

Tribal Sovereignty

2013 Sierra Water Group Summit

www.bia.gov/WhoWeAre/RegionalOffices/Pacific/NaturalResources/index.htm (Forestry and Wildland Fire)



 Gerald Jones
 Acting Regional
Forester
(916) 978-6076
gerald.jones@bia.gov
Pacific Region

Mission Statement

*improve the quality of life
promote economic opportunities
protect & improve Indian Trust assets*





HOME > WHO WE ARE > REGIONAL OFFICES > PACIFIC > DIVISION OF NATURAL RESOURCES

DIVISION OF NATURAL RESOURCES

Office of Trust Services - Division of Natural Resources

The primary function of the Trust - Natural Resources Management program is to assist Tribes in the management, development, and protection of Indian Trust land and natural resource assets. The resource management activities undertaken provide many benefits to the landowner such as revenue, jobs, and the protection of cultural, spiritual, and traditional resources.

The overall Trust - Natural Resources Management program fulfills Indian trust responsibilities through the strategy of improved management, protection, and development of Indian land and natural resource assets. The Natural Resources sub activity supports this strategy by allowing Tribes to manage their own natural resources and compliance with various regulations and requirements related to their natural resource assets.

The Division of Natural Resources is made up of the following programs:

Branch of Forestry

Branch of Wildland Fire Management

Branch of Water Rights/Water Resources

Branch of Irrigation, Power, and Safety of Dams Program (IPSOD)

CHOOSE A SERVICE

-- Click To Change Service --

REGIONS



Click the map to view our regions and their office contact information and the tribes served by that region

[RETURN TO PACIFIC REGION HOME PAGE](#)

Climate Change

[Institute of Tribal Environmental Professionals](#)

[NAU Tribal Climate Change Newsletters](#)

[Climate Change Funding Opportunity Database](#)

[National Fish, Wildlife, and Plants Climate Adaptation Strategy](#)

[Climate Adaptation Tools Newsletter](#)

Forestry & Fire

IA Regions & Agencies Map

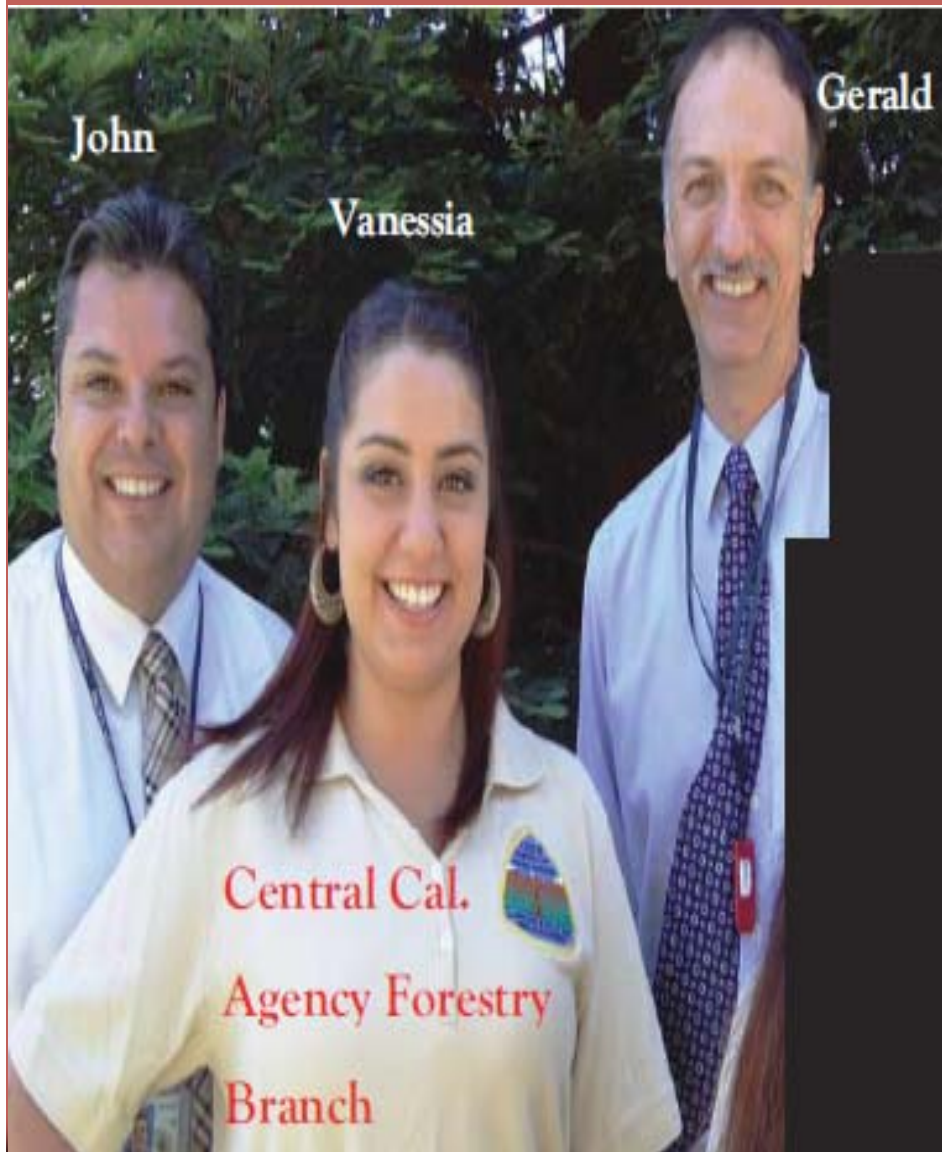


1 Pacific



BIA Central California Agency

53 BIAM Supp. 1 (1.3-PAA)



Management: Planning and Controlling Resources (Implement Plan)

Managing Resources Sustainably
across landscape





SOURCE: California Indian Library
Collections, Bancroft Library,
University of California, Berkeley



Indians Beneficial Owners of:

*Our land is everything to us...
I will tell you one of the things
we remember on our land.
We remember that our grandfathers
paid for it - with their lives.*

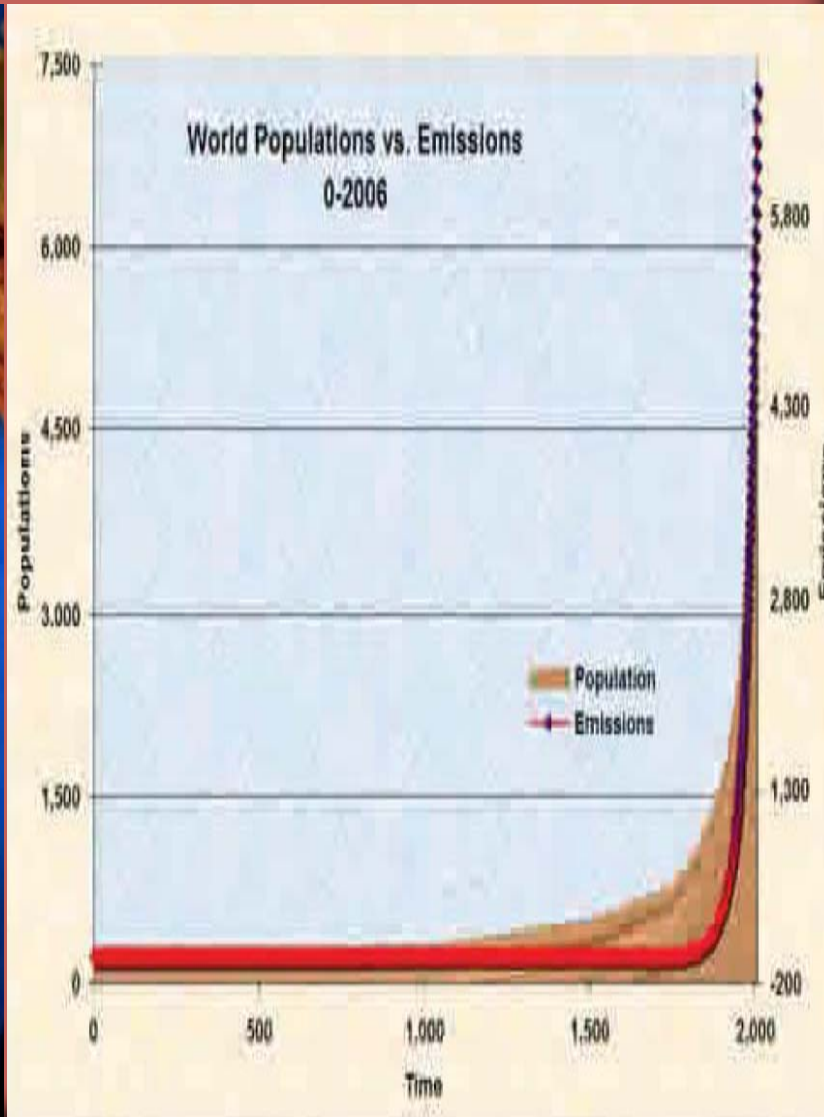
**Public
Tribal
Allotted
Some Fee Title**

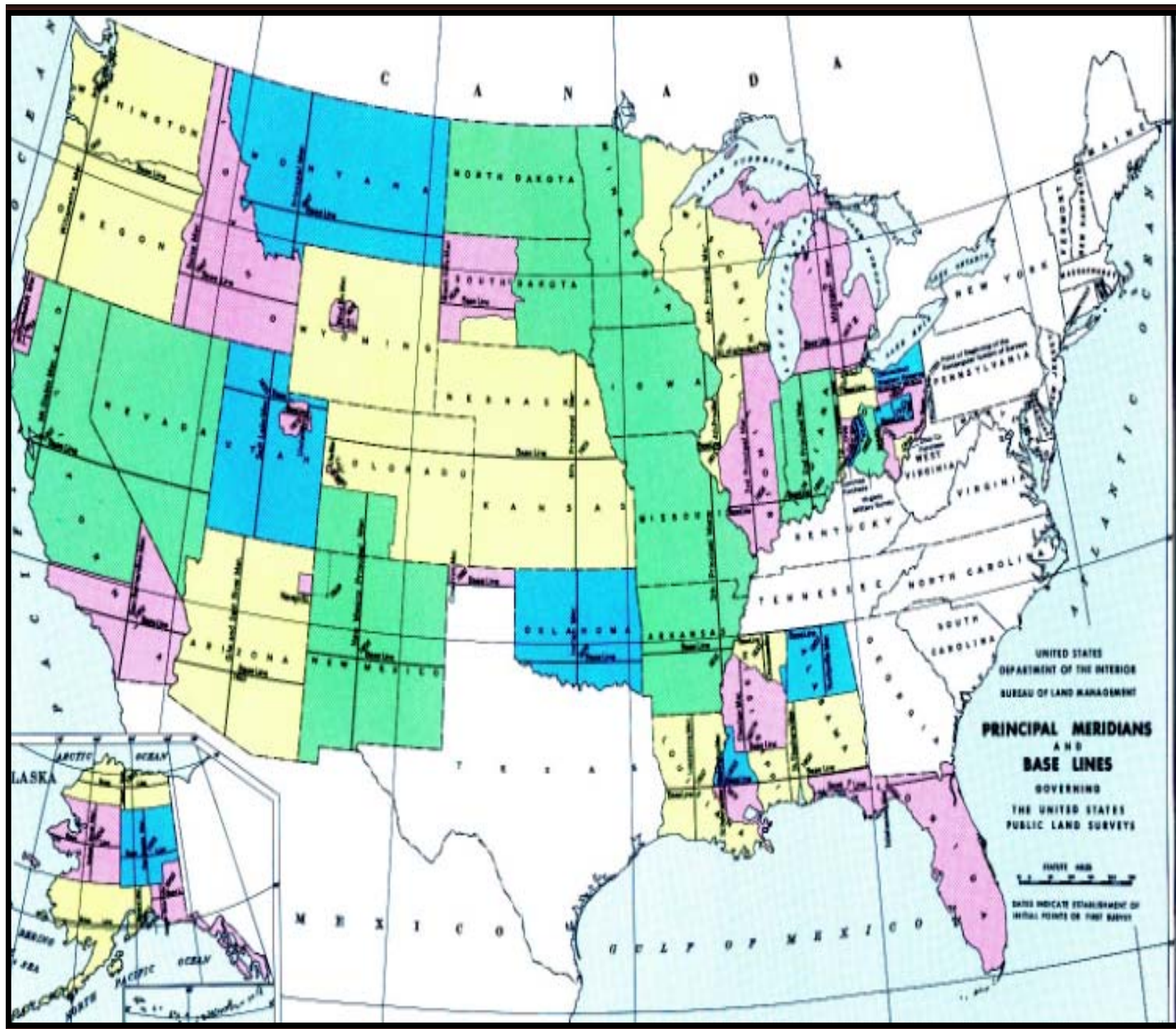


ORAZZLEJUNCTION.COM



Global Climate Change





Breaking Up Indian Country Into Rectangles

One Long Furrow

(250 steps) “furlong”

(the “pint” of English measurements)

(1 mile = 8 furlongs = 2,000 Steps)

1/10 (furlong) = 1 Chain (25 Steps)

1 Chain = 100 links

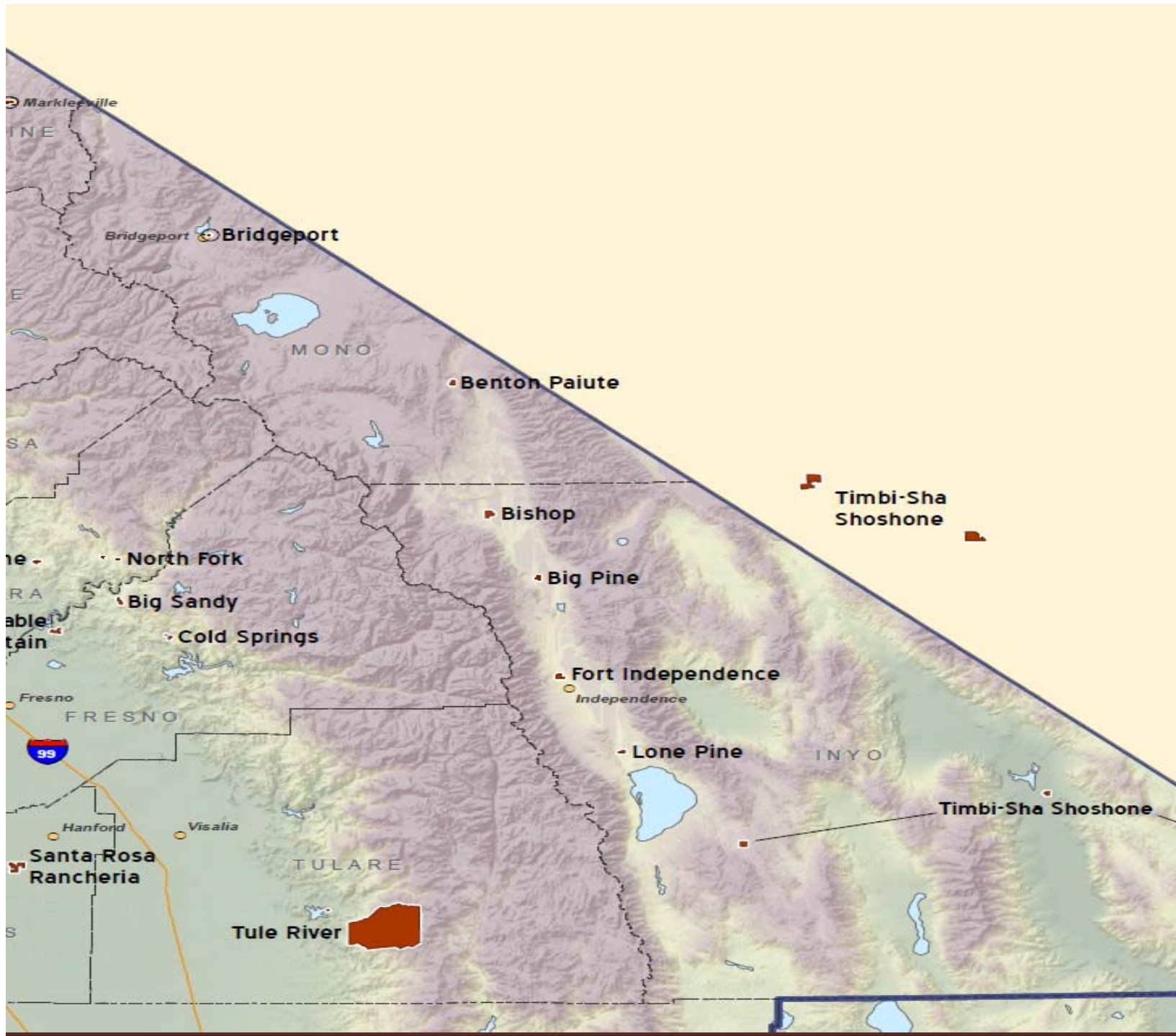
1 days work (Man + Ox)

1 furlong * 1 chain = 1 acre

10 square Chains

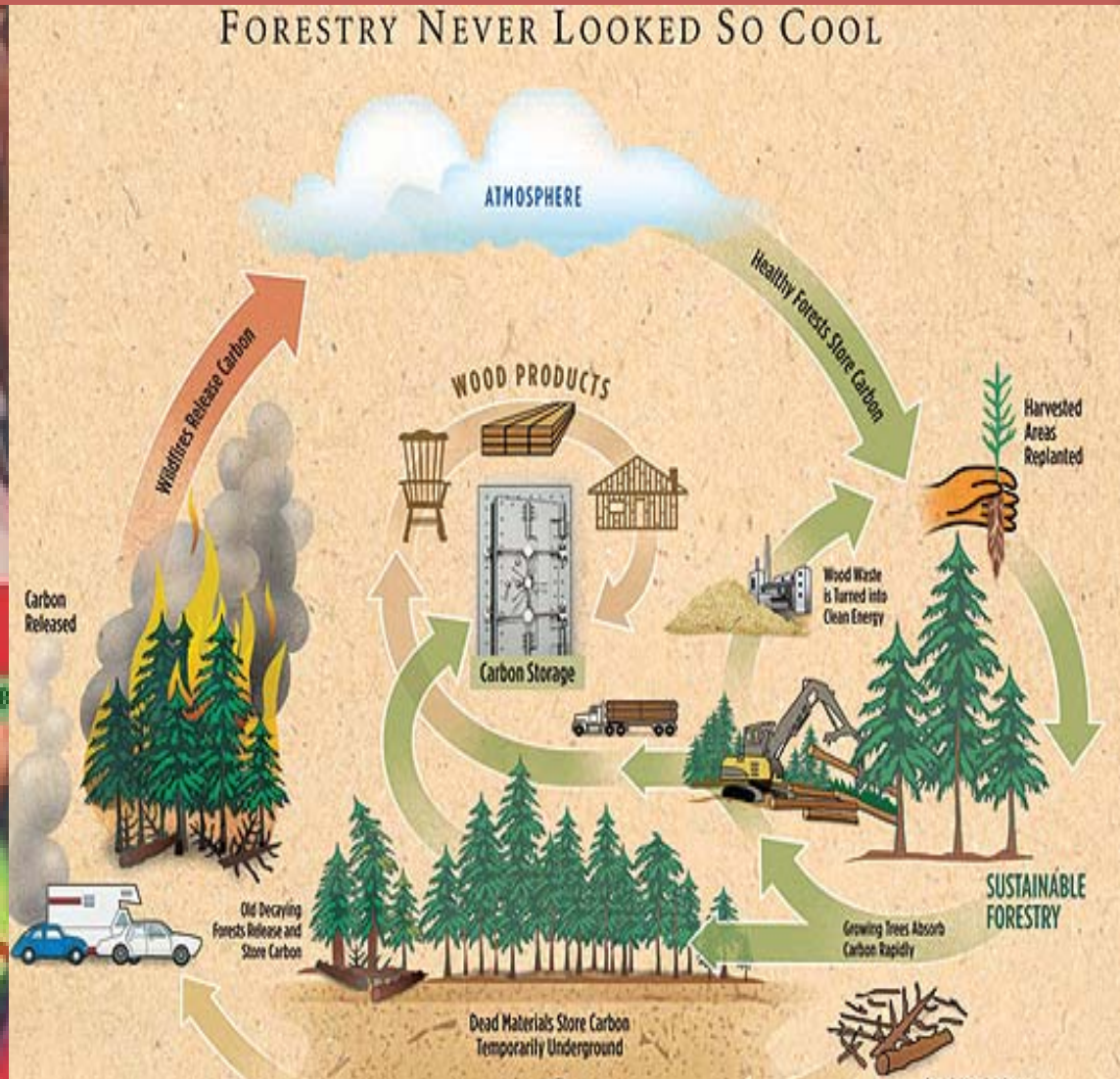
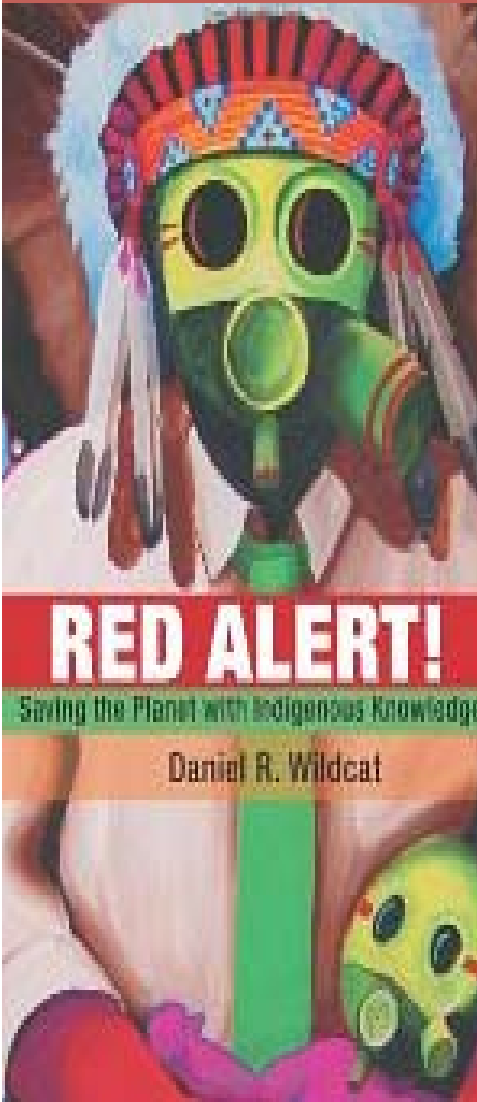








Indian Forestry Can Sequester Carbon “Cool”



Primary Corpus of Indian Trust

■ Indians

■ Fish & Wildlife

■ Land & Resources

(forest resource=H₂O)



Guidelines for Comprehensive Indian Water Rights Protection and Water Resources Management

Integrated Regional Water Management Proposition 84 and 1E



25 USC 3103(15) & 25 CFR 163.11(b)

The California Natural Resources Agency
Department of Water Resources
Division of Integrated Regional Water Management



Table 1 – Statewide Priorities

Statewide Priority	Description	Source
Improve Tribal Water and Natural Resources	Proposals that include the development of Tribal consultation, collaboration, and access to funding for water programs and projects to better sustain Tribal water and natural resources.	CWP Update 2009
Ensure Equitable Distribution of Benefits	<p>Proposals that:</p> <ul style="list-style-type: none"> • Increase the participation of small and disadvantaged communities in the IRWM process. • Develop multi-benefit projects with consideration of affected disadvantaged communities and vulnerable populations • Contain projects that address safe drinking water and wastewater treatment needs of DACs • Address critical water supply or water quality needs of California Native American Tribes within the region • Help meet State policies intended to provide access to safe, clean, and affordable water 	<ul style="list-style-type: none"> • CWP Update 2009 • AB 685 (Effective January 1, 2013)



Table 1 – Statewide Priorities

Statewide Priority	Description	Source
Climate Change Response Actions	<p>Water Management actions that will address the key Climate Change issues of:</p> <ul style="list-style-type: none"> • Assessment of Vulnerabilities as a Result of Climate Change • Adaptation to Climate Change • Reduction of Greenhouse Gas (GHG) Emissions • Reduce Energy Consumption <p>Proposals that contain projects that when implemented address adaptation to climate change effects in an IRWM region. Desirable proposals include those that:</p> <ul style="list-style-type: none"> • Advance and expand conjunctive management of multiple water supply sources • Use and reuse water more efficiently • Water management system modifications that address anticipated climate change impacts, such as rising sea-level, and which may include modifications or relocations of intakes or outfalls • Establish migration corridors, re-establish river-floodplain hydrologic continuity, re-introduce anadromous fish populations to upper watersheds, and enhance and protect upper watershed forests and meadow systems <p>Proposals that contain projects that reduce GHG emissions compared to alternate projects that achieve similar water management contributions toward IRWM objectives. Desirable proposals include those that:</p> <ul style="list-style-type: none"> • Reduce energy consumption of water systems and uses • Use cleaner energy sources to move and treat water <p>Proposals that contain projects that reduce not only water demand but wastewater loads as well, and can reduce energy demand and GHG emissions. Desirable proposals include:</p> <ul style="list-style-type: none"> • Water use efficiency • Water recycling • Water system energy efficiency • Reuse runoff 	<ul style="list-style-type: none"> • CWP Update 2009 • AB 32 • Managing an Uncertain Future, DWR October 2008 <p>523 DM 1</p>



Expand Environmental Stewardship	Proposals that contain projects that practice, promote, improve, and expand environmental stewardship to protect and enhance the environment by improving watersheds, floodplains, and instream functions, and to sustain water and flood management ecosystems. Also, proposals that contain projects that protect, restore, and enhance the Delta ecosystem	<ul style="list-style-type: none"> • CWP Update 2009 • DWR Environmental Stewardship Policy • Delta Reform Act 2009
Practice Integrated Flood Management	<p>Proposals that contain projects that promote and practice integrated flood management to provide multiple benefits including:</p> <ul style="list-style-type: none"> • Better emergency preparedness and response • Improved flood protection • More sustainable flood and water management systems • Enhanced floodplain ecosystems • LID techniques that store and infiltrate runoff while protecting groundwater 	CWP Update 2009
Protect Surface Water and Groundwater Quality	<p>Proposals that include:</p> <ul style="list-style-type: none"> • Protecting and restoring surface water and groundwater quality to safeguard public and environmental health and secure water supplies for beneficial uses • Salt/nutrient management planning as a component of an IRWM Plan 	SWRCB Recycled Water Policy



2. *Projects Requesting Proposition 84 IRWM Implementation Funding*

Eligible projects must yield multiple benefits and include one or more of the following elements (PRC §75026.(a)):

- ↪ Water supply reliability, water conservation, and water use efficiency
- ↪ Stormwater capture, storage, clean-up, treatment, and management
- ↪ Removal of invasive non-native species, the creation and enhancement of wetlands, and the acquisition, protection, and restoration of open space and watershed lands
- ↪ Non-point source pollution reduction, management, and monitoring
- ↪ Groundwater recharge and management projects
- ↪ Contaminant and salt removal through reclamation, desalting, and other treatment technologies and conveyance of reclaimed water for distribution to users
- ↪ Water banking, exchange, reclamation, and improvement of water quality
- ↪ Planning and implementation of multipurpose flood management programs
- ↪ Watershed protection and management
- ↪ Drinking water treatment and distribution
- ↪ Ecosystem and fisheries restoration and protection



Table 2 – IRWM Plan Standards

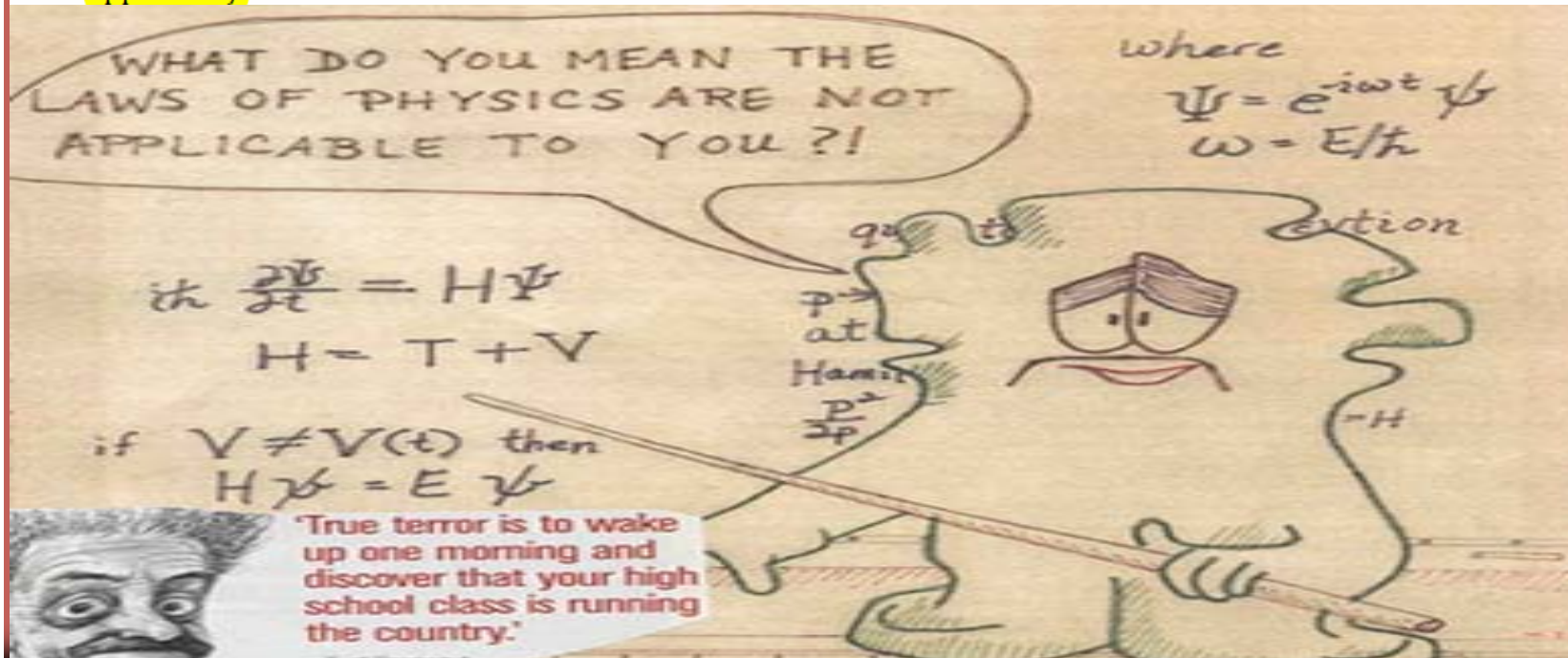
- | | |
|---|---|
| <ul style="list-style-type: none">• Governance• Region Description• Objectives• Resource Management Strategies (RMS)• Integration• Project Review Process• Impact and Benefit• Plan Performance and Monitoring | <ul style="list-style-type: none">• Data Management• Finance• Technical Analysis• Relation to Local Water Planning• Relation to Local Land Use Planning• Stakeholder Involvement• Coordination• Climate Change |
|---|---|




2. Region Description

An IRWM Plan must include a description of the region being managed by the RWMG. This description should include a comprehensive inclusion of the following:

- ↳ A description of the social and cultural makeup of the regional community. Identify important cultural or social values. Identify DACs in the management area. Describe economic conditions and important economic trends within the region. Describe efforts to effectively **involve** and collaborate with Tribal government representatives to better sustain Tribal and regional water and natural resources (if applicable).



Impact and Benefit

 The IRWM Plan **must** contain a discussion of potential impacts and benefits of Plan implementation. This discussion **must** include both impacts and benefits within the IRWM Region, between regions, and those directly affecting DAC, EJ related concerns, and **Native American Tribal communities.**



14. Stakeholder Involvement

The IRWM Plan must contain the following items:

- ✎ A public process that provides outreach and an opportunity to participate in IRWM Plan development and implementation to the appropriate local agencies and stakeholders, as applicable to the region, including the following:

- Native American tribes



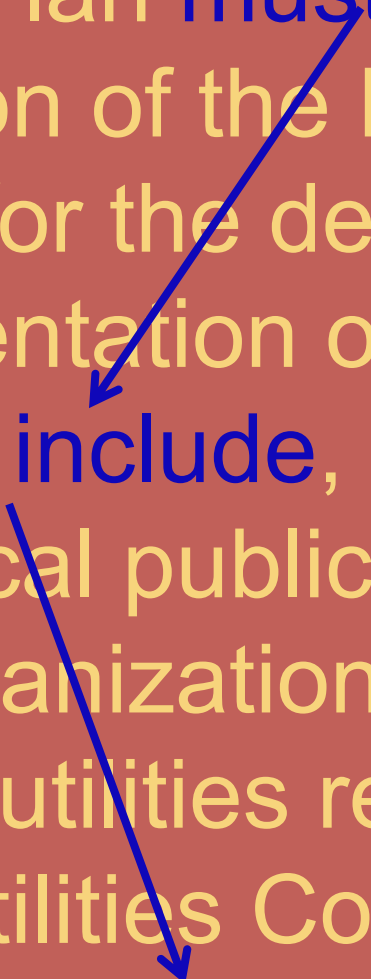
California Native American Tribe

all Indigenous Communities of California, which are on the contact list maintained by the Native American Heritage Commission, including those that are federally nonrecognized and federally recognized, **and those with allotment lands**, regardless of whether they own those lands. Additionally, because some water bodies and Tribal boundaries cross State borders, this term may include Indigenous Communities in Oregon, Nevada, and Arizona that are impacted by water in California.



Group responsible for development of Plan

The IRWM Plan must include a description of the RWMG responsible for the development and implementation of the Plan. RWMGs can include, but are not limited to, local public agencies, non-profit organizations, privately owned water utilities regulated by the Public Utilities Commission, tribal governments



Factors that a project review process should consider projects for inclusion in the IRWM Plan:

- *Specific benefits to critical water issues for Native American tribal communities.* The project review process **must consider** if the project helps to address **critical water supply and water quality needs of Native American tribal communities within the IRWM region.**



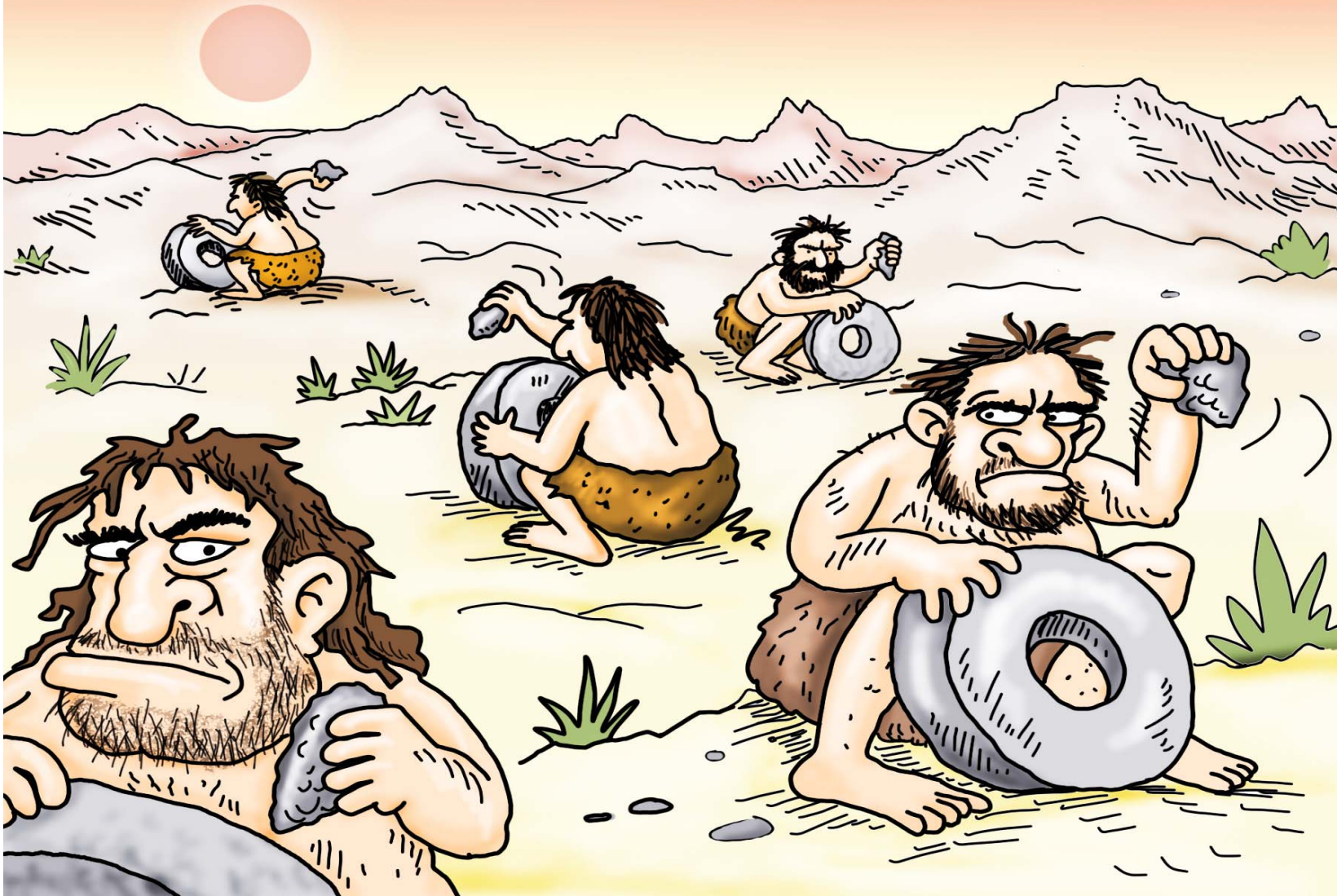
“Public” Involvement Processes

- IRWM Plan needs to include a public (Indians & Non-Indians) involvement process
 - Native American tribes that have lands (USFS, BLM, USPS, BIA *federal trust for Indians) within the region



⊘ Reinvention Needed

© Oxford Creativity 2012




Decoding Integrated Water Resource Management Planning – Promoting Indian Values & Sovereignty



What is “Indian Water”

25 USC 3103(7)

 **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



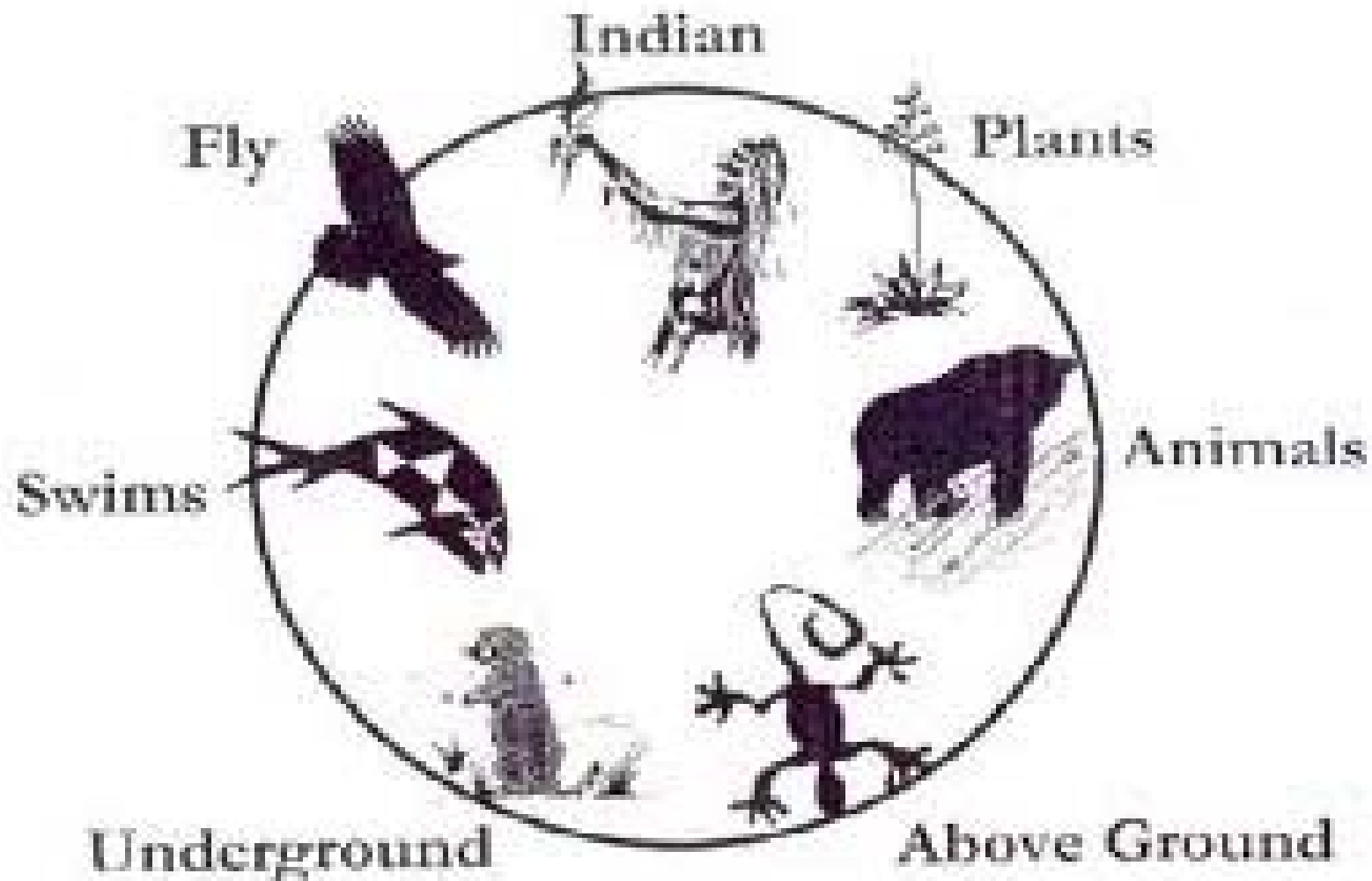
Are your forest resources part of
a landscape?



Got Forest Resources

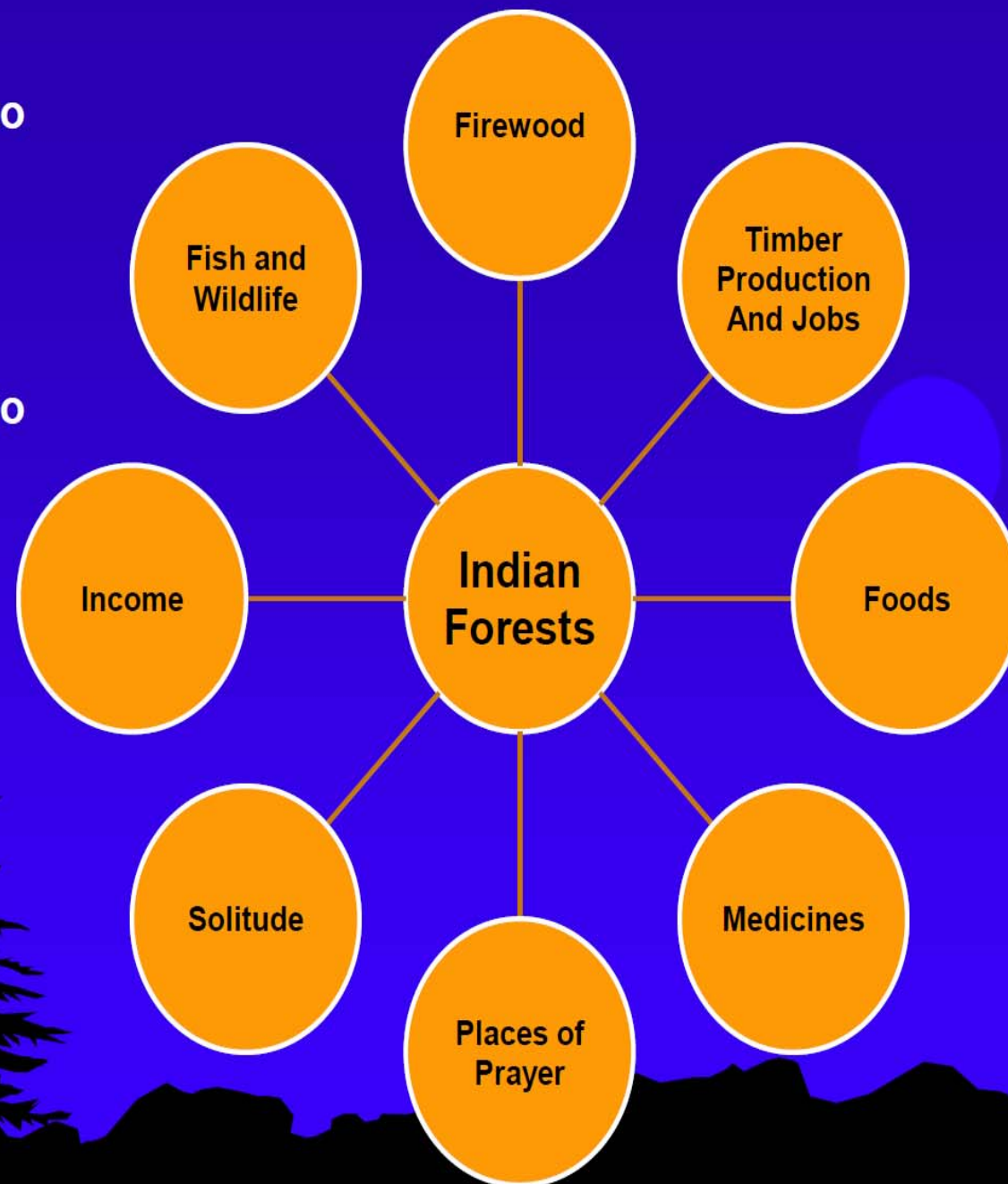


Forest Land-Water-Connectivity

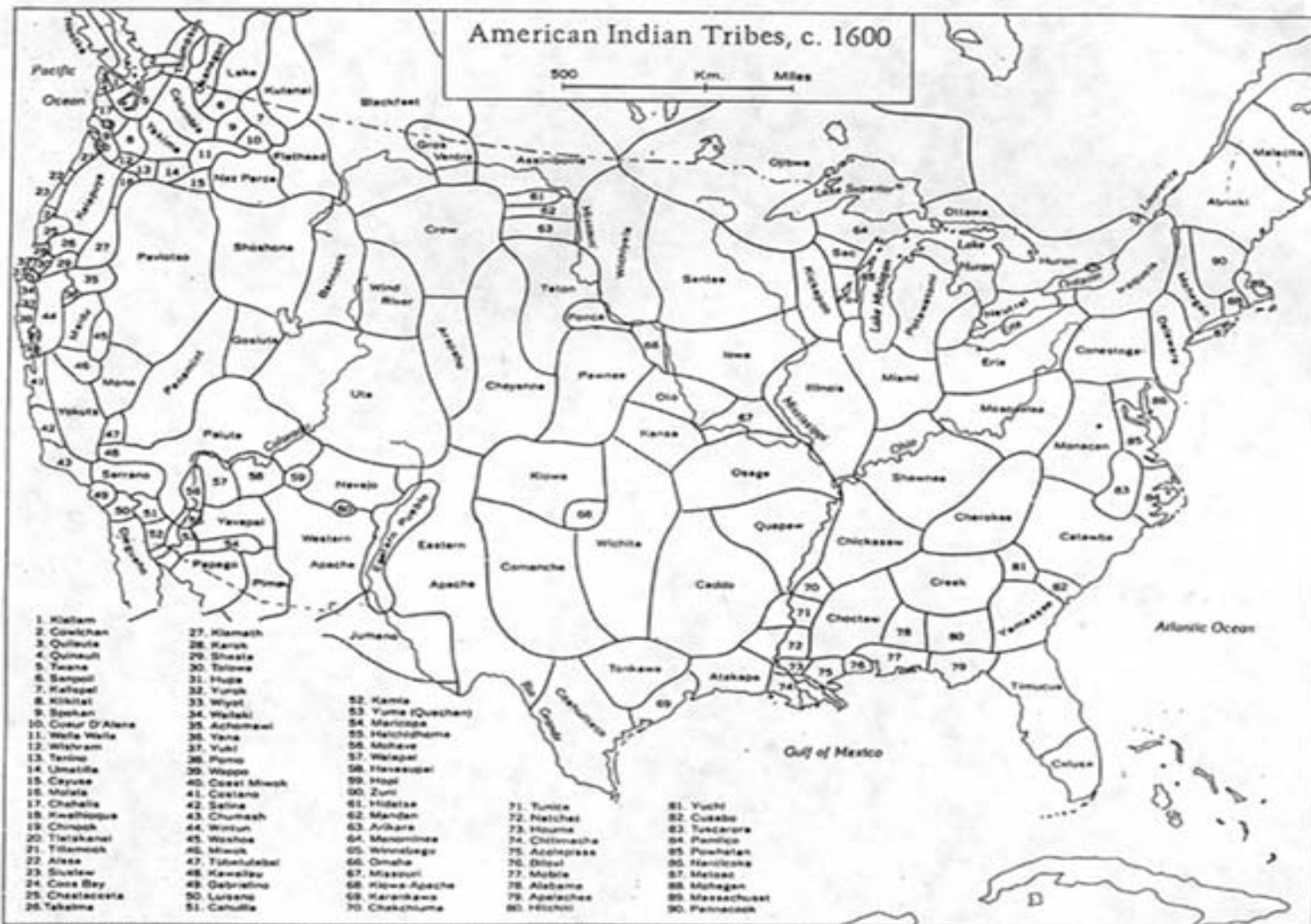


**What do Tribal
Forests mean to
the people?**

**A sense of
responsibility to
care for the
forest as
stewards**



Indian Trust & Restricted

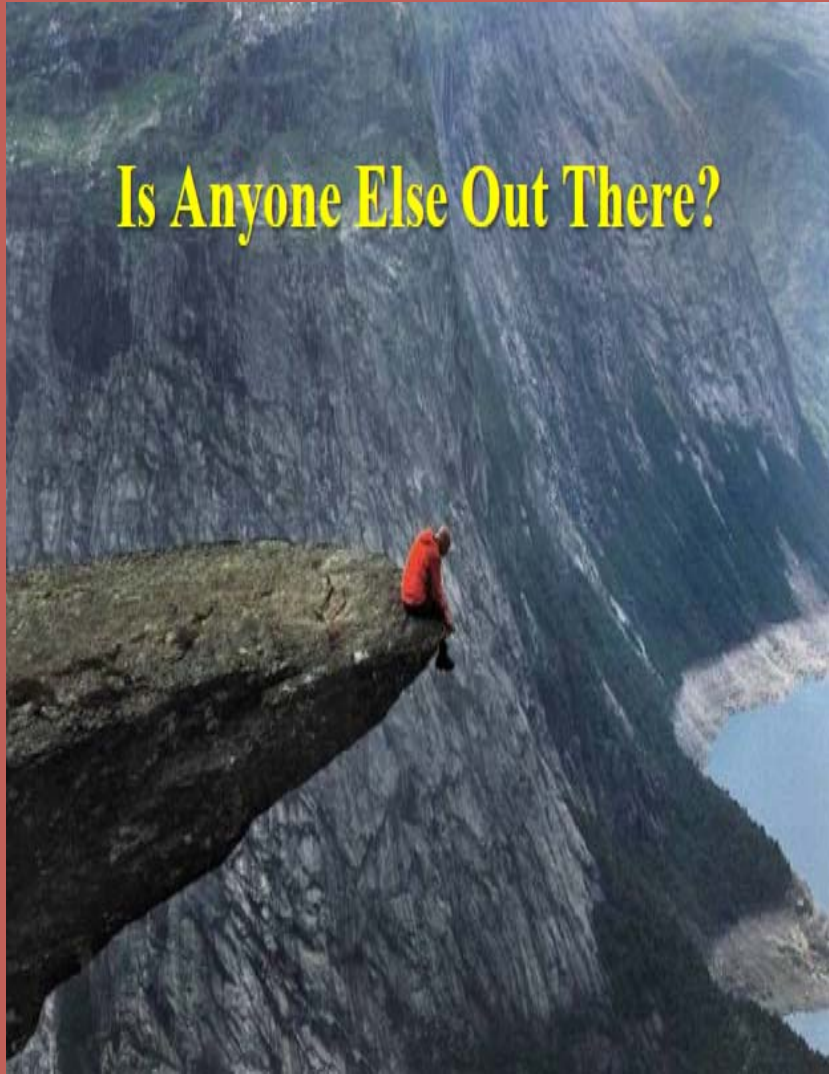


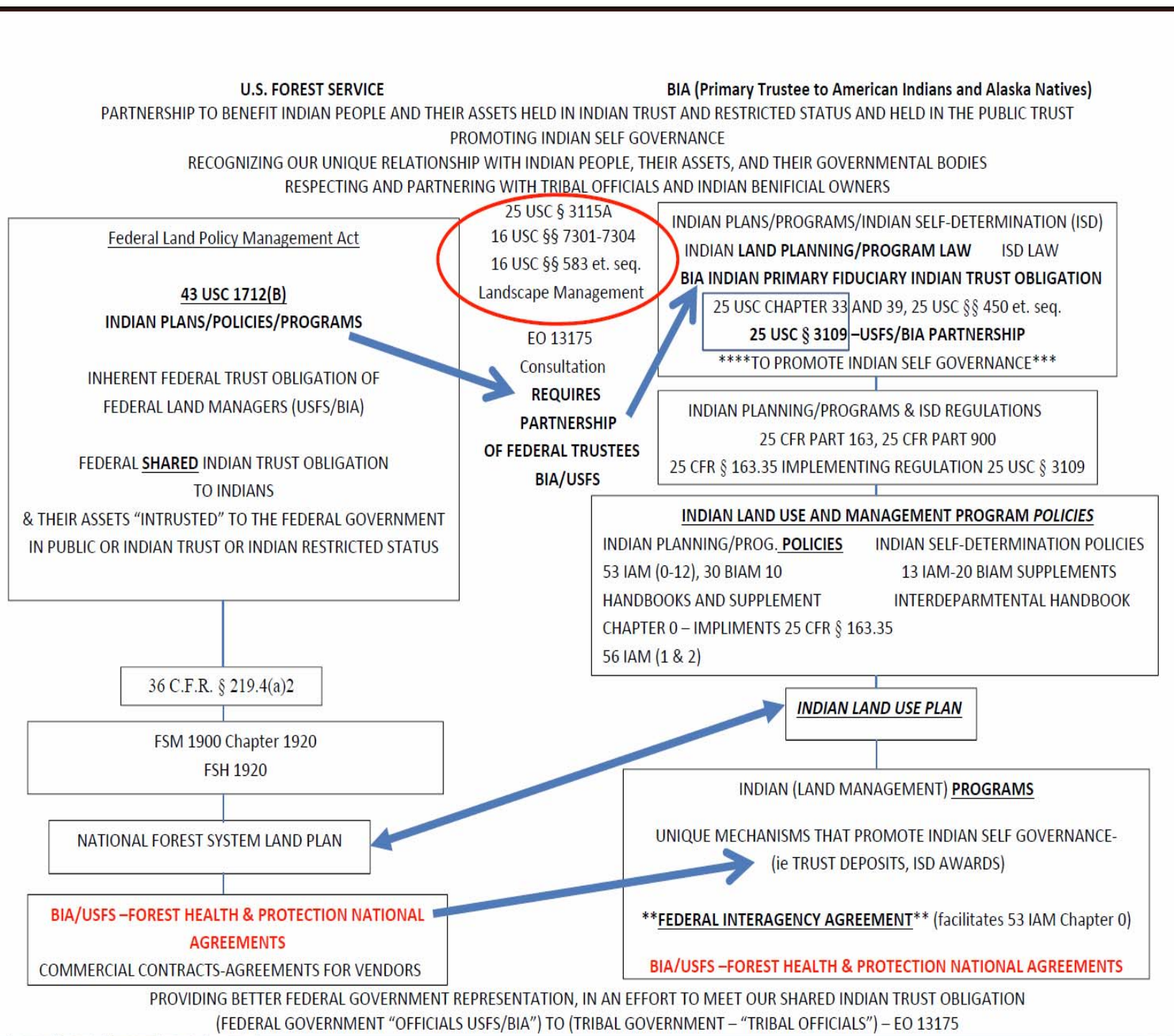
Source: Adapted from George Peter Murdock, *Ethnographic Bibliography of North America*, 3d ed. (New Haven, 1960).

“Restricted *forestry*” Rights

Is Anyone Else Out There?

- Sustained Yield Forest Management Act
- Forest Landscape Restoration
- FLPMA
- ISDA
- Tribal Forest Protection Act
- LCC





Partnering with Indians as Equals

State of California

EO B-10-11

Feds


EO 13175

(25 USC 450)



Tribal Partnership Policy


10/21/98

 commits DoD to work closely with the tribes to better understand and address mutual concerns and interests



Sustained Yield Unit

Emphasizes Fee & Indian Lands

 *To promote sustained-yield forest management in order thereby, (a). to stabilize communities, forest industries, employment, and taxable forest wealth; (b) to assure a continuous and ample supply of forest products; and (c) to secure the benefits of forests in regulation of water supply and stream flow, prevention of soil erosion, **amelioration of climate**, and preservation of wildlife.*



LANDSCAPE SCALE MANAGEMENT (Anchor Forests)

Call for Action

- **Tribal Community**
 - Intertribal Timber Council
 - National Congress of American Indians
 - Affiliated Tribes of Northwest Indians
- **National Association of State Foresters**
- **Western Governor's Association**

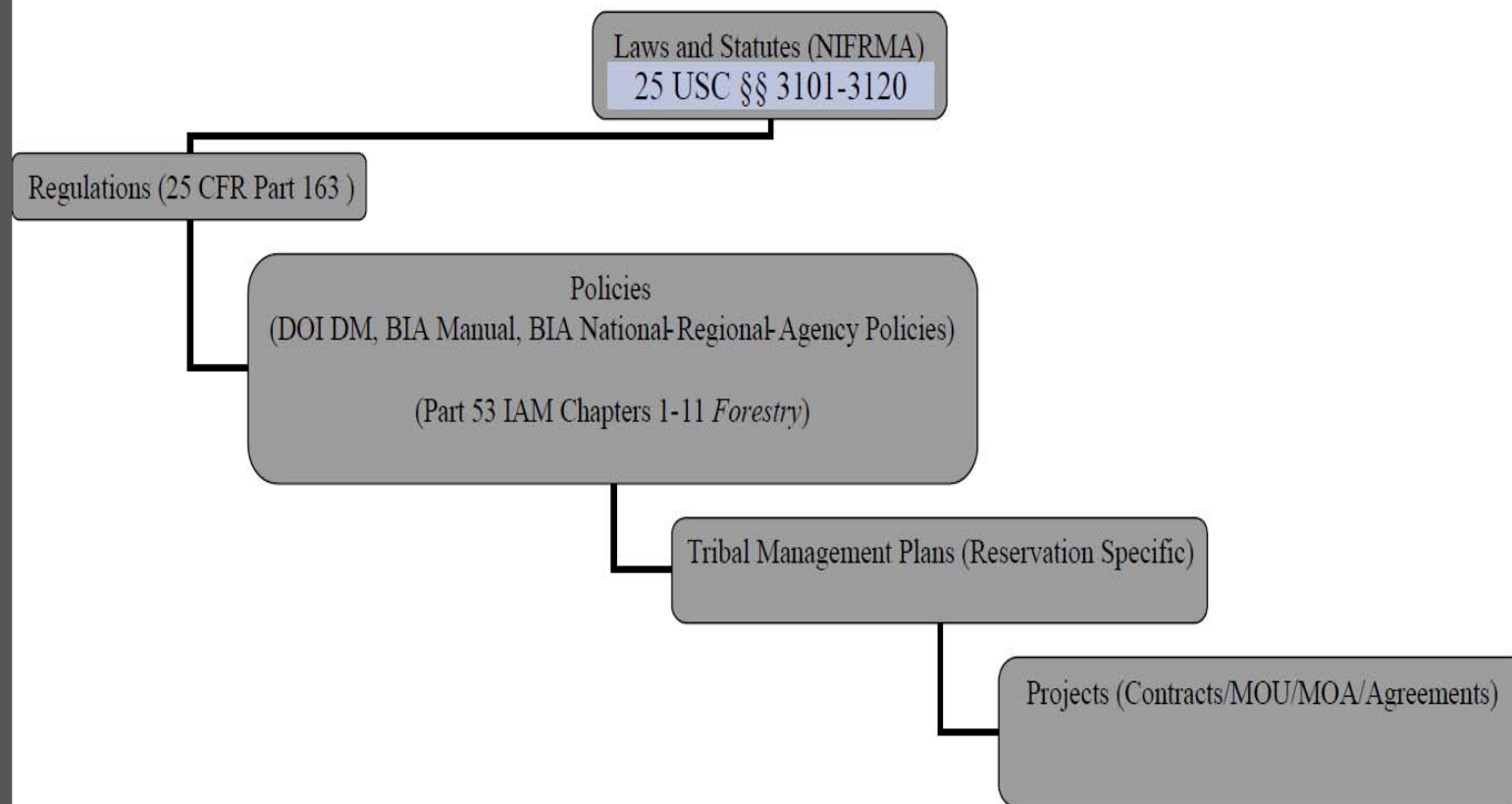




Tribes and Their Forests Stand Out



“The Tribal Trust Forestry Rules”



Promoting Sovereignty – Indian Self Determination



Self-Determination Policy

"Let's forget about termination and try a policy that has never been tried before - development of Indian reservations for Indians and development of Indians as human beings with a personality and dreams for a bright future"

Earle Old Person, NCAI **1966**

"I propose, in short, a policy of maximum choice for the American Indian; a policy expressed in programs of self-help, self-development, self-determination."

President Lyndon B. Johnson. **1968.**

Public Papers of the Presidents of the United States

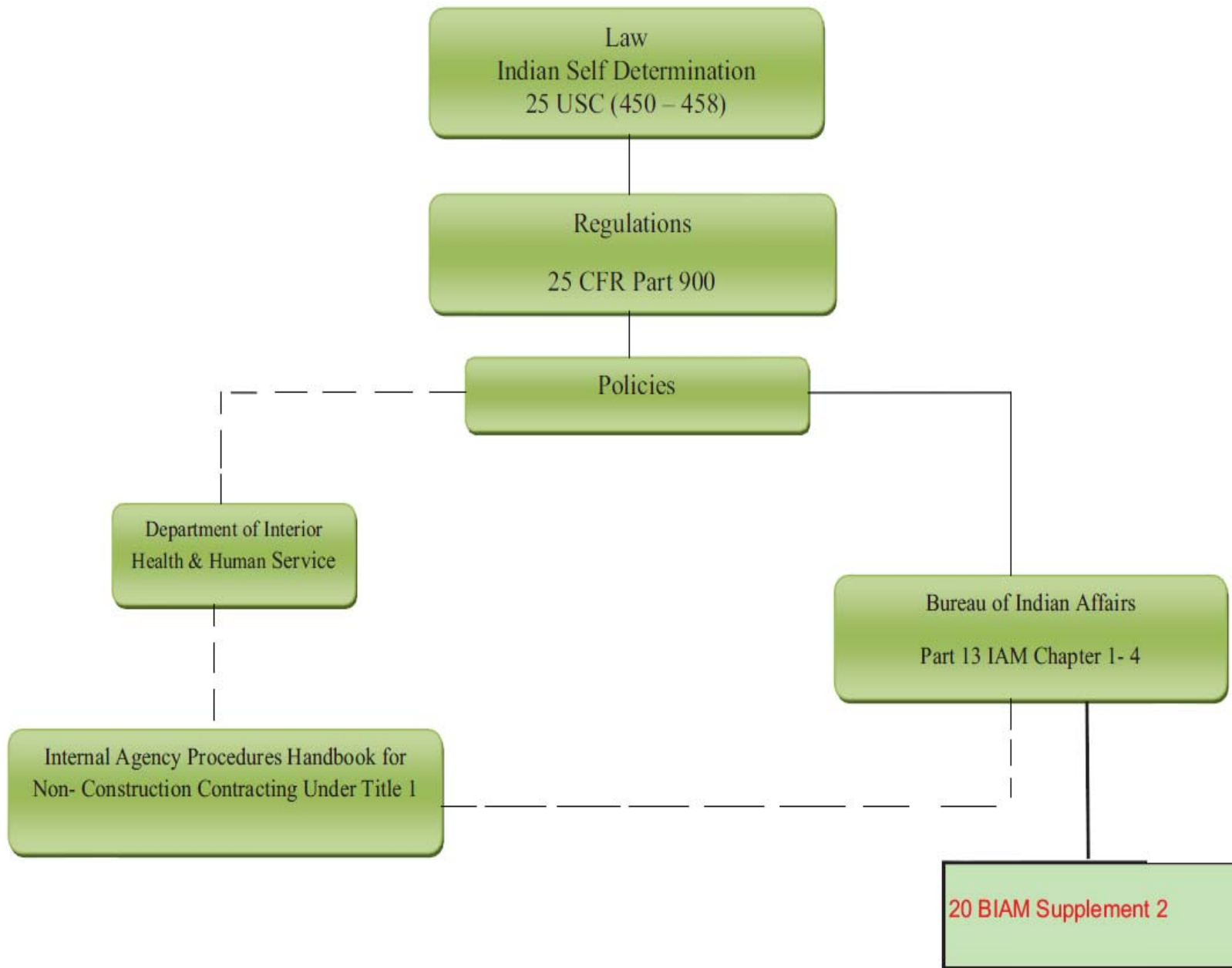
"We must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support."

President Richard M. Nixon. July 8, **1970**

Special Message to Congress on Indian Affairs.



THE INDIAN SELF DETERMINATION RULES




An Organization By Any Other Name

IRWM Grants

for:

 ~~Public Agencies~~

 Non-Profit
Organization

 Tribal
Organization
(25 USC 450b.(I))



True Partners Play on a Level Playing Field



Are There Partners



Partnerships Should Not Be Feared



But Embraced



It's a lovely embrace Darling, but please,
don't squeeze me so tightly...

Partnering with Indians Promoting Sovereignty





TITLE 25 - INDIANS

CHAPTER 33 - NATIONAL INDIAN FOREST RESOURCES MANAGEMENT

-HEAD-

Sec. 3109. Indian forest land assistance account

-STATUTE-

(a) Establishment

At the request of an Indian tribe, the Secretary may establish a special Indian forest land assistance account within the tribe's trust fund account to fund the Indian forest land management activities of such tribe.

(b) Deposits and expenditures

(1) The Secretary may deposit into the Indian forest land assistance account established pursuant to subsection (a) of this section any funds received by the Secretary or in the Secretary's possession from -

(A) non-Federal sources, if such funds are related to activities on or for the Indian forest lands of such tribe's reservation.

(B) donations and contributions.

(C) unobligated forestry appropriations for the benefit of such Indian tribe, and

(D) user fees or other funds transferred under Federal interagency agreements if otherwise authorized by Federal law and, if such funds are related to activities on or for the Indian forest lands of such tribe's reservation.

Funds deposited in such account shall be for the purpose of conducting forest land management activities on the Indian forest lands of such tribe.

(2) Funds in the Indian forest land assistance account and any interest or other income earned thereon shall remain available until expended and shall not be available to otherwise offset Federal appropriations for meeting the Federal responsibility for management of Indian forest lands.

(c) Audits

At the request of an Indian tribe or upon the Secretary's own volition, the Secretary may conduct audits of the Indian forest land assistance account and shall publish the results of such audit.



Total Available Indian Forest Land Assistance Funds \$ _____

Cost of Activities Covered by This Plan \$ _____

Transfer of Funds from BIA to Tribal Account \$ _____

Funds Not Transferred – Deferred for Future Use \$ _____

APPROVAL:

Adopted by Tribal Council Resolution No. _____

Investor in Indian Trust/Partner Date

Tribal Official Date

Superintendent/Trust Officer Date

Regional Director Date



Secure Funds for Indian Forest Resources (Water)



Tribal Grant Writers & Partners



BIA Forestry Needs You

Promoting investments on or for Indian forests lands

■ (FL) Accounts



Zero ≠ \$ 0.00

INDIAN FOREST MANAGEMENT HANDBOOK

53 IAM 0-H

Recommend corresponding IAM chapter or reference as a "Guide" in corresponding handbooks



FORESTRY COLLECTIONS AND DISTRIBUTIONS

Release # _____ 53 IAM 0-H
Replaces: BIA Forestry Collections And
Distributions Handbook, September 2002.

Issued: August , 2008



BIA Programs Disk



Gerald was the only one who thought of pushing the
Easy Button

