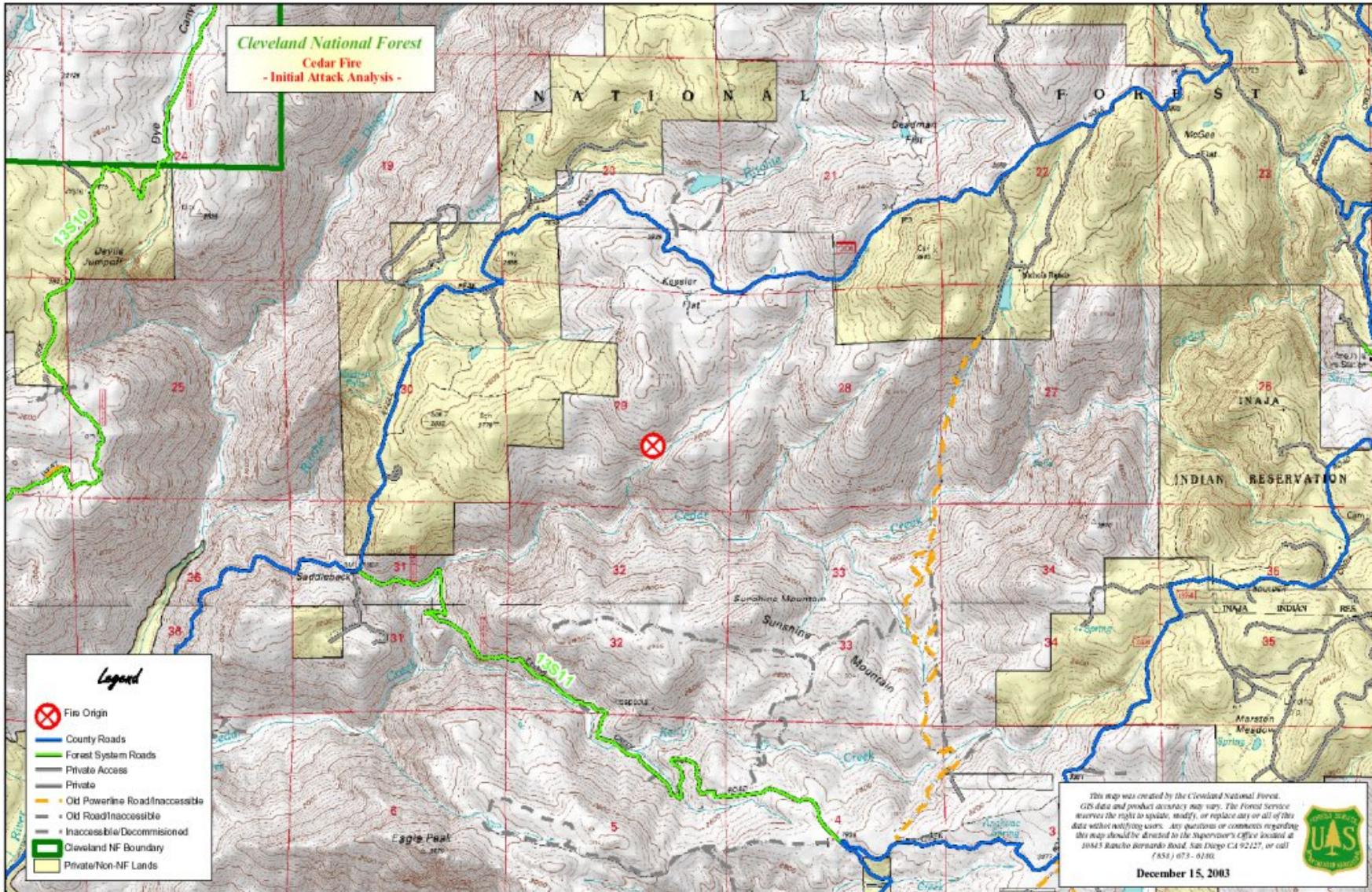


Figure 1: Cedar Fire Initial Attack Map

Every year we pray we are not the victims of catastrophic stand replacing fire, such as the devastation in Southern California.

Tule River Tribal Council Testimony





Developing a TFPA Proposal

Tribal Forest Protection Act of 2004 - Emphases

FRAMEWORK

- Government to Government Relationships
- Protection of trust lands, resources and communities
- Acknowledgement of tribal historical and cultural interests
- Recognition of Tribal knowledge and skills



TFPA Basics

TO QUALIFY, THE LAND

- Can be tribal or allotted
- In trust or restricted status (tribal or allotted)
- Forested or grass, brush or other similar vegetation or
- Formerly had forest or vegetative cover that is capable of restoration

PROPOSED NFS LANDSCAPE

- Borders or is adjacent to Indian Trust Land; and
- Poses a threat to the Indian Forest or Rangeland or Tribal Community; or
- Needs restoration

PROPOSAL GUIDANCE

- Collaboration is encouraged within tribal governments and associated communities.
- Start the collaborative and proposing process early to build support and understanding for the proposal.

Previous TFPA Training and findings

PARTNERSHIP WITH ITTC

- Valuable partnership with the Intertribal Timber Council for well over a decade
- Multiple webinar series including focus in the last 2 years on the 638 authority

KEY LESSONS LEARNED

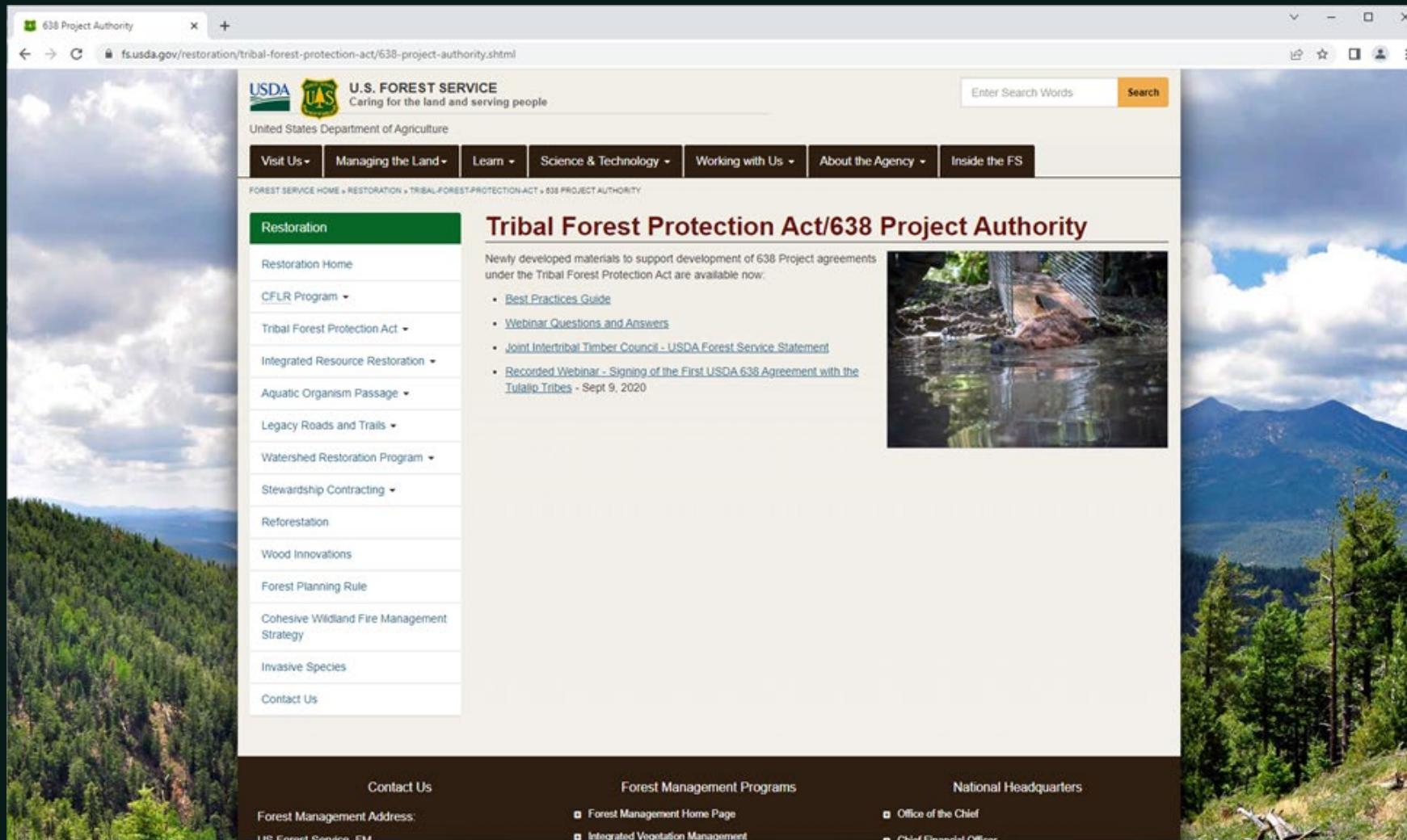
- Agency-wide commitment to tribal relationships and partnerships is fundamental
- Relationships are key to success
- A collaborative approach to project development is essential

INFRASTRUCTURE LAW FUNDING

- The Bipartisan Infrastructure Law provides substantial funding for tribal collaborative / co-stewardship work
- Sec. 40804 B(2) specifically funds GNA & TFPA work with States and Tribes

Tribal Forest Protection Act of 2004 - Resources

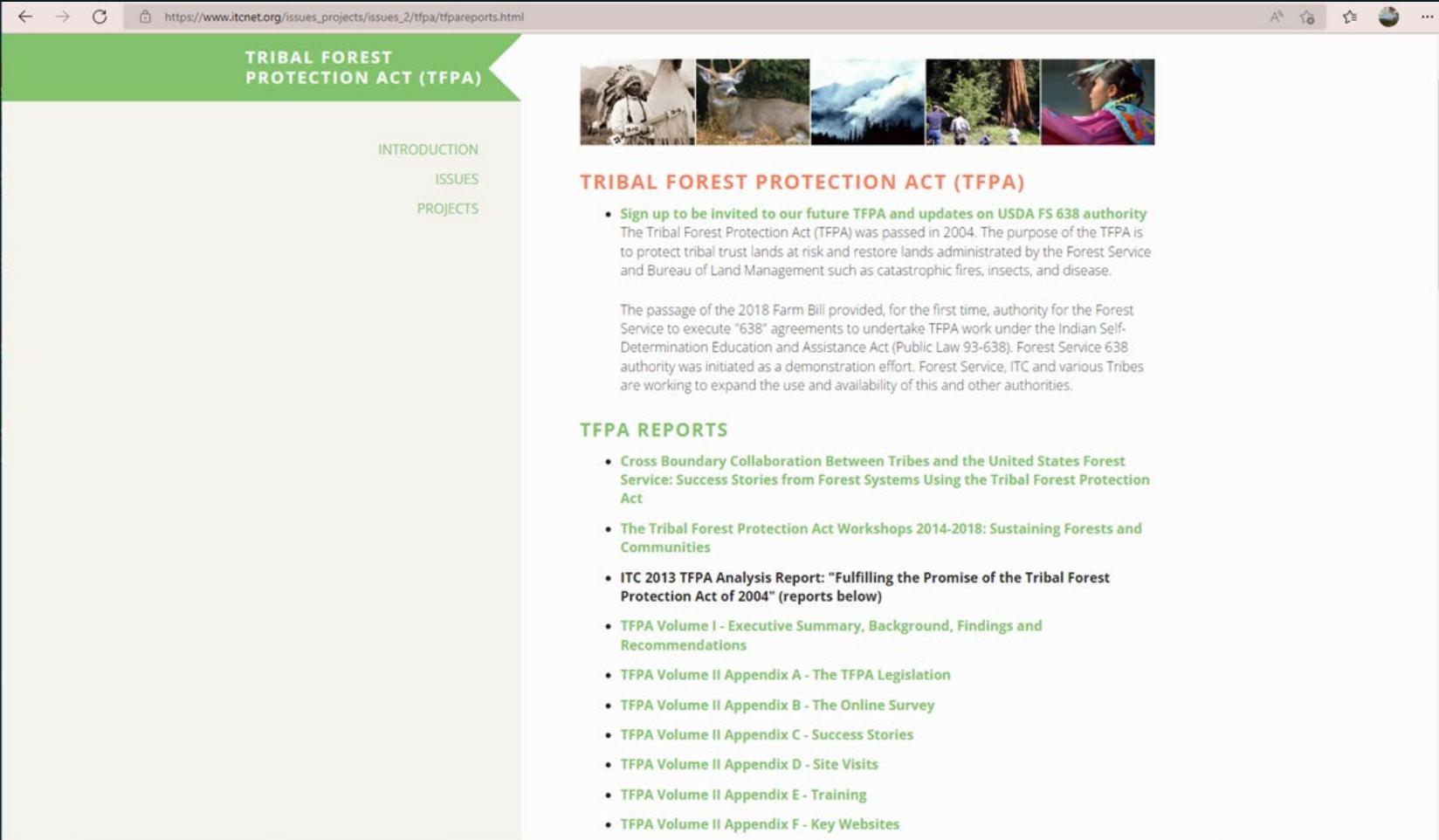
H T T P S : / / W W W . F S . U S D A . G O V / R E S T O R A T I O N / T R I B A L - F O R E S T - P R O T E C T I O N - A C T / 6 3 8 - P R O J E C T - A U T H O R I T Y . S H T M L



The screenshot shows a web browser window with the URL fs.usda.gov/restoration/tribal-forest-protection-act/638-project-authority.shtml. The page is titled "Tribal Forest Protection Act/638 Project Authority". The main content area features a photograph of a stream flowing through a forest. To the right of the main content are two vertical photographs: one showing a forested hillside and another showing a mountain range under a cloudy sky. The left sidebar contains a navigation menu with categories like "Restoration Home", "CFLR Program", "Tribal Forest Protection Act", "Integrated Resource Restoration", "Aquatic Organism Passage", "Legacy Roads and Trails", "Watershed Restoration Program", "Stewardship Contracting", "Reforestation", "Wood Innovations", "Forest Planning Rule", "Cohesive Wildland Fire Management Strategy", "Invasive Species", and "Contact Us". The top navigation bar includes links for "Visit Us", "Managing the Land", "Learn", "Science & Technology", "Working with Us", "About the Agency", and "Inside the FS". A search bar is located at the top right.

Tribal Forest Protection Act of 2004 - Resources

H T T P S : / / W W W . I T C N E T . O R G / I S S U E S _ P R O J E C T S / I S S U E S _ 2 / T F P A / T F P A R E P O R T S . H T M L



The screenshot shows a web browser displaying the URL https://www.itcnet.org/issues_projects/issues_2/tfpa/tfpreports.html. The page has a green header bar with the text "TRIBAL FOREST PROTECTION ACT (TFPA)". Below the header, there is a navigation menu with three items: "INTRODUCTION", "ISSUES", and "PROJECTS". To the right of the menu, there is a row of five small images: a person in traditional Native American clothing, a deer, a forest scene, a person in a red shirt, and a person in a blue shirt. The main content area is titled "TRIBAL FOREST PROTECTION ACT (TFPA)". It contains a bullet point: "Sign up to be invited to our future TFPA and updates on USDA FS 638 authority". Below this, there is a paragraph of text. The section is titled "TFPA REPORTS" and lists several reports and appendices, each with a green link. The reports include: "Cross Boundary Collaboration Between Tribes and the United States Forest Service: Success Stories from Forest Systems Using the Tribal Forest Protection Act", "The Tribal Forest Protection Act Workshops 2014-2018: Sustaining Forests and Communities", "ITC 2013 TFPA Analysis Report: "Fulfilling the Promise of the Tribal Forest Protection Act of 2004" (reports below)", "TFPA Volume I - Executive Summary, Background, Findings and Recommendations", "TFPA Volume II Appendix A - The TFPA Legislation", "TFPA Volume II Appendix B - The Online Survey", "TFPA Volume II Appendix C - Success Stories", "TFPA Volume II Appendix D - Site Visits", "TFPA Volume II Appendix E - Training", and "TFPA Volume II Appendix F - Key Websites".

TRIBAL FOREST PROTECTION ACT (TFPA)

- Sign up to be invited to our future TFPA and updates on USDA FS 638 authority

The Tribal Forest Protection Act (TFPA) was passed in 2004. The purpose of the TFPA is to protect tribal trust lands at risk and restore lands administrated by the Forest Service and Bureau of Land Management such as catastrophic fires, insects, and disease.

The passage of the 2018 Farm Bill provided, for the first time, authority for the Forest Service to execute "638" agreements to undertake TFPA work under the Indian Self-Determination Education and Assistance Act (Public Law 93-638). Forest Service 638 authority was initiated as a demonstration effort. Forest Service, ITC and various Tribes are working to expand the use and availability of this and other authorities.

TFPA REPORTS

- [Cross Boundary Collaboration Between Tribes and the United States Forest Service: Success Stories from Forest Systems Using the Tribal Forest Protection Act](#)
- [The Tribal Forest Protection Act Workshops 2014-2018: Sustaining Forests and Communities](#)
- [ITC 2013 TFPA Analysis Report: "Fulfilling the Promise of the Tribal Forest Protection Act of 2004" \(reports below\)](#)
- [TFPA Volume I - Executive Summary, Background, Findings and Recommendations](#)
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Implementing Through Agreements



There are several ways to partner with Tribes to carry out work for mutual benefit. TFPA created the process to propose a project and other instruments creates the tool to carry out that proposed work.

Quick Agreement Reminders

MASTER AGREEMENTS

- Master Agreements do not obligate any funding or authorize any work.
- General framework for the collaboration and partnership.

S U P P L E M E N T A L P R O J E C T A G R E E M E N T S (S P A S)

- SPA's elaborate on the specifics of the projects. SPAs must tier to a Master agreement regardless of the agreement tool.
- SPAs delineate specifications for projects, making them a useful tool for partners that plan to establish several agreements with the Forest Service.

S T A N D - A L O N E A G R E E M E N T S

- Stand-alones are a master/SPA combination.
- Stand-alone agreements are most useful when multiple projects are not anticipated under one partnership framework.

638 Agreements

- 638 Agreements are reserved specifically for Tribal cooperators with trust land and allows for the most autonomy of the Tribe in implementation of the project.
 - Only authorized with an approved TFPA project.
 - Objectives and standards are spelled out in the scope of work.
 - Budget/Financial Plan displaying anticipated costs by category.
 - Performance is the responsibility of the Tribal Cooperator.
 - Forest Service will provide technical assistance when requested.
 - Tribal Cooperators may give preference to Tribal subcontractors.



638 Agreement

- Tribal project, not a Forest Service project that a Tribal Cooperator performs
- No mutual benefit/interest required
- No match is required and typically 5 years in length
- 2 CFR 200 grant regulations do not apply
- May include technical assistance and capacity building.
- Indirect costs and contract support costs are allowed.
- The Forest Service may provide equipment, vehicles, and personal property necessary for completion of the project.
- Access to excess property by the Tribal Cooperator is also authorized.



Good Neighbor Authority (GN)

Good Neighbor Authority gives more autonomy to the Tribe and allows for a longer agreement term than several other agreements (10 years).



Good Neighbor Agreements

Must include Authorized Restoration Services

- Activities to treat insect and disease infected trees;
- Activities to reduce hazardous fuels; and
- Any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

Good Neighbor Agreements

- All projects proposed for completion under GN agreement will be in accordance with all requirements of the Forest Land Management Plan, applicable NEPA decisions, and other applicable laws including Endangered Species Act and National Historic Preservation Act.

Stewardship Agreements (SA)

Stewardship Agreements are the only partnership agreement tool that allow forest product removal, and the value of which can be applied to offset the cost of the project. Additionally, the match requirement can be waived for Tribal Nations engaging in Stewardship Agreements within a TFPAs-approved project.



Stewardship Agreements

Seven Land Management Goals

- Road and trail maintenance or decommissioning to restore or maintain water quality
- Soil productivity, habitat for wildlife and fisheries, or other resource values
- Setting of prescribed fires to reduce wildfire hazards, improve the composition, structure, condition, and health of forest stands; or to improve wildlife habitat
- Removing vegetation or other activities to promote healthy forest stands, reduce wildfire hazards, or achieve other land management objectives
- Watershed restoration and maintenance
- Restoration and maintenance of wildlife and fish habitat
- Control of noxious and exotic weeds and reestablishment of native plant species

Stewardship Agreements

- Master Stewardship Agreement
FS-1500-21
 - Type is determined based on the partnership and availability of resources of FS and the partner
 - Can be with a Tribe, non-profit organization or agency
 - 20% minimum partner contribution
 - Voluntary and flexible (can be modified at any time)
 - Mutual interest and benefit
 - Cost neutral (no profit)
- Supplemental Project Agreement
FS-1500-21A
- Stand-alone Stewardship Agreement (Can include timber harvest)
FS-1500-21C
- Stewardship Agreement Short Form (No timber allowed)
FS-1500-21D

Challenge Cost Share Agreements (CS)

Challenge Cost Share Agreements have no specific Tribal benefits (even with a TFPA) but can be a simpler way of implementing a Tribal partnership project when Tribes want to have a more significant role in cooperatively developing, planning, and implementing a project. NEPA focused partnerships are best under Challenge Cost Share Agreements.



Challenge Cost-Share Agreement

- Enables USFS to plan, develop and implement projects with partners that have mutual interest and mutual benefit.
- Projects must enhance FS activities. Allowable activities include habitat restoration, campground enhancements and conference development.
- 5 years in length
- Appropriated funds cannot be used for improvements on non-federal lands.
- Match can be cash, real or personal property, services, and/or in-kind contributions
- Financial plans required prior to start of work
- Program income resulting from project must be shown on financial plan.
- Do not circumvent procurement, printing, property or personnel procedures.



Participating Agreement (PA)

Participating Agreements have no specific Tribal benefits (even with a TFPA) but are most used with partners for projects involving specific activities such as training, interpretive work, and prescribed fire. Authorizes the Forest Service to enter cooperatively performed, mutually beneficial projects with public and private agencies, organizations, institutions, or persons.



Participating Agreement

Four Specific Areas:

1. Pollution abatement
2. Cooperative manpower, job training, and development programs
3. Development of publication of cooperative environmental education and forest history materials
4. Forestry Protection



Participating Agreement

General Requirements:

- Forest Service may provide reimbursable or advance payments
- Forest Service may reimburse cooperators for part of actual costs of materials and/or labor. Reimbursement can NOT be based on value, but must be actual costs incurred in support of the project
- Match can be cash, real or personal property, services, and/or in-kind contribution
- 5 years in length



Summary



Thank you

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Susan Johnson

Jim Durglo

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Tory Hahka

