

10. Tribal Relations

10.1 Introduction

Under the authority of the Forest Practices Act (chapter 76.09 RCW), the Forest Practices Board's rules promote cooperative relationships and agreements with Indian tribes, and direct DNR Forest Practices staff to consult and cooperate with affected tribes when developing and implementing many parts of the Forest Practices Program (WAC 222-12-010). These rules define "affected Indian tribe" as "any federally recognized Indian tribe that requests in writing information from the department on forest practices applications and notification filed on specified areas" (WAC 222-16-010).

Washington's 29 federally recognized Indian tribes are key cooperators in the Forest Practices Program. Because of the sovereign status of these tribal governments, the relationship between DNR and the tribes is government-to-government.

Tribes in Washington—as well as some tribes in Oregon and Idaho—participate in the Forest Practices Program to varying degrees. Tribes are members of the Adaptive Management Program's committees: the Forests and Fish Policy Committee; Cooperative Monitoring, Evaluation, and Research Committee; the Board's Timber/Fish/Wildlife Cultural Resources Roundtable (formerly "Committee"; see 10.3 below), and the Small Forest Landowner Advisory Committee. Additionally, tribal representatives work with staff from DNR's Forest Practices Program and other agencies and organizations to draft Forest Practice Rules and Board Manual guidelines, review Forest Practice Applications and Notifications, and Alternate Plans, provide technical onsite expertise in DNR's interdisciplinary team reviews, and complete water and wetland typing.

This chapter provides information on two areas of forest practices work specific to tribal relations. The first is an update on the rule required forest landowner/tribal meetings and process improvements regarding implementing and tracking. The second is an update on the work by Timber/Fish/Wildlife Cultural Resources Roundtable.

10.2 Landowner/Tribal Meetings and WAC 222-20-120 Update

One of the reporting elements in the Forest Practices HCP is the required landowner/tribal meetings, and the process improvements being made by the Forest Practices Program to more consistently implement this rule.

Subsection (1) of the rule requires the Forest Practices Program to "notify affected Indian tribes of all applications of concern to such tribes, including those involving cultural resources, identified by the tribes". To implement Subsection (1), the program notifies a tribe of the applications and notifications the tribe is interested in via the Forest Practices Application Review System (FPARS). FPARS is an internet-based review and permitting system for Washington's Forest Practices permits. A tribe simply signs up by completing an FPARS Reviewer Profile, and then automatically receives all applications and notifications that meet the parameters of their profile. Currently, all but one of the federally recognized tribes in Washington have chosen to review Forest Practices Applications and Notifications.

When an application involves a cultural resource, Subsection (2) of this rule requires the forest landowner to “meet with the affected tribe(s) with the objective of agreeing on a plan for protecting the archaeological or cultural value.” To improve implementation, DNR completed the following steps in 2008 and 2009 to help address region audit findings regarding tracking of these required landowner/tribal meetings, and to initiate data collection on the meetings for the HCP annual report.

- DNR updated guidance on tracking landowner/tribal meetings (2009 Forest Practices HCP annual report – Appendix J).
- DNR implemented a new tracking method in September 2008 that uses the Forest Practices master log to record:
 - which applications required a landowner/tribal meeting, and
 - which of the required landowner/tribal meetings took place.
- The Forest Practices Program conducted training in 2008 and provided guidance to the regions on implementing new historic sites rules as well as WAC 222-20-120. The training:
 - explained the Board’s new classification criteria for applications involving cultural resources,
 - emphasized that the landowner/tribal meeting is required for all Class IV-special applications involving a cultural resource,
 - discussed how to use the Forest Practices Application/Notification Office Checklist for tracking Forest Practices Applications that have a cultural resource issue, and
 - discussed how to use the Forest Practices master log to track the required meeting data.

Previous HCP annual reports provided the number of Forest Practices Applications for the reporting period that required a landowner/tribal meeting, and the number of applications for which the meeting occurred. While all required landowner/tribal meetings took place during this reporting period, the Forest Practices Program currently is verifying that all regions are consistently implementing the landowner/tribal meeting guidance. Once verification is complete, DNR will discuss with the Services, identifying the most informative data that needs to be reported annually. The desired data once again will be quantified and reported beginning with the 2012 HCP annual report.

In May 2010, after hearing from the Timber/Fish/Wildlife Cultural Resources Roundtable about problems with WAC 222-20-120, the Forest Practices Board publically announced its consideration for rulemaking to clarify this rule. In May 2011, the Board accepted the Roundtable’s consensus draft rule language for review required by the Forest Practices Act. The department will review the comments received and report to the Board in August 2011.

10.3 Update on Timber/Fish/Wildlife Cultural Resources Roundtable Background

The Timber/Fish/Wildlife Cultural Resources Committee originated as part of the 1987 Timber/Fish/Wildlife collaboration, and has since been active in various cultural resources endeavors. In May 2011, the Forest Practices Board formally accepted the committee’s charter,

which changed the committee's name to Timber/Fish/Wildlife Cultural Resources Roundtable. Accordingly, the Roundtable now is on the [Board's website](#). Webpage materials include the Roundtable's charter, agendas and meeting notes, and the Cultural Resources Protection and Management Plan.

Today's Roundtable includes active participation by tribal representatives (especially Puyallup, Yakama, Suquamish, Quinault, and Cowlitz), forest landowners representing Washington Forest Protection Association (WFPA) members, and state agency representatives from DNR Forest Practices, DNR State Lands, and the Department of Archaeology and Historic Preservation (DAHP). Other interested tribes and organizations, including the Washington Farm Forestry Association (WFFA), are kept informed of the Roundtable's work through monthly meeting agendas and notes.

Cultural Resources Protection and Management Plan

In 2001, the Forest Practices Board asked the Roundtable (then Committee) to collaboratively develop a multi-caucus proposal to address the cultural resources commitments in the *Forests and Fish Report*. Appendices G and O of the report specifically made the commitment to a watershed analysis cultural resources module and a cultural resources plan to enhance cooperative relationships between landowners and tribes.

In 2003, the Board accepted the Roundtable's (then Committee's) consensus Cultural Resources Protection and Management Plan as fulfillment of these two *Forests and Fish Report* commitments because its appendices include a watershed analysis cultural resources module and rules to implement the module. In May 2005, the Board formally approved the watershed analysis cultural resources module for inclusion in Board Manual Section 11, *Standard Methodology for Conducting Watershed Analysis*, and adopted the rules implementing the module.

The Cultural Resources Protection and Management Plan is incorporated into the Forest Practices HCP (Washington DNR, 2005) as Appendix I.

Updates to the Cultural Resources Protection and Management Plan are added by the Roundtable to formally recognize completed projects. The current Cultural Resource Protection and Management Plan was updated in October 2008 and can be found at the above listed website.

Ongoing and Current Work

The Roundtable and the Forest Practices Program continue to implement commitments in the Cultural Resources Protection and Management Plan. Resolving other cultural resources issues related to forest practices also is ongoing work by the Roundtable and the program.

The three commitments specific to the Forest Practices Program relate to notice to tribes, landowner/tribal meetings, and classification of applications and notifications involving cultural resources. As discussed in section 10.2, the Forest Practices Program provides automatic and ongoing notice to tribes of applications and notifications via the Forest Practices Application Review System and has provided updated guidance on implementing the landowner/tribal meeting requirement.

Regarding classifying applications and notifications involving cultural resources, the Forest Practices program continues to assist the Department of Archaeology and Historic Preservation (DAHP) in updating their archaeological and historic sites database. This cultural resources data is used by the Forest Practices program to appropriately classify Forest Practices Applications and Notifications involving cultural resources. Specific funding is provided to the Department of Archaeology and Historic Preservation through an interagency agreement with DNR. Funding for fiscal year 2010-2011 was \$34,053, which provides a half time position at DAHP. The Roundtable continues to advocate for a full time position at the Department of Archaeology and Historic Preservation.

For fiscal year 2010-2011, the Roundtable's work priorities were as follows:

- On behalf of DNR, the Roundtable reports annually to the Board on the effectiveness of the Cultural Resources Protection and Management Plan, as required for continued review of Forest Practices Rules. The Roundtable provided their [annual report to the Board](#) in November 2010 (click on 11-9-10 meeting materials and scroll to the report). The Roundtable now presents its annual reports at the Board's August meetings so the Board can use the information in them during their November planning meetings.
- As a part of staff reports at regular Board meetings, the Roundtable provided its quarterly report in the form of its work plan.
- Working with the Board and DNR's Tribal Relations Manager, the Roundtable completed, and the Board accepted, the charter for the TFW Cultural Resources Roundtable.
- The Roundtable continued to work on clarifying language for WAC 222-20-120 and presented consensus proposed rule language to the Board in May 2011. The Roundtable anticipates Board approval in August to continue to the next step in the rule making process.
- The Roundtable continued its work on developing cultural resources guidance documents and tools— as agreed to in the Cultural Resources Protection and Management Plan. Utilizing information gathered at the 2010 Roundtable workshop and subsequent project scoping, the Roundtable is drafting a number of guidance documents on implementing this plan as well as other helpful cultural resources information.
- The Roundtable's cultural resources educational efforts for the state's small forest landowners—also a commitment in the Cultural Resources Protection and Management Plan—continues through the assistance of the Washington State University Extension Service. Numerous workshops have been conducted around the state and some workshops had a hundred or more attendees.