



United States Department of Agriculture

Start a Partnership With the USDA Forest Service or Obtain Federal Financial Assistance

A Guide for Tribal Governments



Cover photos: A Navajo traditional home, or hogan, being built with a Forest Service Collaborative Forest Restoration Program grant. Photo by Jan Willem Jansens. A Mescalero Apache member thins ponderosa pine with Forest Health Protection program funding and Bureau of Indian Affairs coordination. Over 20 years, more than 30,000 acres of dwarf-mistletoe-infested forest have been treated on the Indian tribe's reservation this way. Photo by William Hornsby.

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Part 1

Introduction

The Office of Tribal Relations (OTR) for the Forest Service, an agency of the U.S. Department of Agriculture, prepared this booklet to provide you, our tribal counterparts, with a better understanding of how best to work in partnership with the Forest Service. The Federal Government's trust responsibilities and treaty obligations require the Forest Service to engage with Indian tribes in timely and meaningful consultation on policies that have a substantial direct effect on one or more Indian tribes (USDA Departmental Regulation 1350-002). Consultation alone, however, is insufficient. In addition to consultation, coordination and collaboration lead to information exchange, common understanding, informed decisionmaking, and mutual benefit.

OTR and regional tribal relations program managers (TRPMs) deliver the Forest Service Tribal Relations Program nationally. In every region, station, and area, regional TRPMs advise regional leadership and support integration of tribal relations across program areas. TRPMs collaborate with other Federal agencies, tribal governments, intertribal entities, and others to develop and implement programs and leverage funds and expertise for programs or projects. Indian tribes not only work with OTR staff and TRPMs in all nine Forest Service regions, but they also collaborate with the Forest Service Deputy Areas, including Research and Development, State and Private Forestry, the National Forest System, and Business Operations.

Throughout this document, the OTR uses the term "Indian tribe" to designate federally recognized tribes. Where State-recognized tribes are relevant or eligible for a specific program, they are specifically included in this document. This is because the Forest Service recognizes its trust responsibility toward Indian tribes, defined as "any Indian or Alaska Native Tribe, band, nation, pueblo, village, or other community, the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (Title 25 of the United States Code, Section 479a-1)" (USDA Forest Service [In press a]). The Forest Service believes that it can partially fulfill this responsibility by promoting effective intergovernmental coordination, including building multifaceted partnerships that help meet the needs and desires of tribal communities. Therefore, the OTR is committed to increasing opportunities for Indian tribes to benefit from Forest Service programs and to help the Forest Service benefit from tribal input, especially regarding traditional knowledge. The OTR seeks to partner in support of tribal sovereignty, self-governance, and self-determination. The OTR is strengthening its relationships with internal and external partners, working closely with other staffs to ensure tribal concerns and opportunities are addressed in new policies.

The Forest Service OTR thanks everyone, including individuals from Indian tribes and Forest Service staffs, who helped produce this user-friendly guide, and hope it will encourage closer collaboration.

I. Foundation

When the Forest Service—or any Federal entity—acquires goods or services for the direct benefit of the agency, it is called procurement (FGCA 1977). When the Forest Service instead provides goods or money to support programs with a public purpose, it is called Federal Financial Assistance (FFA) (FGCA 1977). *This guide deals only with FFA awards and partnerships, as will be explained in the following section.*

A. Federal Financial Assistance

Congress must enact Forest Service authority to establish the award, and set aside money for that purpose (FGCA 1977). A FFA award comes in two forms: a grant and a cooperative agreement. A grant is appropriate where the Forest Service is not substantially involved—when Forest Service personnel or their representatives will not be substantially involved with the cooperator in carrying out the award agreement (USDA Forest Service 2009b). On the other hand, a cooperative agreement is appropriate when the Forest Service is substantially involved with the cooperator in carrying out the award agreement. Indian tribes should coordinate at the local level to learn of most Federal financial assistance opportunities. A few opportunities are formally announced on <http://www.grants.gov>, where applicants must apply and compete for the award. Federal Financial Assistance Awards have a maximum 5-year period of performance. Every FFA award must also have a legal instrument (document) defining the parties' rights, duties, entitlements and liabilities.

VS.

B. Partnerships

Some types of agreements that the Forest Service can enter into with Indian tribes are not considered FFA award transactions. The Forest Service calls these other types of agreements partnership agreements (USDA Forest Service 2009e). Within the Forest Service, partnerships are often broadly defined as voluntary relationships between people, organizations, agencies, and communities that work together and share interests (USDA Forest Service [In Press b]). Selections of partnerships are made at the forest/unit/station level based on available resources and community/mission needs.

Partnerships share many of the same requirements as FFA awards. Partnerships all require the following elements:

1. Legal authority.
2. Appropriated funds can be used for the intended purpose.
3. Mutual interest and mutual nonmonetary benefit.
4. A state of participating or sharing (active involvement by both parties).
5. No conflict of interest.
6. Agreement must be executed before costs are incurred or work commences.
7. A specific relationship between the parties (written agreement).
8. Voluntary participation (USDA Forest Service 2003).

Whenever an agreement requires a cost “match,” the cooperator can contribute to the project “in kind,” or in nonmonetary ways (USDA Forest Service 2009e). For example, the contribution can be salary, travel, facility space, copying, or equipment. Depending on the type of agreement, the Forest Service will be able to pay the cooperator a portion in advance, or the cooperator will have to pay up front and the Forest Service will reimburse it upon project completion. In all cost-sharing agreements, the Forest Service and the cooperator must share mutual interest and benefit in the same qualitative way from the agreement (USDA Forest Service 2009e). In some research agreements, only mutual interest is required (USDA Forest Service 2009e).

Negotiating terms of an agreement:

- Maintaining confidentiality within the agreement: Indian tribes that want to maintain the confidentiality of their project’s findings/research collaboration, etc., may include language to that effect in the agreement. One way to do this is through demonstrating that the information is exempt from release under the Freedom of Information Act, as public access to culturally sensitive data and information on Indian tribes might be explicitly limited by the Cultural and Heritage Cooperation Authority’s Prohibition on Disclosure (25 U.S.C. Chapter 32A, §3056). Indian tribes should be aware that it may not be possible to bar release of information to the public because of the Freedom of Information Act, however.
- Maintaining the ability to hire tribal employees under the agreement: Indian tribes are excepted by the nondiscrimination provisions of Title VII of the Civil Rights Act of 1964 under certain circumstances because Indian preference is a political preference, not a racial preference (*Morton v. Mancari*). To be specific, Indian tribes can give preference in hiring Indians if the business or enterprise is on or near an Indian reservation, the hired Indian employee lives on or near a reservation, and the employer’s preference for hiring Indians is publicly announced (U.S. EEOC 1988). Thus, Indian tribes can legally pass Tribal Employment Rights Ordinances that allow tribes to carry out hiring and contracting/granting practices to the advantage of tribal members on reservations (USDA Forest Service 2013d). In addition, the Indian Self-Determination and Educational Act requires the inclusion of Indian preference provisions in certain Federal contracts and grants (ISDEAA 1975).

For general information on Federal Financial Assistance and partnerships, please refer to the following sources:

1. Forest Service Grants & Agreements: <http://fsweb.wo.fs.fed.us/aqm/grants>.
2. Forest Service Partnership Resource Center: <http://www.fs.usda.gov/prc>.



The Leech Lake Wildland Fire Crew has conducted projects with Hazardous Fuels Treatment, Wildland Fire Hazardous Fuels funds.

Photo credit: Keith Karnes-Leech Lake Wildland Fire Crew.

Note: If your Indian tribe is not seeking funding or a partnership, here are other opportunities to work with the Forest Service:

1. If you would like to access, develop, use, or occupy National Forest System lands (such as a lease, permit, term permit, or easement), you will need a Special Use Authorization. For more information, consult your line officer, district ranger, or special use program manager on your local national forest. You can also look up guidelines and the types of uses available at Forest Service Manual (FSM) 2710 (http://www.fs.fed.us/specialuses/documents/fsm_2710_feb02.pdf) and FSM 2720 (www.fs.fed.us/im/directives/fsm/2700/wo_2720.doc). See also <http://www.fs.fed.us/specialuses/>.
2. If you would like to obtain excess Federal property/equipment, then you should consult your State forester. The Forest Service Federal Excess Property Program loans property to State foresters and State Cooperators for firefighting purposes: <http://www.fs.fed.us/fire/partners/fepp/>.
3. If you would like to gather traditional cultural products for noncommercial purposes, consult your local tribal relations program manager to find out your region's policy. Generally, the Cultural and Heritage Cooperative Authority allows the Secretary of Agriculture to provide forest products for traditional and cultural purposes free of charge to Indian tribes (25 U.S.C. Chapter 32A, §3055).

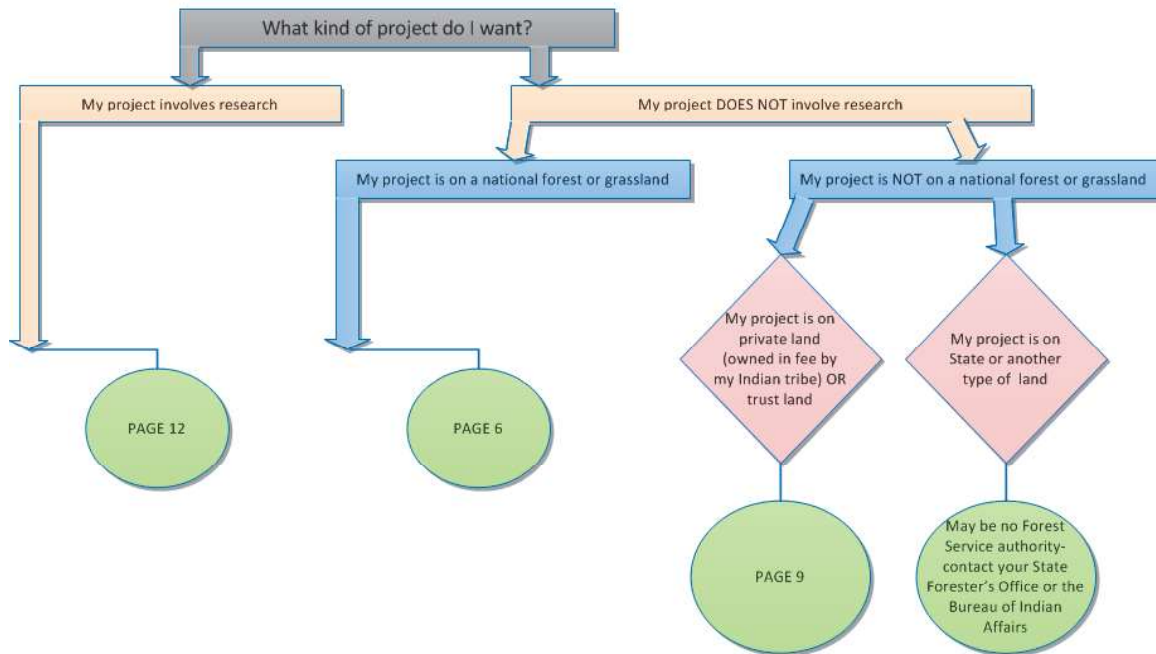
II. Potential Opportunities

Indian tribes may be eligible for Federal Financial Assistance (FFA) and partner with the Forest Service in many ways. The Forest Service recognizes that because Indian tribes are sovereign nations, the Forest Service-tribal relationship is unique, and there are many programs and potential partnerships that Indian tribes may apply for or negotiate directly. At the same time, Indian tribes are not always directly eligible for FFA programs—in those cases, Indian tribes may need to contact the Forest Service’s national program lead, apply to their State forester, or go through their local government for Forest Service funds.

A. Flow Chart

Use the flow chart to direct you to the right sections in the following list of programs.

Guide Flowchart



B. Specific Programs

Depending upon the land type and the Indian tribes' project goal, the Indian tribe may select from a variety of specific programs (see previous flow chart and Part 2).

More examples are also available at <http://www.fs.fed.us/spf/tribalrelations/partnerships.shtml>.

National Forest System (NFS) Lands

For each of the following types of project or action desired on NFS lands, a list of possible programs is provided. Descriptions of programs that only apply to one specific project or action are included in this section. See Part 2 for a detailed description of each program that applies to more than one type of project or action.

Economic/Job Development

- Challenge Cost-Share Agreement
- Economic Action Program
- Participating Agreement
- Secure Rural School and Community Self-Determination Act

Environmental Education

- Challenge Cost-Share Agreement
- Participating Agreement

Establishing a Formal Forest Service-Tribal Relationship

- Memorandum of Understanding

Fighting Pollution

- Challenge Cost-Share Agreement
- Participating Agreement

Fire Prevention and Firefighting

- Collaborative Forest Landscape Restoration Program
- Cooperative Fire Protection Agreement
- Joint Fire Science Program
- Hazardous Fuels Treatment, Wildland Fire Hazardous Fuels Funds
- Secure Rural School and Community Self-Determination Act
- Watershed Restoration and Enhancement Agreement Authority (Wyden Amendment)

Forest Restoration/Protection

- Challenge Cost-Share Agreement
- Collaborative Forest Landscape Restoration Program
- Participating Agreement
- Secure Rural School and Community Self-Determination Act
- Stewardship Agreements and Stewardship Contracts
- Tribal Forest Protection Act

Law Enforcement

- Cooperative Law Enforcement Agreement

Tribal Heritage

- Protecting Cultural Resources and Historic Properties

When the Forest Service proposes to take an action that has the potential to affect historic properties, the Forest Service must give State Historic Preservation Officers, Tribal Historic Preservation Officers, Indian tribes, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings and make a good faith effort in determining whether the undertaking will adversely affect those historic properties. Agency officials must consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. On national forest lands, however, Indian tribes can have additional input in determining National Register eligibility of a cultural resource, adverse impact, or mitigating the impact through treatments, in several ways (NHPA 1966, Protection of Historic Properties 2004):

- Memorandum of Agreement
 - Programmatic Agreement
 - Protocols
- Repatriation and Reburial of Human Remains and Cultural Items
- Heritage Surveys/Crew Jobs
 - Participating Agreements
- Volunteer Work on Traditional Lands

Tribal members seeking to travel and work on traditional homelands, which are now national forests, and volunteer on the forest may do so through several ways:

- Volunteer Agreement
 - “Passport in Time” (PIT) Program
- Heritage Tourism
 - Participating Agreements
 - Challenge Cost-Share Agreement
 - Economic Action Program

Note: The implementing regulations of the National Historic Preservation Act also authorize Federal agencies to expend funds for historic preservation activities, which could include working with Indian tribes. Agency officials are encouraged to facilitate tribal participation in agency decision making. Although no legal requirements exist to compensate for consultation or other involvement in Forest Service activities, the Forest Service may elect to provide compensation to Indian tribes or tribal representatives for extraordinary situations and specialized expertise. For example, the agency may compensate individuals and groups, including Indian tribes, if the agency is requesting information for which it would normally pay, such as information obtained through consultants about site-specific archeological or ethnographic data (USDA Forest Service 2012a, USDA Forest Service 2008b).

Watershed Restoration

- Challenge Cost-Share Agreement
- Collaborative Forest Landscape Restoration Program
- Participating Agreement
- Secure Rural School and Community Self-Determination Act
- Watershed Restoration and Enhancement Agreement Authority (Wyden Amendment)

Workshops/Conferences

- Participating Agreement

Private Land (Land Owned in Fee by the Indian tribe) and Trust Land

For each of the following types of project or action desired on private lands, a list of possible programs is provided. Descriptions of programs that only apply to one specific project or action are included in this section. See Part 2 for a detailed description of each program that applies to more than one type of project or action. Note that, unless otherwise noted, all programs in this section are presumed to apply to both private and trust land.

Economic/Job Development

- Economic Action Program
- Rural Development, Forestry, and Communities
- Secure Rural School and Community Self-Determination Act
- Wood Education and Resource Center (WERC)

Establishing a Formal Forest Service-Tribal Relationship

- Memorandum of Understanding

Fire Prevention and Firefighting

- Cooperative Fire Protection Agreement
- Cooperative Fire Protection: State Fire Assistance Program
- Collaborative Forest Restoration Program
- Hazardous Fuels Treatment, Wildland Fire Hazardous Fuels Funds
- Joint Fire Science Program
- Secure Rural School and Community Self-Determination Act
- Volunteer Fire Assistance Program
- Watershed Restoration and Enhancement Agreement Authority (Wyden Amendment)

Forest Products Production

- Forest Legacy Program
- Wood Education and Resource Center (WERC)
- Woody Biomass Utilization Assistance Program

Forest Protection/Restoration

- Community Forest and Open Space Conservation Program
- Tribal Forest Protection Act
- Forest Stewardship Program
- Forest Legacy Program

- Forest Health Protection
- Woody Biomass Utilization Assistance Program
- Secure Rural School and Community Self-Determination Act
- International Forestry Programs
- Collaborative Forest Restoration Program

Tribal Heritage

- Protecting Cultural Resources and Historic Properties

When the Forest Service proposes to take an action that has the potential to affect historic properties, the Forest Service must give State Historic Preservation Officers, Tribal Historic Preservation Officers, Indian tribes, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings and make a good faith effort in determining whether the undertaking will adversely affect those historic properties. Agency officials must consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. On national forest lands, however, Indian tribes can have additional input in determining National Register eligibility of a cultural resource, adverse impact, or mitigating the impact through treatments, in several ways (NHPA 1966, Protection of Historic Properties 2004):

- Memorandum of Agreement
 - Programmatic Agreement
 - Protocols
- Challenge Cost-Share Agreement
- Economic Action Program

Urban Forestry

- Urban and Community Forestry Program

Watershed Restoration

- Watershed Restoration and Enhancement Agreement Authority (Wyden Amendment)
- Secure Rural School and Community Self-Determination Act
- The Forest Legacy Program
- International Forestry Programs



A Greenville Indian Rancheria Fire Crewmember on a collaborative underburn of the Maidu Stewardship Project, which emphasizes unique contracting and land management mechanisms that integrate traditional stewardship on culturally important Forest Service lands.
Photo credit: Daniel Manning.

Research

For each of the following types of project or action desired on research activities, a list of possible programs is provided. See Part 2 for a detailed description of each program that applies to more than one type of project or action.

Establishing a Formal Forest Service-Tribal Relationship

- Memorandum of Understanding

Joint Research

- Research Cost-Reimbursable Agreement
- Research Joint Venture Agreement
- Federal Financial Assistance for Research
- Joint Fire Science Program

Tech Transfer/Exchange

- Cooperative Research and Development Agreement
- Technology Transfer Agreement

Workshop/Conference/Publication

- Challenge Cost-Share Agreement Forest Products Production
- Community Wood Energy Program
- Woody Biomass Utilization Assistance Program

III. Steps in Applying for Federal Financial Assistance

A. The Application Process

There are generally two types of Federal Financial Assistance (FFA)—grants and cooperative agreements. The Forest Service lists a few of its competitive opportunities at <http://www.grants.gov>. Not many opportunities exist, however, and most are centered on biomass and urban and community forestry. FFA is often given through cooperative agreements. Cooperative agreements are noncompetitive or unsolicited, meaning that the Forest Service allocates funds to the national forest/State forester, or a potential applicant must contact the Forest Service directly to negotiate the agreements.

Before seeking an FFA opportunity:

1. Create a user account at SAM (System for Award Management) <https://www.sam.gov/portal/public/SAM/> to get a DUNS number.
2. Register with and maintain current enrollment in the Central Contracting Registry (CCR): <http://www.ccr.gov/>.
3. Register at http://grants.gov/applicants/get_registered.jsp.

See the different processes in the following tables for competitive and noncompetitive Federal Financial Assistance.

<i>Noncompetitive</i> (Most FFA opportunities)	
1. Contact your regional tribal relations program manager (TRPM)	He/she should be able to put you in touch with appropriate Forest Service program officer to negotiate possible FFA opportunities at the regional level. Find a list of TRPMs at http://www.fs.fed.us/spf/tribalrelations/regional/index.shtml.
2. Contact your State forester	After or in addition to contacting the TRPM, contact your State forester to help you find the appropriate Forest Service program officer to negotiate possible FFS opportunities.
3. Prepare a narrative	- A narrative describes the proposed work, why it is needed, what will be done, by whom, and when (Erkert 2013). - Find a sample narrative template at http://www.na.fs.fed.us/fap/narrativetemplates.shtml

4. Prepare a budget	• Break down expected costs by cost category, including matching funds (Erkert 2013). • Use a budget worksheet: http://www.ojp.usdoj.gov/funding/forms/budget_detail.pdf.
5. Work with your financial/ budget department to complete the required forms	• Budget forms: <i>i.</i> SF-424: http://na.fs.fed.us/fap/forms/application_for.doc <i>ii.</i> SF-424A: http://na.fs.fed.us/fap/forms/SF-424A.rtf • Other forms: <i>i.</i> SF-424B Assurances: http://na.fs.fed.us/fap/forms/SF-424B_Assurances.pdf <i>ii.</i> AD-1047 Certification Regarding Debarment and Suspension: http://www.afm.ars.usda.gov/forms/ead/AD1047.PDF <i>iii.</i> AD-1049 Certification Regarding Drug-Free Workplace: http://www.usda.gov/rus/water/forms/ad1049.pdf http://www.afm.ars.usda.gov/forms/ead/AD1047.PDF <i>iv.</i> AD-1049 Certification Regarding Drug-Free Workplace: http://www.usda.gov/rus/water/forms/ad1049.pdf <i>v.</i> SF-LLL Disclosure of Lobbying Activities (if award is more than \$100,000): http://www.whitehouse.gov/omb/grants/sflllin.pdf
6. Submit the application	• Work with the Forest Service program officer to submit your application, and then follow up with that person.

<i>Competitive</i> (Some Federal financial opportunities, including in biomass and urban and community forestry)	
1. Find a Request For Proposals (RFP) online at http://grants.gov/applicants/apply_for_grants.jsp	- Click on the “Find Grant Opportunities” tab on the left side of the page. - Search by keyword, category, agency, etc. NOTE: All currently open competitive grant opportunities are listed here. You may create alerts with keywords so that you will be notified of relevant upcoming opportunities.
2. Download the application	- After you click on a search result (FFA opportunity), the page will open showing the synopsis, or brief summary. For more information, click on the “Full Announcement” tab on top. - To apply for the grant, click on the “Application” tab on the top right. - Make sure you have the latest version of Adobe Reader (the “Application” page helps you with this). - Download the instructions and application on the bottom of the page.

3. Complete the application	• Read the instructions on the cover page carefully. • Standard Proposal components: <i>i.</i> Table of Contents <i>ii.</i> Abstract or Executive Summary <i>iii.</i> Project Narrative ➤ Introduction ➤ Problem Statement ➤ Goals and Objectives ➤ Technical <i>iv.</i> Approach/Methodology/Project Design ➤ Management Plan/Key Personnel ➤ Evaluation ➤ Sustainability ➤ Dissemination of Results <i>v.</i> References <i>vi.</i> Appendixes <i>vii.</i> Budget/Narrative ➤ A Budget Worksheet to help you: http://www.ojp.usdoj.gov/funding/forms/budget_detail.pdf • Work with your financial or budget department to complete the required forms, including: <i>i.</i> SF-424: http://na.fs.fed.us/fap/forms/application_for.doc; <i>ii.</i> SF-424A: http://na.fs.fed.us/fap/forms/SF-424A.rtf <i>iii.</i> SF-424B Assurances: http://na.fs.fed.us/fap/forms/SF-424B_Assurances.pdf <i>iv.</i> SF-LLL Disclosure of Lobbying Activities: http://www.whitehouse.gov/omb/grants/sflllin.pdf <i>v.</i> AD-1047 Certification Regarding Debarment and Suspension: http://www.afm.ars.usda.gov/forms/ead/AD1047.PDF <i>vi.</i> AD-1049 Certification Regarding Drug-Free Workplace: http://www.usda.gov/rus/water/forms/ad1049.pdf http://www.afm.ars.usda.gov/forms/ead/AD1047.PDF <i>vii.</i> AD-1049 Certification Regarding Drug-Free Workplace: http://www.usda.gov/rus/water/forms/ad1049.pdf
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	• If you need help completing the application, contact the point of contact listed on the cover page, or contact grants.gov for any technical issues (1-800-518-4726 or support@grants.gov).
4. Submit the application	
5. Wait for a response, your application will be reviewed either by a Forest Service program officer or a group (peer reviewers)	

B. The Post-Award Process

After any type of FFA award is given, there is a follow-up process, including the following:

Payments

- Submit the SF-270 Request for Advance or Reimbursement:

<http://www.whitehouse.gov/sites/default/files/omb/assets/omb/grants/sf270.pdf>.

Modifications

These can include requests for extensions, shifts in the budget, and changes in the scope of work (Erkert 2013).

- Requests should be made in writing a minimum of 30 days before implementation of the requested change (Erkert 2013).

Monitoring

Your award agreement will specify how often you have to submit reports.

- Submit the SF-425 Federal Financial Report:
http://www.whitehouse.gov/sites/default/files/omb/grants/approved_forms/SF-425.pdf
- If the award is more than \$100,000, submit a Program Performance Report (SF-PPR form):
<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5090284>

The Closeout Process

Final billing and reports are due within 90 days of the expiration date of the award and must include:

- A final SF-270 Request for Advance or Reimbursement:
<http://www.whitehouse.gov/sites/default/files/omb/assets/omb/grants/sf270.pdf>
- A Final Program Performance Report (SF-PPR or alternate format for awards less than \$100,000): <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5090284>

IV. Steps in Creating a Partnership

Partnership Process

Remember that if it's not Federal financial assistance, then it's likely a partnership. Selections of partnerships are made at the forest-/unit-/station-level based on available resources and community/mission needs. Partnerships may begin informally—casually initiated through questions and responses. Others start formally through a request to join a new or existing project. Some partners come forward with a project in mind. Some partners continue informally, participating from the sidelines or as intermediaries (USDA Forest Service 2013b). Indian tribes can learn about opportunities at consultation meetings as well

A. Pre-Award—The Project Proposal

Identify the Issue/Goal of Your Partnership With the Forest Service

What is the project's purpose? Is there a deliverable?

Who will benefit?

What kind of match (money or in-kind) are you prepared to contribute?

Contact Other Indian Tribes or Groups Already Doing the Kind of Project You Are Interested In

See if you can partner or get some ideas from them.

Contact Your Local Tribal Relations Program Manager (TRPM) To Identify Potential Opportunities

Find a list of TRPMs at <http://www.fs.fed.us/spf/tribalrelations/regional/index.shtml>.

If the Project Is on National Forest System Lands, Contact Your District Ranger

Work With Forest Service Staff (Including a Project Manager) To Develop Terms of the Agreement

- Maintaining confidentiality within the agreement: Indian tribes that want to maintain the confidentiality of their project's findings/research, collaboration, etc., may include language to that effect in the agreement. One way to do this is through demonstrating that the information is exempt from release under the Freedom of Information Act, as public access to culturally sensitive data and information on Indian tribes might be explicitly limited by the Cultural and Heritage Cooperation Authority's Prohibition on Disclosure (25 U.S.C. Chapter 32A, § 3056). Indian tribes should be aware that it may not be possible to bar release of information to the public because of the Freedom of Information Act, however.
- Maintaining the ability to hire tribal employees under the agreement: Indian tribes are excepted by the nondiscrimination provisions of Title VII of the Civil Rights Act of 1964

under certain circumstances because Indian preference is a political preference, not a racial preference (*Morton v. Mancari*). To be specific, Indian tribes can give preference in hiring Indians if the business or enterprise is on or near an Indian reservation, the hired Indian employee lives on or near a reservation, and the employer's preference for hiring Indians is publicly announced (U.S. EEOC 1988). Thus, Indian tribes can legally pass Tribal Employment Rights Ordinances that allow tribes to carry out hiring and contracting/granting practices to the advantage of tribal members on reservations (USDA Forest Service 2013d). In addition, the Indian Self-Determination and Educational Act requires the inclusion of Indian preference provisions in certain Federal contracts and grants (ISDEAA 1975)

Your Project Manager Will Guide Formalization of the Agreement

B. Award—Complying With Procedures

1. Sign and return the last three pages of your award letter.
2. Perform according to agreement terms.
3. Submit project invoices and reports according to agreement terms to your project manager.

C. Post-Award/Project Completion

1. Ensure that your project manager has all appropriate progress and financial reports along the way and that you have completed your obligations under the agreement, as your project manager will have to close out the agreement within 90 days of project completion.
2. Understand what program performance reports, including financial report, are required. At minimum, the reports are submitted annually, and at maximum, nine reports will be submitted.



A Navajo traditional home, or hogan, being built with a Forest Service Collaborative Forest Restoration Program grant.

Photo credit: Jan Willem Jansens.

Part 2

I. Programs

Challenge Cost-Share Agreement

Using Challenge Cost-Share Agreements, the Forest Service cooperates with other parties to develop, plan, and implement projects of mutual interest and benefit to all parties and enhance Forest Service activities. Parties may include public and private agencies, Indian tribes, organizations, institutions, and individuals. It requires at least a 20-percent cost match and does not require competition (Interior and Related Agencies Appropriations Act 1992).

Example: A national forest collaborated with an Indian tribe to complete a floodplain restoration and instream enhancement project. The goals included restoring habitat for endangered fish, and to meet the Indian tribe's First Food mission. The Indian tribe contributed about 70 percent of the project costs, including the construction work on the national forest lands, and much of the Forest Service salary needed for successful implementation.

Example: A tribal college and the Forest Service Forest Products Laboratory entered into a Challenge Cost-Share Agreement to host tribal high school students at a Student Leadership Seminar held at the tribal college, another university, and the Forest Products Lab. It exposed the students to sustainable development, the environment, and natural resource management.

Collaborative Forest Landscape Restoration Program

The purpose of the Collaborative Forest Landscape Restoration Program (CFLRP) is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes. The program's fund may be used to pay for up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System lands. No more than \$4 million may be spent from the Collaborative Forest Landscape Restoration Fund in any single fiscal year on any single project. (Omnibus Public Land Management Act of 2009, USDA Forest Service 2013a).

<http://www.fs.fed.us/restoration/CFLRP/>

Example: In 2010, an Indian tribe, a national forest, a State Department of Natural Resources, and a State Department of Fish and Wildlife won funds to enhance the resilience and sustainability of forests by treating more than 150,000 acres over 10 years with thinning, trail management, and prescribed fire.

Collaborative Forest Restoration Program

The Forest Service uses the Collaborative Forest Restoration Program to promote healthy watersheds and reduce the threat of large, high-intensity wildfires, insect infestation, and disease in New Mexico forests. Eligible entities include local and tribal governments, educational institutions, landowners, conservation organizations, and other interested public and private

entities (Cooperative Forestry Assistance Act 1978, Catalog of Federal Domestic Assistance 2000).

http://www.fs.usda.gov/detail/r3/workingtogether/grants/?cid=fsbdev3_022022

Example: A tribal school board was awarded money to develop and train tribal members on forest restoration practices. The school board then combined this with a Participating Agreement with a national forest to provide jobs for the newly trained youth.

Community Forest and Open Space Conservation Program

Through the Community Forest and Open Space Conservation Program (Community Forest Program), the Forest Service is authorized to provide financial assistance grants to local governments, Indian tribes, and qualified nonprofit organizations (including land trusts) to establish community forests that provide defined benefits. Note that financial assistance cannot be used to establish a community forest on tribal trust land, thus only land owned by the Indian tribe is eligible. Community benefits include economic benefits resulting from sustainable forest management, recreational benefits secured with public access, natural resource protection, forest-based experiential learning, and replicable models of effective forest stewardship. The program requires a 50 percent non-Federal match. There are several requirements for land acquired through the program, including public access and managing the land according to a Community Forest Plan, which is developed with community involvement (2008 Farm Bill, Catalog of Federal Domestic Assistance 2011).

Example: The Forest Service gave an Indian tribe \$300,000—which the Indian tribe matched—to enable it to purchase forest land on a culturally significant mountain. The Community Forest on the Mountain will be used as a demonstration forest for education, enhancing artisan woodland resources traditionally used by the Indian tribe and restoring holly trees. The Indian tribe will ensure public access to the forest (a CFP requirement) by building scenic trails. Ultimately, the money helps the Indian tribe to protect its natural and cultural heritage.

<http://www.fs.fed.us/spf/coop/programs/loa/cfp.shtml>

Community Wood Energy Program

The Forest Service Forest Products Lab provides grants/assistance to develop community wood energy plans and provides competitive grants to acquire, upgrade, or demonstrate community wood energy systems. Indian tribes and State-designated tribes are eligible (2008 Farm Bill; Catalog of Federal Domestic Assistance 2008a).

<http://www.fpl.fs.fed.us/>

Cooperative Fire Protection Agreement

The Forest Service uses Cooperative Fire Protection Agreements to partner with parties to provide wildland fire protection, to perform approved severity activities, and to respond to presidentially declared emergencies or disasters under Federal Emergency Management Agency authorities (USDA Forest Service 2003). The activities can occur on private land within or near National Forest System (NFS) land or can be performed for the benefit of those who occupy or use national forests or other lands administered by the Forest Service. Alternatively, the Forest

Service can enter into reciprocal agreements with any fire organization maintaining fire protection facilities in the vicinity of NFS lands (Reciprocal Fire Protection Act 1955, Granger-Thye Act 1950, Cooperative Funds and Deposits Act 1975, Cooperative Funds Act 1914, USDA Forest Service 2009c).

Cooperative Fire Protection: State Fire Assistance Program

This program supports State forestry agencies with responsibility for wildfire suppression by providing financial and technical support for equipment, training, and creation of fire-adapted communities through hazardous fuels reduction and planning. Projects target firefighter safety, fire planning, firefighter training, increased initial attack capability, and mobilization readiness for the efficient suppression and prevention of wildfires on non-Federal forest lands and other non-Federal lands. All cooperators must provide a 1:1 cost-share match. *Indian tribes must apply through the local/State government* (Cooperative Forestry Assistance Act 1978, USDA Forest Service 2011).

Cooperative Law Enforcement Agreement

Used when the Forest Service partners with a State or political subdivision (local governments) to enforce State or local laws or ordinances on lands within or part of any unit of the National Forest System (NFS). There may be cross-jurisdictional opportunities, both Federal and State, to enable tribal police officers to work on NFS lands. *Indian tribes should contact their local law enforcement office.*

Cooperative Research and Development Agreement

Through this agreement, the Forest Service provides personnel, services, facilities, equipment, or other resources with or without reimbursement from the cooperator to support scientific research aimed at developing commercially viable products or services. The agreement should be between one or more Federal laboratories and one or more non-Federal parties (Federal Technology Transfer Act 1986, USDA Forest Service 2009e).

Economic Action Program

This program provides technical assistance to rural communities in or near National Forest System lands (and dependent on the forest) for heritage tourism and historic preservation.

*Currently unfunded (USDA Office of Congressional and Intergovernmental Relations 2007, National Forest-Dependent Rural Communities Economic Diversification Act 1990).

Federal Financial Assistance for Research

The Secretary of Agriculture may conduct, support, and cooperate in investigations, experiments, tests, and other activities deemed necessary to obtain, analyze, develop, demonstrate, and disseminate scientific information about protecting, managing, and using forest and rangeland resources in rural, suburban, and urban areas. The Secretary may cooperate with Indian tribes and is authorized to make competitive grants that will further research activities (Forest and Rangeland Renewable Resources Research Act 1978).

Forest Health Protection

The Forest Health Protection program protects non-Federal forest and tree resources from damaging forest insects, disease-causing agents, and invasive plants; develops and improves forest health protection technologies; and monitors the health of our Nation's forests. Technical assistance, formula grants, and project grants are available. For technical assistance on private or tribal trust land, Indian tribes can approach the Forest Service directly. The Forest Service can also conduct detection surveys and biological evaluations of forest insect and disease outbreaks on U.S. Department of the Interior and tribal trust lands.

Indian tribes owning private land may apply for financial assistance through the State forester. Indian tribes desiring financial assistance for trust lands, however, should approach the regional Forest Service Forest Health Staff and the Bureau of Indian Affairs forester to submit a proposal to the Forest Health Headquarters in Washington, DC. By September 15 of each year, the Forest Service sends out a request for these proposals for forest insect and disease prevention and suppression projects in the subsequent fiscal year. Indian tribes are limited to the cost of conducting suppression and eradication projects (Cooperative Forestry Assistance Act 1978, 1990 Farm Bill, USDA Forest Service 2009a, Catalog of Federal Domestic Assistance 1990a).

Example: In 2012, an Indian tribe received \$30,000 to conduct sanitation thinning to protect against the Mountain Pine Beetle on trust land. A tribal fire management thinning crew worked on the reservation, primarily to preserve native vegetation in a culturally important area.

<http://www.fs.fed.us/foresthealth/>

Forest Legacy Program

This program provides grants to States to protect forests with the focus on working forests—providing forest products and resource-based jobs, protecting air and water quality, providing recreational opportunities, and protecting important fish and wildlife habitat, including those for threatened or endangered species. Lands are protected through conservation easements (65 percent of all projects) and fee-simple purchases (35 percent of all projects). Projects are selected through a two-step competitive process resulting in high-quality projects that are supported locally and are nationally significant. Through the Forest Action Plans (Statewide Assessment and Resource Strategies), the States identify priority areas within the State to target Forest Legacy Program funds. *Indian tribes must apply through their State forester* (USDA Forest Service 2013b).

<http://www.fs.fed.us/spf/coop/programs/loa/flp.shtml>

Forest Stewardship Program

These project grants help private forest landowners and individuals develop plans for managing non-Federal forest land. Note that projects cannot be conducted on tribal trust lands, thus only land owned by the Indian tribe is eligible. The Forest Service offers assistance, primarily through State agencies, to help protect and improve soil, water, range, aesthetics, recreation, timber, and fish and wildlife resources. It requires parties to share 50 percent of the costs. State forestry or equivalent State agencies, Indian tribes, nonprofit organizations, and municipalities are eligible. *Indian tribes must apply through their State forester or contact the Forest Service's national program lead* (Cooperative Forestry Assistance Act 1978, 1990 Farm Bill, Farm Security and

Rural Investment Act 2002, Catalog of Federal Domestic Assistance 1990b, USDA Office of Congressional and Intergovernmental Relations 2007).

<http://www.fs.fed.us/spf/coop/programs/loa/fsp.shtml>

Hazardous Fuels Treatment, Wildland Fire Hazardous Fuels Funds

National Forest System Lands

The Forest Service may use contracts or enter into cooperative agreements for hazardous fuels reduction, and for training or monitoring associated with such hazardous fuel reduction activities on Federal lands. These activities should focus on protecting lands identified in Community Wildfire Protection Plans (CWPPs) or equivalent (Consolidated Appropriations Act 2012).

Private or Trust Lands

The Forest Service may use up to \$15 million to enter into cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuel reduction activities on non-Federal lands adjacent to Federal lands. The funds can be used to protect communities where planned hazard reduction activities on National Forest System lands have the potential to place such communities at risk. Grants should be planned and implemented to complement hazardous fuel reduction on Forest Service lands in high-priority areas such as those identified in Community Wildfire Protection Plans or equivalent. National forests are to coordinate hazardous fuel reduction projects with State, tribal, and local partners whenever possible and can use all authorities available (the Forest Service often uses the Wyden authority) (Consolidated Appropriations Act 2012, USDA Forest Service 2013c).

Example: An Indian tribe's Natural Resource Department received these funds to reduce hazardous fuels on its reservation, located in a high-risk wildland urban interface area adjacent to a national forest. The project sought to improve forest health, support the reservation's Community Wildfire Protection Plan, improve conditions for prescribed burns, and educate about fuel reduction projects.

International Forestry Programs

The Forest Service's Office of International Programs works to address climate change, conserve and protect critical global forest environments and resources, and improve the lives of forest-dependent peoples. This is accomplished primarily through direct, technical cooperation between Forest Service experts and their counterparts, as well as through grants and cooperative agreements with nonprofit and multilateral organizations, including Indian tribes and other individuals, organizations, institutions, and governments engaged in forest conservation and management. These agreements address specific issues including—but not limited to—invasive species mitigation, migratory species conservation, legal trade in forest products, and the impact of climate change on forests. The program must contribute to the goals and objectives of a specific work plan between the Office of International Programs and U.S. Agency for International Development or the State Department. Grants are limited to 5 years (International

Forestry Cooperation Act 1990, USDA Forest Service 2013e, Catalog of Federal Domestic Assistance 1990c).

<http://www.fs.fed.us/global>

Joint Fire Science Program

Congress created the Joint Fire Science Program to provide scientific support and tools to address wildland fuels issues (Interior and Related Agencies Appropriation Act 1998). The program is run by six Government agencies, including the Forest Service and five U.S. Department of the Interior agencies (Bureau of Indian Affairs, Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and the U.S. Geological Survey). It focuses on wildlands administered by the partner agencies and other federally administered lands. The program's agencies collaborate with private, nonprofit organizations and tribal, State, county, and local governments (Joint Fire Science Program 2002).

<http://www.firescience.gov/>

Example: The program provided the Forest Service funding to work with tribal colleges to study Traditional Ecological Knowledge of fire. Specifically, the colleges will conduct case studies on cultural resilience in fire-adapted ecosystems, and assess social vulnerability.

Memorandum of Agreement

Resolution of adverse effect(s) to historic properties through specific treatments must be documented in a National Historic Preservation Act (NHPA) Section 106 Memorandum of Agreement between the Forest Service and the State Historic Preservation Officer, and, if appropriate, include the Advisory Council on Historic Preservation, Indian tribes, and other interested parties (USDA Forest Service 2008b).

Memorandum of Understanding

Enables the Forest Service to formalize a relationship or coordinate its activities with other parties for mutual benefit, but each party directs its own activities and uses its own resources. It cannot be used to obligate or fund projects. Each Memorandum of Understanding (MOU) must contain an expiration date of no more than 5 years from the date of execution. MOUs are useful for government-to-government relationships (USDA Forest Service 2009d).

Example: The Forest Service signed an MOU with a few Indian tribes recognizing their government-to-government relationship and to establish standards by which the Forest Service and the Indian tribes would act consistently across National Forest System lands.



A Lac du Flambeau tribal member cuts a tree marked for firewood on the Chequamegon-Nicolet National Forest as a result of a revised Memorandum of Understanding.
Photo credit: Mary K. Rasmussen.

Participating Agreement

Through Participating Agreements (PAs), the Forest Service may enter into cooperatively performed projects of mutual interest and benefit with other parties (Cooperative Funds and Deposits Act 1975, USDA Forest Service 2009e). Under a PA, the Forest Service is authorized to advance funding to the partner in a prorated amount for initial project costs. Participating agreements require a minimum of 20 percent cost sharing by the partner to demonstrate mutual interest and benefit in the qualitative outcomes of the project. Cost sharing by partnering organizations can include noncash and in-kind contributions toward overall project costs. The Forest Service is allowed to provide cash advances for the minimum amount needed to perform anticipated activities, or no more than is needed for a 30-day period, whichever is less (USDA Forest Service 2009e).

PAs are implemented with partnering organizations for local projects in targeted areas on Forest Service land as provided by statute. For partnerships that are national or multiregional in scope, a Master Participating Agreement (MPA) is signed. Individual, Supplemental Project Agreements (SPAs) are executed on a project-by-project basis to carry out the purpose of the MPA (USDA Forest Service 2009e).

- Type 1: Cooperative Environmental Education and Forest History Materials—includes the development and publication of books, pamphlets, brochures, and audiovisual materials, but

not maps unless the material specifically promotes environmental education or forest history (USDA Forest Service 2009e).

- Type 2: Cooperative Manpower, Job Training, and Development Programs—appropriate when cooperator has an existing specific job program and parties share costs. It requires at least a 20-percent cost match and does not require competition (USDA Forest Service 2009e).
- Type 3: Cooperative Pollution Abatement Agreement—enables cooperatively performed projects involving construction, operation, and maintenance of facilities relating to pollution abatement. Eligible parties include Indian tribes, public and private agencies, organizations, institutions, or persons. It requires at least a 20-percent cost match and does not require competition (USDA Forest Service 2009e).
- Type 4: Forestry Protection Agreement—enables cooperatively performed projects involving fire prevention, fuels management, insect and disease control, noxious weed control, tree planting and seeding, erosion control, abandoned mine reclamation, land restoration, hazardous material identification, water testing and protection, and air pollution abatement. Projects have mutual interest and nonmonetary benefit. Eligible parties include Indian tribes, public and private agencies, organizations, institutions, or persons (USDA Forest Service 2009e).

Example: A MPA between an Indian tribe and a Forest Service region provided for wildland and prescribed fire training and resource management work experience for tribal members, and a source of firefighters, heritage survey crews, and trail construction crews for the Forest Service region's forests.

Example: An Indian tribe and a national forest entered into a PA to work seasonally with the Indian tribe's Natural Resources Department to hire tribal interns. The interns work with Forest Service silviculture and hazardous fuels staff on the forest, including tribal land, with opportunities to incorporate tribal values.

Example: An Indian tribe and a national forest entered into a PA to perform work associated with a Forest Service project area. The work to be performed includes GIS (Geospatial Information System) preparation, precommercial thinning exams, and white pine pruning exams.

Example: A forest signed a PA with an Indian tribe to preserve heritage resources in the forest. Specifically, a tribal employee meets with boaters on a river and talks to them about the river's historical importance to the Indian tribe. The employee also discusses what visitors can do to preserve the heritage resources found in this special place.

Example: A forest and an Indian tribe signed a PA to jointly host a conference and conduct a government-to-government meeting. Topics to be discussed included managing Forest Service archaeological, cultural, and natural resources, as well as developmental opportunities for the Indian tribe.



**The Forest Service Southern Region uses a Master Participating Agreement to provide skills development and training for Caddo tribal members through work as heritage survey crews on Forest Service projects.
Photo credit: Daniel Cain.**

“Passport in Time” (PIT) Program

This program engages volunteers in stewardship projects that benefit cultural resources and comply with the National Historic Preservation Act, the Archaeological Resources Protection Act, and other Federal historic preservation legislation. Volunteer involvement through PIT exposes the public to a broad range of natural and cultural resource issues and fosters public awareness and support of Federal land management (USDA Forest Service 2008c).

Programmatic Agreement

Programmatic agreements may be negotiated and executed at the national, regional, State, or forest levels. The agreements enable the Forest Service and the Indian tribe to set up a process for consultation, coordination and cooperation between the national forest and State Historic Preservation Officers, Tribal Historic Preservation Officers, Advisory Council on Historic Preservation, Indian tribes, and consulting parties. The agreements also lays out the conditions under which national forest-based planning can take place under uniform standards for inventorying, evaluating, protecting, enhancing, consulting, and managing historic properties affected by the activities and programs administered and carried out by the individual national forests (USDA Forest Service 2008b, Protection of Historic Properties 2004).

Protocols

Apart from the Programmatic Agreement, the Forest Service and the Indian tribe can create additional protocols such as a consultation protocol for how/when consultation should occur and a protocol for the potential inadvertent discovery and identification of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony found on public lands administered by the national forest (USDA Forest Service 2008b).

Repatriation

The Native American Graves Protection and Repatriation Act of 1990 provides a process for museums and Federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. In areas with many human remains or cultural objects, the Indian tribe may want to prepare by helping the forest create a Plan for the Treatment and Disposition of Human Remains and Other Cultural Items from the national forest pursuant to the law (see Forest Service Handbook [FSH] 1509.13 for an example). For a specific repatriation, a Repatriation Agreement will need to be executed (see FSH 1509.13 for an example) (USDA Forest Service 2008b).

Reburials

In consultation with an affected Indian tribe or lineal descendant, the Secretary of Agriculture may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been unearthed from the National Forest System land or an adjacent site. The Indian tribe's designated representative may contact the forest where the remains were found to formally request a reburial. The forest will then consult with the Indian tribe regarding the proposed place, manner, and timing of the reburial. The parties will also discuss the projected physical costs of reburial as well as the tribal costs, including travel to the site. The forest will then submit a request for funds to the Forest Service Office of Tribal Relations. If that Office approves, it will budget the reburial for the next year, and the funds will go to the region at that time. After the reburial funds are approved, the forest and the Indian tribe may wish to negotiate an Memorandum of Understanding with the details of the reburial itself, including the place, manner, and timing (see FSH 1509.13 for an example) (25 U.S.C. Chapter 32A, §3053, USDA Forest Service 2012b).

Research Cost-Reimbursable Agreement

These agreements allow the Forest Service to get certain goods or services from State cooperative institutions and colleges and universities to conduct agricultural research, extension, or teaching activities of mutual interest, although the parties may not benefit in the same qualitative way. The Forest Service may enter into these agreements with State cooperative institutions or other colleges and universities. The Forest Service may cooperate only with universities and colleges that offer baccalaureate or higher degrees (4 year) for teaching activities, however. The agreement does not require matching funds from the cooperator, although advance payments are prohibited (National Agricultural Research, Extension, and Teaching Policy Act 1977; USDA Forest Service 2009e; USDA Forest Service 2009f).

Research Joint Venture Agreement

This type of agreement enables the Forest Service to do research projects with any entity or individual to serve the mutual interest and benefit of the parties in agricultural research, extension, and teaching activities. The Forest Service may partner only with universities and colleges offering 4-year degrees for teaching activities. The Forest Service and the other party share costs—the agreement requires a 20-percent cost match. Reimbursable and advance payments are possible depending on the type of cooperator. The agreements are unsolicited (National Agricultural Research, Extension, and Teaching Policy Act 1977; USDA Forest Service 2009e; USDA Forest Service 2009f).

Example: A tribal college entered into a joint venture agreement with the Forest Service Forest Products Lab to explore opportunities for traditional ecological knowledge and western science to support tribal responses to climate change. The college was able to host native and Forest Service experts and scientists, who did research with student intern help, and then, the college held a tribal climate-change summit.

Rural Development, Forestry, and Communities

This program enables the Forest Service to help rural areas analyze and assess forest resource opportunities, maximize local economic potential through market development and expansion, and diversify communities' economic base. Funding may be allocated for such things as technical assistance, training and education, equipment, marketing, and all costs associated with making these services available to rural communities. Indian tribes are directly eligible. The Executive order requires annual Department of the Interior, Environment, and Related Agencies Appropriations direction to implement. *Currently unfunded (Catalog of Federal Domestic Assistance 2009)

Secure Rural Schools and Community Self-Determination Act

The act allows the Forest Service to enter into contracts, grants, cooperative agreements, and partnership agreements with local governmental entities, tribal nations, individuals, nonprofit and for-profit organizations, and so forth for eligible projects that have been recommended by the Resource Advisory Committee (RAC) and approved by the Forest Service. The act encourages project proposals from a wide range of proponents, including Indian tribes, and tribes may also participate as RAC members. Planning and implementing the projects should help improve cooperative relationships among the people that use and care for Federal land and the agencies that manage the Federal land (Secure Rural Schools and Community Self-Determination Act 2000, USDA Forest Service 2009e, USDA Forest Service 2013f).

Title II funds may be used for the protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the Secure Rural Schools Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land (USDA Forest Service 2013f).

The purposes of the Secure Rural Schools Act include making additional investments in, and creating employment opportunities through, Title II-funded projects that:

- Improve the maintenance of existing infrastructure,
- Implement stewardship objectives that enhance forest ecosystems, and
- Restore and improve land health and water quality (USDA Forest Service 2013f).

The funds may be used for projects that enjoy broad-based support and have objectives that may include—

- Road, trail, and infrastructure maintenance or obliteration;
- Soil productivity improvement;
- Improvements in forest ecosystem health;
- Watershed restoration and maintenance;
- The restoration, maintenance, and improvement of wildlife and fish habitat;
- The control of noxious and exotic weeds; and
- The re-establishment of native species (Secure Rural School and Community Self-Determination Act 2000, USDA Forest Service 2013f).

The act itself does not require matching funds or services from parties to an agreement. This act was designed to provide short-term assistance to rural communities and is subject to annual reauthorization or termination by Congress (currently funded through September 30, 2014) (Secure Rural School and Community Self-Determination Act 2000, USDA Forest Service 2013f).

Stewardship Agreements and Contracts

The Forest Service and the Bureau of Land Management (BLM) have authority to enter into stewardship end results contracting projects, under contract or agreement instruments, for up to 10 years. Stewardship projects help achieve land management goals while meeting local and rural community needs, including contributing to the sustainability of rural communities and providing a continuing source of local income and employment. Stewardship projects focus on the “end result” ecosystem benefits and outcomes, rather than on what is removed from the land. Forest Service staffs collaborate to build community partnerships with cooperating Federal, State, and local government agencies; tribal governments; nongovernmental organizations; and any interested groups or individuals to develop projects (USDA Forest Service 2008a, 2014 Farm Bill).

Some of the features of the authorizing legislation includes enabling Forest Service and BLM to apply the value of timber or other forest products removed as an offset against the cost of services received, apply excess receipts from a project to other authorized stewardship projects, select contracts and agreements on a “best value” basis, and award a contract or agreement up to 10 years, which may stimulate long-term investment in the local community. Stewardship contracts and agreements may be used for treatments to improve, maintain, or restore forest or range land health; restore or maintain water quality; improve fish and wildlife habitat; and reduce hazardous fuels that pose risks to communities and ecosystem values (USDA Forest Service 2008a, 2014 Farm Bill).

The Forest Service would enter into a contract where the Forest Service designs the stewardship project, is the beneficiary of the work, pays the costs of the project, and contractors compete for the project. Stewardship agreements are particularly applicable for stewardship projects where there is a joint endeavor with mutual benefits and mutual interest and the partner is a State or local government, Indian tribe, or nonprofit. Some features of stewardship agreements include requiring a cost-share of 20 percent or more, not permitting a profit incentive, and allowing for termination by either party. Contractors in this case are typically not competing for the projects (USDA Forest Service 2008a, 2014 Farm Bill).

http://www.fs.fed.us/restoration/Stewardship_Contracting/index.shtml

Example: A Forest Service region, national forest, Indian tribe, and other partners, including nonprofit organizations, developed a Master Stewardship Agreement (MSA) to establish a collaborative partnership that will benefit all parties through the leveraging of diverse expertise, skills, and resources to successfully achieve mutual land stewardship goals and objectives while providing training and job opportunities for tribal members and local contractors.

Technology Transfer Agreement

The Forest Service may enter into cooperative research and development agreements (CRADAs) for technological transfer for commercial purposes. The Forest Service may provide personnel, services, facilities, equipment, or other resources with or without reimbursement from the cooperator to support scientific research aimed at developing commercially viable products or services. The agreement should be between one or more Federal laboratories and one or more non-Federal parties. Although Indian tribes are not specifically mentioned in this act, the Forest Service may enter into CRADAs with Indian tribes or tribal entities that fit the description of industrial organizations and with tribal colleges that fit the nonprofit organization description (Federal Technology Transfer Act 1986).

Tribal Forest Protection Act

To carry out projects on National Forest System (NFS) lands to protect Indian forest land, range land, or tribal communities, Indian tribes may submit requests to the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements or contracts (TFPA 2004). Forest Service officials may provide advice and information to Indian tribes in advance of the Indian tribes' submitting proposals for stewardship contracts or other instruments, contracts, or agreements. Forest Service officials may assist Indian tribes in developing proposals that are consistent with the selection criteria set forth in the Tribal Forest Protection Act (TFPA). Line officers may only accept proposals from a representative of the governing body of an Indian tribe, such as a tribal council or tribal chairman. The Indian tribe may submit a proposal on behalf of a tribal member that owns an allotment that meets the qualifications for a project. Note that lands selected by Alaska Native Corporations under the Alaska National Interest Lands Conservation Act are not held in trust or with a restriction against alienation. Therefore, such lands are outside the scope of the TFPA. An Indian tribe to which an individual Indian allottee belongs, however, may submit a request to the Forest Service to enter into an agreement or contract to carry out a project to protect the allottee's land. The Secretary may issue public notice of initiation of any necessary environmental review or of the potential of entering into an agreement or contract with the Indian tribe no later than 120 days after the request is submitted (TFPA 2004, USDA Forest Service 2008a).

Example: Under this authority, an Indian tribe and a national forest signed a multiyear stewardship contract involving 15,000 treatment acres (one-half with commercial timber harvest and service work and one-half with service work only). The project is designed to reduce the threat of wildfire and forest disease spread from public lands to tribal land. It will also restore natural ecologic processes across a range of forest types, provide forest products to the local community, and enhance watershed conditions.

Urban and Community Forestry Program

There is both a national program and State-led programs. The national program grant assists State foresters, equivalent State agencies, Indian tribes, State-recognized tribes, interested members of the public, and private nonprofit organizations in urban and community forestry programs in cities and communities. It requires parties to share 50 percent of the costs, and the program must have national application. The organizers of the projects plan for, establish, manage, and protect trees, forests, green spaces, and related natural resources in and adjacent to cities and towns. Although individual landowners are not eligible, groups owning land are eligible. States have their own programs with varying criteria, but the party would have to apply through the State government (Cooperative Forestry Assistance Act 1978, Catalog of Federal Domestic Assistance 1978).

Example: A nonprofit organization worked with an Indian tribe to conduct an audiovisual workshop designed to educate the tribal reservation community on community forestry fundamentals and to provide the reservation residents with a new opportunity to revitalize their cultural values of caring for the land.

<http://www.fs.fed.us/ucf/>

Volunteer Agreement

Under a Volunteer Agreement, volunteers may be reimbursed for incidental expenses incurred that are required and directly related to their service. For example, volunteers may be reimbursed for expenses for personal vehicle use; public transportation; fuel for heating, cooking, or lights; uniforms/period clothing/costuming; and per diem if in official travel status and cooking facilities are unavailable (FITV 2002, Outka-Perkins 2009).

Volunteer Fire Assistance Program

This program provides financial, technical, and other assistance through State forestry agencies to organize, equip, and train small, local fire departments in rural communities with populations under 10,000 to prevent and suppress rural fires. State foresters pass this funding through to local fire departments and fire training academies. The grants are generally \$5,000 or less, and all cooperators must provide a 1:1 cost-share match. *Indian tribes must apply through their State government* (Cooperative Forestry Assistance Act 1978, USDA Forest Service 2011).

<http://www.fs.fed.us/fire/partners/vfa/>

Watershed Restoration and Enhancement Agreement Authority (Wyden Amendment)

The Forest Service uses this authority when it enters into Cooperative Agreements and Participating Agreements with Federal, tribal, State, and local governments; private and nonprofit entities; and landowners to improve fish, wildlife, and other resources on National Forest System lands within a watershed and to reduce risk of natural disaster where public safety is threatened within the watershed. Agreements may be with willing Federal, tribal, State, and local governments; private and nonprofit entities; and landowners to conduct activities on public or private lands for the following purposes: protection, restoration, and enhancement of fish and wildlife habitat and other resources; reduction of risk for natural disaster where public safety is threatened; or a combination of both. Indian tribes and State-designated tribes are eligible. Note that this type of agreement would require only mutual benefit, not necessarily mutual interest, and has no minimum matching requirement (Wyden Amendment 1998, Catalog of Federal Domestic Assistance 1998).

Wood Education and Resource Center (WERC)

Competitive Grants Program

This authority provides funds, on a cost-share basis, for projects that focus on enhancing opportunities for sustained forest products production for primary and secondary hardwood industries located in the eastern hardwood forest region. Non-Federal agencies; public and private agencies, including State, local, and tribal governments; institutions of higher education; nonprofit organizations; and for-profit organizations, corporations, and businesses are eligible. *Currently unfunded (Omnibus Consolidated Appropriations of 1998; Cooperative Forestry Assistance Act 1978; Forest and Rangeland Renewable Resources Research Act 1978; Catalog of Federal Domestic Assistance 2008b).

Example: A tribal basketmakers association used a WERC agreement to support its black ash basketry marketing and entrepreneurship training. Overall, the authority has enabled a more sustainable economic opportunity for the ash basketmakers.

<http://www.na.fs.fed.us/werc/>

The Hazardous Fuels Wood to Energy (W2E) Grant Program

Funds projects where some or all of the woody biomass is generated from National Forest Service System lands as a result of hazardous fuel treatments, forest restoration activities, insect and disease mitigation, catastrophic weather events, or thinning overstocked stands. Projects that use woody biomass from multiple land ownerships (State, Tribal, or private lands) and multiple sources (wood products facilities, urban wood waste, etc.) will be considered as long as some of the woody biomass is generated from National Forest System lands. Projects that do not anticipate using any wood from National Forest System lands will not be eligible (1990 Farm Bill; 2008 Farm Bill; Healthy Forest Restoration Act 2003; Catalog of Federal Domestic Assistance 2012; Consolidated Appropriations Act 2014).



Micmac tribal member looks for emerald ash borer, an invasive species threatening the tribe's traditional basketry, in a black ash log. The Forest Service provided aid to the Maine Indian Basketmakers Association in its ash basketry marketing and entrepreneurship training efforts by partially funding a Wood Education and Resource Center authorized project in 2011. Photo credit: Jennifer Neptune.

Woody Biomass Utilization Assistance Program

This program provides annual project grants or cooperative agreements to further long-term forest health through enterprises that support forest management, hazardous fuel reduction, and other restoration activities. The program focuses on commercially viable wood energy project development through several different mechanisms:

- a. Statewide wood energy teams to support expansion of wood energy installations through cooperative agreements;
- b. Funding for the development of clusters of projects either geographically clustered or sector clusters (i.e., colleges, hospitals, etc.) through grants to help with the design; and
- c. Grants to assist with the design and other preconstruction costs of installing a wood-energy system.

Eligible entities include nonprofit organizations; local, State, and tribal governments; business, companies, corporation (for profit), and special purpose districts (public utilities districts, fire districts, conservation districts, or port) (National Forest-Dependent Rural Communities Economic Diversification Act 1990, USDA Forest Service 2013g). Find your regional contact on the official Web site.

<http://www.fs.fed.us/woodybiomass/index.shtml>

Part 3

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