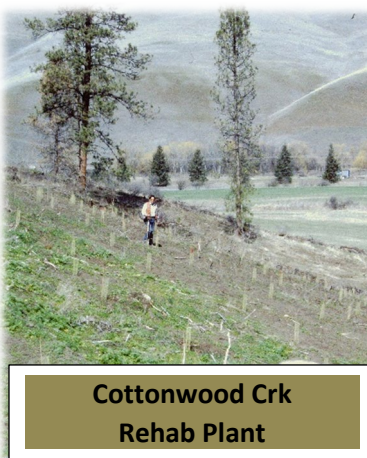




Date 05/06/2026

Forest History (1989-1999)

NEZ PERCE TRIBE



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PREFACE

This forest history update for the Nez Perce forestry program (1989-1999) was prepared by Past & Present of Missoula, Montana, for the Nez Perce Tribe of Idaho. Bureau of Indian Affairs regulations require that forest management histories be prepared for the nation's forested Tribal reservations and that they be updated every ten years in conjunction with the preparation of the reservations' forest management plans.

The history prepared in 1991 by Heritage Research Center, Ltd. of Missoula, Montana, covers the forestry program from the establishment of the reservation until 1988. Sections 1 and 2, of this update, summarize the original history. Those wishing for further information regarding the earlier period should consult the original history report titled: *'The Forests of the Nez Perce Vol. 1 & 2'* (Babcock et.al., 1991).

This history update is based on documents obtained at the Nez Perce Forestry Division, Department of Natural Resources, and at the Branch of Forestry, Bureau of Indian Affairs, Northwest Regional Office, Portland Oregon. This review also incorporates insights from comprehensive interviews with Nez Perce Tribal Forestry and Natural Resources staff, alongside members of the Nez Perce Executive Committee (NPTEC) in Lapwai, Idaho.

Past & Present wishes to thank the Nez Perce Tribe, especially members of its Executive Committee, the Nez Perce Department of Natural Resources and Division of Forestry staff, and the Bureau of Indian Affairs, Branch of Forestry, Northwest Regional Office in Portland, Oregon. Individuals who were particularly helpful in the preparation of this history include Samuel J. Penney, Del White, and James Holt, NPTEC; John DeGroot, Howard Teasley, Brian Kummet, Joanna Marek, and Venus St. Paul, Forestry; Richard Guzman, Nez Perce Forest Products Enterprise; Jack Bell, Natural Resources and Land Services; Paul Kucera and Felix McGowan, Fisheries; Gwen Carter, Water Resources; Keith Lawrence, Wildlife; Ron Halfmoon, T.E.R.O.; and Jason Lyon, Cultural Resources. Those aiding in the BIA, Branch of Forestry, Northwest Regional Office, include Robert (Bud) Miller, Arnie Browning, Neil Eldridge, Alex Whistler, Deloris Loucks, and Margaret Alby.

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1 PRELUDE TO RESERVATION¹

The Nez Perce Tribe have long lived in the Clearwater region according to the Coyote legend. Coyote killed the monster and created all the tribes. He then took blood from the monster's heart and created the brave and strong Nez Perce (Nimiipuu) people up and down the valley. Coyote preserved the heart and the liver of the monster as isolated rocks in the Clearwater Valley between Kamiah and Kooskia, which serve as reminders of the Nez Perce's ties to the land.

Humans have inhabited the Clearwater region for at least ten thousand years, most of the earliest as small nomadic hunter-gatherer band living in rock shelters along the riverbanks over a period of four to five thousand years. Sometime between two and five thousand years ago the ethnological lifeways pattern of the Nez Perce people began to emerge, with the appearance of pit houses and increased reliance on fish and root crops.

The Nez Perce historically have occupied an area extending from the Bitterroot Mountains in the east to the Blue Mountains in the West, an area including central Idaho, northeast Oregon, and southeast Washington. During the historical period, tribal numbers have been variously estimated between 1,500 and 6,000. About 3,000 are on the tribal rolls today.

Nez Perce families, the basic unit, lived in villages along the rivers, and the villages, in turn, lived close together in bands. The Nez Perce's political organization was egalitarian in villages and bands, both of which had a council which chose a headman to settle disputes and to oversee the well-being of the village or band. Bands also organized into large, composite bands which also selected overall leaders and a council. The largest group of Nez Perce resided at Kamiah and others at Lapwai, at the mouth of the Grande Ronde River, at the confluence of the Snake and Clearwater Rivers, in the Wallowa Valley and the Imnaha River in Oregon, and along the Salmon River near Whitebird.

During the winters, the Nez Perce lived in villages of one or more lodges in the canyons and major river valleys, consuming the food collected and stored in the summer and fall. In the spring, the Nez Perce moved out of their villages in small groups to gather fresh supplies of food, including salmon and steelhead from weirs and fishing platforms, and eels, blueback, sturgeon, whitefish, suckers, and trout. The Nez Perce also lived on camas and cous, both roots high in calories and nutrition. The Nez Perce also hunted elk, deer, bear, beaver, antelope, mountain goat, wolf, coyote, rabbits, sheep and bison. The Nez Perce collected pine nuts, sunflower seeds, wild onion, carrots, hawthorn, bitterroot, service berries, chokeberries, thorn berries, blackberries, and huckleberries. Many of these foods were hunted or gathered in the forested lands occupied by the Nez Perce, who also used wood for the construction of lodges, fish weirs, harpoons, spears, arrow shafts, bows, dugout canoes, log rafts, traps for catching bears and other small animals, and firewood.

The Nez Perce people held the land they occupied in common; individuals and bands held rights of stewardship. Individuals or bands using the resources in an area were responsible for using them wisely

¹ This section is based on William A. Babcock, et. al., *The Forests of the Nez Perce: Forest Resource Management on the Nez Perce Reservation. 1855-1988*, prepared by Heritage Research Center, Ltd. for the Nez Perce Tribe of Lapwai, Idaho, 1991, pp. 1-1 through 1-8.

and recognizing the rights of others to them. These life patterns gradually eroded with the appearance of Euro-Americans, beginning with the arrival of Lewis and Clark at the Nez Perce encampment at the Weippe Prairie on September 20, 1805. During their stay with the Nez Perce for two weeks on their way to the coast and on their return in May 1806, Lewis and Clark established good relations between the Nez Perce and Euro-Americans, which the Nez Perce honored until the Nez Perce War of 1877. However, the arrival of Lewis and Clark initiated the arrival of missionaries, fur traders, and gold seekers. Early arrivals included fur traders of the British Northwest Company, the Hudson's Bay Company, and the various American brigades. David Thompson of the Northwest Company, although not trading with the Nez Perce directly, made the first written reference to the "Nez Perce" in his journal at the Saleesh House near present-day Thompson Falls, MT. Donald McKenzie of the Astorians made the first serious attempt to trade with the Nez Perce, constructing a trading post opposite the location of present-day Lewiston, Idaho, in 1812. The British gained control of the post during the War of 1812 and McKenzie returned as a member of the Northwest Company in 1816 and 1818, established Fort Nez Perce at the present site of Walla Walla, and introduced a fur brigade to the region. In 1826, some Nez Perce attended a rendezvous of fur traders at Bear Lake, ID on the Idaho-Utah line and regularly attended them until the last one in 1840.

The fur trade introduced the Nez Perce to European goods and to Christianity. The Nez Perce sent four representatives to St. Louis, MO in 1831 to ask for a missionary to instruct them in Christianity. Marcus and Narcissa Whitman, Henry and Eliza Spalding, and William Gray established missions in the Northwest; the Spalding's settled among the Nez Perce at Lapwai. Spalding built the first sawmill within the present reservation boundaries. However, Spalding caused a rift within the Nez Perce Tribe that lasted into the twentieth century by, at times, forcibly introducing Christianity and by politically and economically favoring tribal members who supported him and rejecting those who did not. Lawyer was one of the Nez Perce who gained influence because he supported Spalding. During the Cayuse War, in which the Whitmans were killed in 1842, the Nez Perce remained neutral; however, the war exacerbated the split caused by Spalding between those in the Nez Perce Tribe, mostly traditionalists who wanted to fight the whites, and those, mostly Christian Nez Perce, who wanted to help the whites.

In 1855, Isaac I. Stevens, Governor and Superintendent of Indian Affairs for Washington Territory, who had been conducting a survey for a northern railroad route through the territory, negotiated a treaty at Walla Walla with the Nez Perce, Cayuse, Walla Walla, Umatilla, Kamiakin of the Yakima, and other Columbia River Tribes to settle these tribes on reservations. The Nez Perce Treaty of June 11, 1855, defined a Nez Perce homeland of almost 7.8 million acres and promised the Nez Perce \$200,000 in improvements, goods, and services, two schools, a sawmill, a grist mill, and a hospital. The Christian Lawyer was made headman. Many headmen were dissatisfied with the treaty, which further exacerbated the split between the Christian, pro-white Tribal members, and the non-Christian traditionalists. The Treaty of 1855 was to be the basis for all future relations between the Nez Perce Tribe and the U.S. Government. The "War of the Interior," 1855-1858 between many of the Tribal members dissatisfied with the treaty and the U.S. Government further widened this separation.

Despite provisions in the Treaty of 1855 that whites were prohibited on the reservation, the discovery of gold on the North Fork of the Clearwater River in 1860 led to prospectors swarming onto the reservation and frequent conflicts between Tribal members and non-Tribal members. Lawyer signed the Treaty of April 10, 1861, which ceded that portion of the reservation north of the Clearwater River, but conflicts

continued with the establishment of the town of Lewiston and Elk City. Fort Lapwai was established in 1862 to keep peace as the separation within the Tribe widened further. Shortly after the Idaho territory was created from the Washington Territory in March 1863, Lawyer and the pro-white bands negotiated a new treaty in May 1863 (ratified April 20, 1867), which ceded over 6.9 million acres of land occupied by the anti-white, anti-Lawyer bands who were not represented at the Council for \$265,000 and other compensation, including agricultural equipment, a sawmill, a schoolhouse, and houses for headmen. Whites began to move into the ceded portions before the treaty was ratified in 1867 to the dismay of the non-treaty Tribal members, and the treaty Nez Perce began reacting to the pressure of rapid white settlement and the non-payment of monies promised in the treaty.

The conflict between the whites and the non-treaty Nez Perce resulted in the Nez Perce War of 1877 and the 1,700-mile trek of Joseph, Ollokot, Looking Glass, and White Bird across the Bitterroot Mountains, through the Big Hole Valley, into Yellowstone Park, and onto the Montana plains toward Canada. Captured near the Bear Paw Mountains in Montana, the non-treaty Nez Perce were taken to Kansas and then to Oklahoma and finally allowed to return to the Colville Reservation in 1888 with a portion allowed to return to Lapwai.

Within just twenty years, the Nez Perce Tribe had either been forced from its homeland or forced to live within a greatly reduced area within its aboriginal lands. In both cases, they were expected to adapt to several acculturation policies that threatened to erase their traditional communitarian lifestyle and culture.

2 THE NEZ PERCE TRIBE²

2.2 BACKGROUND AND LINKS TO PREVIOUS FOREST HISTORY

Between 1855 and 1900, the Nez Perce Tribe tried to maintain control over its reservation lands as provided for in the treaties, presidential proclamations, and congressional actions of the period. However, these same laws initiated a process in which the U.S. Government administered reservation affairs, which included attempting to impose Euro-American culture on the Nez Perce people. Part of this activity included the use and often the exploitation of the reservation's forest resource.

The Treaty of 1855 (ratified in 1859) provided for the Nez Perce's exclusive rights of occupancy (a provision quickly violated), which included the right to use the forest. The treaty also funded the construction of residential homes, schools, a hospital, gunsmith facilities (carpenter and blacksmith), and farm fencing. Article 5 provided that the government constructs a sawmill and a flour mill. In the early 1860s, the government established a subagency (later an Agency) at the old Spalding Mission site near the mouth of Lapwai Creek near Fort Lapwai located at the present Lapwai townsite. The Treaty of 1863 provided that the government provide additional funds to help the Nez Perce relocate to the drastically reduced reservation and to take up agriculture. The government agreed to build a sawmill and a flour mill at Kamiah and to pay for employee housing, which included the purchase of sawlogs, nails, glass, and hardware. Later, Indian Claims Commission rulings found that the compensation to the Nez Perce (which totaled \$352,394) for the surrender of over 6.9 million acres of land (which included over 3 million acres of timber lands) to be grossly inadequate. Article 8 of the Treaty of 1863 stated that timber within the reservation was the exclusive property of the Tribe, except that the government was permitted "to use thereof for any purpose connected with its affairs..."

The Nez Perce almost immediately sought amendments to the Treaty of 1863 to provide allotments to off-reservation tribal members and to annul Article 8 of the Treaty of 1863, which allowed the government the right to use reservation timber to maintain government forts and garrisons. Any timber to be harvested was to be determined in advance, with written consent of the Tribe, the Agent, Superintendent, and military was to protect the reservation's timber. This amendment was to cause considerable consternation for the government later when its needs ran counter to the will of the Tribe.

Sawmills were critical for acculturation, which included the construction of administrative shops and offices and the development of farms. Henry Spalding built the first sawmill within the boundaries of the reservation about 1840, which was decommissioned by the early 1860s, when the government built its first sawmill on Lapwai Creek sometime before 1863. The mill was an inefficient operation and produced only about ten thousand board feet annually, most of which was used in post and board fencing. Some of those harvesting logs used the Clearwater River to float them to the mill, where the government milled them for half the lumber produced, an inefficient process, which resulted in the amendments to the 1863 Treaty. Nez Perce pressure on the government, to the point of threatening war, finally resulted in the government building, in 1870, the saw and grist mill at Kamiah promised in the Treaty of 1863. The mills did produce lumber for housing, a church, a hospital, and a dispensary at Lapwai and a church and boarding and lodging house at Kamiah and provided some Tribal employment. However, the mills were

² This section is based on *Forests of the Nez Perce*, Chapters 2-8.

frequently in a state of disrepair during the 1860s and 1870s. A new mill was constructed at Lapwai in 1881, but the government declared the mill at Kamiah useless in 1883. By the early 1880s, few resources were committed to forest protection and development (e.g., trespass and fire control) because forest resources were simply viewed to further the goals of acculturation and agriculture.

Between the late 1880s and 1904, the Agency offices and staff were moved from the Lapwai Creek location to Fort Lapwai, which federal troops had left in 1884. In 1890, a miller and sawyer occupied the house at the old Agency that formerly served the Agency as an office and dispensary. By 1887, the mill at Kamiah was once again operational. In the late 1880s, government officials viewed the 12-to-13-mile-wide strip of timber along the north part of the reservation adequate for the Tribe's timber needs for the next two hundred years for fuel, fencing, and lumber. However, the government also recognized the growing pressure by whites to purchase and cut Tribal timber, something the Agent was unable to permit because of the 1868 amendments to the 1863 Treaty, which required the written permission not only of the Agent and the Superintendent of Indian Affairs but also of the headman of the Tribe.

The allotment process authorized by the General Allotment Act of 1887 began on the reservation in that year. The act was designed to promote agriculture through independent land ownership. It also was intended to sever tribal ties by allotting lands "in severalty" and by conferring citizenship on Tribal members born within the territorial limits of the United States willing to establish a "residence separate and apart from any Tribe of Indians" and adopt the "habits of civilized life." Lands on the reservation were surveyed, and a census of tribal members was taken, and allotments were issued in 1889. Many tribal members were upset about the way reservation boundary lines were drawn and about white men marrying Tribal women and then moving quickly onto the reservation to select the best lands. In 1893, the allotment process was completed and in 1905 allotments were issued; the census showed the Nez Perce Tribe at 1,828. Final allotments totaled 2,009, making up 175,026 acres. The Agreement of 1893 (signed by the President in 1895) completed the allotment process whereby the Tribe, in essence, ceded 542,000 acres of so-called "surplus" lands for \$1,626,000 for settlement by white settlers.

The allotment process and the sale of "surplus" lands to whites further compromised the integrity of the reservation in that whites soon outnumbered Tribal members and leased many Tribal allotments from Tribal members. The Burke Act of 1906 allowed "competent" Tribal members to patent and thereby sell their trust allotments, which, by the 1960s, had reduced the allotted land from 175,000 acres in 1893 to only 57,062 acres. The Nez Perce also objected to the construction of roads, which allowed travel to almost every part of the reservation. The 1893 agreement also established 32,020 acres of tribal timber reserves scattered about the reservation to supply fuelwood and construction timber for the Nez Perce which were surveyed and then combined in various ways to produce 20 named reserves in 16 different townships. During the time that the tribal reserves were under the temporary management of the U.S. Forest Service in accordance with the terms of the cooperative agreement between the Secretary of Agriculture and the Secretary of the Interior in 1908, the tribal timber reserves were surveyed and found to consist of 95 million board feet of yellow pine and 14,435,00 board feet of Douglas-fir and other species. In the meantime, the acculturation and agricultural development processes continued, greatly facilitated using portable sawmills designed to eliminate the need for Tribal members to transport logs great distances to construct houses, fences, and barns.

The 1908 survey noted that there was a good market for mature timber at remunerative prices, but it also pointed to timber trespass by whites living near reservation boundaries cutting timber for their fuelwood and for making improvements on their leased land. The survey also expressed concern about unsupervised cutting by the Tribe on its lands, which was viewed as wasteful, and recommended the issuance of permits and controlled access to prevent overgrazing of timber lands and conflicts between Tribal members and non-Tribal members.

Between 1908 and 1909, events on the reservation were dominated by attempts to secure resolution of the amendment in the Treaty of 1868, that no timber could be cut on the reservation without the consent of the head of the Tribe, the local Agent, and the Superintendent, which served as a means for tribal members to block government attempts to cut mature timber as well as lease grazing lands. The failure to exploit the resources was estimated to cost the Tribe an average of \$10,000 annually. This problem was complicated by an ill-fated attempt to have the U.S. Forest Service manage the timber resource on the reservations during the struggle between the Department of the Interior and the Department of Agriculture over control of the nation's timber reserves as provided for in the Cooperative Agreement of January 22, 1908. These complicated matters were resolved in July 1909, when the cooperative agreement between the Forest Service and the Department of the Interior was terminated and when the Indian Office authorized the Superintendent of Indian Affairs to circulate a petition "among the Indians" authorizing the Secretary of the Interior to mark and cut mature and dead and down timber to prevent loss and to sell it to the highest bidder, and to deposit the money to the credit of the Tribe. However, the controversy over the Cooperative Agreement of 1908 exacerbated relations between the Tribe and the Indian Office.

In the meantime, timber cutting proceeded on the reservation, primarily using portable sawmills, a product of the 1893 Agreement that authorized the government to purchase for the use of the Nez Perce, two portable sawmills at a cost not to exceed \$10,000. These mills, in essence, removed the need for the inefficient government mills at Lapwai and Kamiah by enabling the Nez Perce to improve their allotments and eliminated the need for the allottees to transport their logs to the stationary mills. Between 1893 and 1905, the portable mills cut millions of board feet of lumber from the tribal reserves, which, in turn provided sufficient building material for all Nez Perce allotments. In the meantime, the appearance of large commercial mill operations on the reservation, such as the Craig Mountain Lumber Company in 1910, reduced the need for the Agency sawmill which had been moved to Winchester, and sometime between 1920 and 1922, phased out.

On March 3, 1909, Congress established the Division of Forestry within the Office of Indian Affairs (OIA) to create a much-needed forest management program. J. P. Kinney was appointed Assistant Forester for the Branch of Forestry, which was established to remedy the deficiencies of the General Allotment Act and the Dead and Down Timber Act of 1889 (which were established to prevent exploitation of Tribal timber resources) and to enable the commercial sale of green timber on Tribal reservations. The act authorized the Commissioner of Indian Affairs to regulate timber sales on any allotted and unallotted lands on reservations, provided that the proceeds were used for the benefit of the Tribe.

Kinney established a set of regulations to better manage timber sales in compliance with the law of 1910. Timber sales had to be approved by the Superintendent or the Commissioner, depending on their size, and ten percent of the gross sales value would be deducted to pay the administrative costs and to protect the reservation from fire and trespass. Kinney's regulations also stated that timber would be sold in small, individual sales, rather than in large ones. Any timber cut of less than \$25 in value would require a permit and Indian Office approval to prevent illegal cutting and selling of timber on allotted lands under the pretense of clearing these lands for agricultural purposes. Kinney also addressed the problems of fire control, insect infestation, and trespass.

Timber sales on the Nez Perce Reservation, although now authorized, encountered initial resistance by the Tribe, which viewed any plan to cut timber on the reserves as a plan to secure control of their land. As a result, reserve timber sales did not begin until 1918. The Tribe agrees to them only if half the net profit would be distributed among tribal members on a per capita basis, with the other 50 percent being deposited to the Tribe's credit at the Treasury to be used for their benefit by the Secretary of the Interior. As of 1910, the tribal reserves contained 32,020 acres divided into 26 plots, among which allotments and homesteads were scattered. The tribal reserves contained an estimated 101 million board feet and the allotted lands about 10 million board feet. The Forestry Division had three employees, two of whom were Nez Perce. Forest guards fought fires, patrolled trespassers, and, in later years, provided agricultural education to tribal members.

Beginning in 1910, the Commissioner of Indian Affairs office authorized the Superintendent to manage Nez Perce timberlands so that they would provide constant revenue for the Tribe that could be used for the "civilization" and "uplift" of the Tribe as a whole. The Commissioner and the Superintendent agreed on small timber sales that they believed would not alarm the Tribe. The proceeds would be used for forest maintenance costs, provide some income to the Tribe, and the sales would clear lands for agriculture, which would also return some income to the Tribe. However, between 1910 and 1918, no timber was sold from tribal lands because the Tribe insisted on the Indian Service doing so only with tribal consent and on condition that sale proceeds be distributed to tribal members on a per capita basis.

Finally, after considerable deliberation, the Tribe agreed to a sale of timber on tribal reserve land near the Craig Mountain Timber Company Mill to the company on April 26, 1918, in return for 50 per cent of the net profit. The sale, which was designed to clear land for agriculture rather than for reforestation, covered 3,680 acres consisting of mostly yellow pine amounting to a total of 60 million board feet, including about 1.3 million board feet of yellow pine from individual allotments. The Unit 1 Sale was completed on June 28, 1923. The Craig Mountain Lumber Company in August 1923 purchased another sale near Reubens, encompassing 6,420 acres and 65 million board feet, which was divided into Units 2 and 3, again both consisting mostly of yellow pine. Despite some problems with brush removal, the sales were considered very successful. Unit 1 produced 62,009,564 board feet at an estimated value of \$191,791.28; Unit 2 produced 17,740,720 board feet with a value of \$65,296.08; and Unit 3 produced 33,803,120 board feet valued at \$144,627.72. Eight percent of the revenue was withheld for administrative expenses associated with the sales and the remainder of the sale was split 50-50 between the Tribe and the Department of the Interior. These large sales comprised a significant percentage of the merchantable timber volumes on the forested tribal reserves.

Allotment timber sales, during this same time, did not receive the same initial opposition that the tribal reserve sales had because the allotments were intended to provide agricultural self-sufficiency to the Nez Perce. The Office of Indian Affairs established a set of guidelines for allotment sales in June 1911 (the size of sales dictating whether no permit, a permit, a contract, or OIA approval was required and recommended that only small portions of a parcel be cleared at a time to ensure that the land would be cultivated after clearing. Allotment sales commenced in 1911 and proceeded without incident except for some sales that should have been advertised and were not, and allottees would sometimes withdraw the timber advertised, a practice remedied by having the allottees sign powers of attorney.

Timber trespass also was a major concern to the Tribe and the government during the 1910s and the 1920s. Agency Superintendents often had to act on complaints by Tribal allottees reporting timber trespass activities by whites. Obtaining convictions was difficult because, among other things, the action raised governmental legal rights to recover the value of the timber cut. By 1916, the issue became enmeshed in the differing interpretations of the 1894 statute regulating timber cutting on Tribal lands.

The Forest Guard's original duties were fighting fires and patrolling trespassers. With the advent of commercial timber sales on tribal reserve, the forest guards reoriented their activities to timber sale administration. When this occurred, three forest guard positions were consolidated into one Scaler's position and temporary help was hired as needed, which reflected a shortage of funds and a shift in priorities for the funds available. Little was done during the 1920s to develop an organized fire management program because so much of the merchantable timber already had been harvested and because the small forestry reserves were surrounded by farmland that was easily accessible by roads, existing telephone lines, and readily available supplies.

The Division of Forestry experienced profound changes in organization and direction between the mid-1920s and the end of World War II. J. P. Kinney continued to administer the program, numerous Nez Perce and national program reviews were conducted, conservation programs were expanded in the 1930s, and the Indian Reorganization Act of 1934 ended the allotment process and provided for the establishment of tribal governments. Kinney continued to work to eliminate timber allotments and to create Tribal forest reserves to improve the cost and conservation efficiency of timber sales.

In 1928, Superintendent O. C. Upchurch wrote a 20-page report on the conditions of the Nez Perce people and their reservation. The report was part of a 1928 Institute for Government Research study prepared by Lewis Meriam and others in *The Problem of Indian Administration*, which pointed to the inadequate personnel, equipment, and lack of cooperation and coordination within the Indian Bureau and other government departments. The report urged better-trained Indian Bureau employees and their engagement in reservation forestry work. The report was critical of Kinney's practice of lumping individual allotments into timber units and urged that the Tribe gain profit from the sale of timber from their individual lands. Upchurch interpreted and applied the findings of the Meriam report by challenging the paternalism of the government, which he claimed had pauperized the Tribal members, and urged this paternalistic control be reduced. Out of 282 patent-in-fee parcels, Tribal members controlled 30 percent of the allotments on the reservation and that, since most of the timber on the tribal forest reserves had already been sold, the government need not involve itself further in that activity. In urging that an additional \$32,000 per year be spent on salaries and \$79,000 in capital investments, Upchurch did not call for any of these expenditures being made in forestry.

Because of the drop in market demand for timber during the Depression, timber harvested from 1928 to 1940 was minimal. During this period, only 125,040 board feet were cut from tribal lands and 634,461 board feet from allotted lands on the reservation. Reinforcing the drop in demand was the idea that, from the standpoint of those managing the Nez Perce forests, its timber was insignificant. Some Tribal members were employed in cutting firewood and posts and by local sawmills.

During the 1930s, the Indian Service's Division of Forestry was renamed the Division of Forestry and Grazing and directed to take on the additional responsibility of managing the nation's 42 million acres of Tribal rangeland and its 7 million acres of commercial timberland. Associate Forester Lee Muck coordinated a national survey of grazing management issues for the Indian Office and conducted the survey of grazing lands on the Nez Perce Reservation himself. He observed that much of the grazing land was more valuable and of sufficient quality to be farming land and provided the following land classification and corresponding acreages on the reservation--allotments 185,398.52 acres; acreage sold, 542,074.00; old Agency 640 acres; timber reserves 32,020 acres, for a total of 760,132.52 acres.

In 1931, as part of the development of a national sustained yield policy to find solutions plaguing the timber industry, the Commissioner of Indian Affairs appointed Lee Muck and Percy Melis to analyze the position of Tribal timberlands. In their report, "The Status of Indian Forests," Muck and Melis concluded that Tribal forested reservations should be part of a national sustained yield program, even though they noted that this would be somewhat difficult in view of the "involved land status problem so common to Tribal property, placing it somewhere between public and private property." They also noted that few of the nation's forested Tribal reservations had programs large enough to significantly impact the nation's timber supply, noting that the Nez Perce Reservation, for purposes of their analysis, could not be considered a significant source of merchantable timber.

The Depression era brought significant reforms to Indian Country under the Direction of John Collier and the passage of the 1934 Indian Reorganization Act. The act repealed the Dawes Act of 1887, which had established the federal allotment policy and had granted the tribal governments all surplus lands. The act also provided for broader Tribal self-rule and the preservation of Tribal cultural freedoms. Because of misunderstandings about the intent of the act, the Nez Perce Tribe rejected it; nonetheless, certain IRA policies went into effect. The allotment of lands to individuals ceased and the reservation was closed to homesteading. The IRA also incorporated the principles of sustained yield forest management for the nation's Tribal reservations for the nation's forested Tribal reservations. The act directed the Indian Service's pertaining to Tribal hiring practices, which continued to affect Tribal policy. In addition, in 1936, the Indian Office issued a new and more detailed set of Forest Regulations, which were distinguished from the regulations of 1911, 1918, and 1927 by their positive assertion in favor of forest preservation for other than economic purposes.

The nation's Indian Tribes benefitted from the reform impulse of the New Deal and the passage of the Emergency Conservation Act, which addressed the major and chronic poverty of the nation's Indian reservations. Under the auspices of the act, the president and Congress created the Civilian Conservation Corps, and more specifically, the Indian Emergency Conservation Work later called the Civilian Conservation Corps-Indian Division (CCC-ID), which provided relief work to only Tribal members on reservation lands from its passage in June 19, 1933 to the cessation of work on all reservations on July 10, 1942. The Indian Commissioner saw the CCC-ID as a means of promoting Tribal revitalization through

emergency relief projects, building Tribal member skills, and improving local silvicultural and agricultural practices. Between 1935 and 1942, the CCC-ID carried out a variety of conservation projects and improvements on tribal and on some private Tribal lands, despite the difficulty in designing projects for the Nez Perce Reservation because of the scattered nature of the tribal reserves.

During the 1930s, it appears that the CCC-ID conducted a timber reconnaissance survey of the reservation, which included allotted lands as well as tribal timbered lands. The survey estimated timber volumes from 20 to 40 million board feet, although later surveys were to show that Nez Perce timber volumes were considerably higher than that. In 1938, Indian Office Forester Harold Weaver conducted a pine beetle survey of the reservation, funded, in part by CCC-ID funds. During the 1930s and early 1940s, the Northern Idaho CCC-ID carried out a significant fire prevention program on the reservation. Projects included trail construction, roadside cleanup, and fire suppression. Fire control agreements were concluded between the Agency and the Clearwater National Forest and the Clearwater Timber Protective Association in 1938, the latter a private organization, which provided fire protection to all alienated lands on the reservation. With the end of the CCC-ID in 1942, the Agency concluded a cooperative agreement with the state of Idaho in July 1942, which lasted until 1949.

With the outbreak of World War II and the need for timber in support of constructing barracks, ships, docks, plants, housing, gunstocks, airplanes, and storage equipment for explosives and gunpowder, the Indian Office requested that a timber volume survey be conducted on western reservation timber. The volumes given for the Nez Perce Reservation amounted to 59 million board feet. Between 1941 and 1946, over 14 million board feet of tribal timber and 4.5 million board feet of allotted timber were sold from the Gilbert Grade and Cavendish Units, which returned \$38,000 to the Tribe and \$10,600 to the allottees. After the war, the Indian Office became the Bureau of Indian Affairs in 1947, and the Bureau created the Area Offices in 1949 with direct line authority.

2.3 BIA AND TRIBAL FOREST MANAGEMENT

During the post-war period from 1945-1960, there was a general trend toward greater government efficiency through Agency elimination and consolidation, staff reductions, Tribal self-sufficiency, and better management through the preparation of management plans. These trends were evident within the Bureau of Indian Affairs post-war reorganization with decentralized line authority from the Washington, Area, and Agency offices. Forestry staff had to try to reconcile the conflicting goals of sustained yield with maximizing returns on stumpage revenue, a constant source of conflict on the Nez Perce Reservation. The Hoover Commission organized in the late 1940s criticized the BIA for not involving Tribal members more directly in the forestry programs and for not teaching and training Tribal members in the concept of sustained yield management.

The incentive toward preparing forest inventories and management plans had accelerated during the war as the BIA prepared management plans for all major Tribal forests that included formal forest management goals and to develop an economic resource base. With the pressure to cut more timber during the war, inventories were conducted since annual allowable cuts had been determined conservatively due to the lack of inventory data. By 1959, over two-thirds of the nation's Tribal reservations had been inventoried for the purpose of forest management planning. Post-war

management plans expanded to include fire protection protocols, inventory of logging access roads, and detailed assessments of both staffing needs and the forest's potential for multiple use.

Since its inception, the BIA forestry program has struggled with persistent management hurdles. These include the unique fiduciary responsibilities of the Tribal-Bureau relationship, the administrative friction between allotted and un-allotted lands, and the contradictions between sustainable practices and pressure to maximize timber revenue. To reduce the costs of forest management in an age of federal expenditure cutbacks, the Bureau signed a series of cooperative agreements with federal, state, and private agencies to deal economically with fire and pest control. For example, in 1942, the Departments of Agriculture and Interior extended the cooperative agreement that had been signed originally in 1913. Similar fire control agreements were signed during the period with the National Park Service, state forestry departments, and protective fire associations.

The Bureau faced significant fiscal constraints throughout the 1950s and 1960s, a period marked by the termination of federal supervision for various Tribes holding substantial timber resources. Even as support in the administration and Congress for termination waned, the Bureau continued to be criticized for not encouraging greater Tribal self-reliance and was urged to develop Tribal natural resources to achieve greater Tribal self-sufficiency. In response, the congressional 'Chudoff Committee' was formed in 1955 to recommend improvements for managing Tribal forestry on a more business-oriented basis.

The committee recommended employing qualified staff at competitive salaries, improve federal coordination regarding increased and improved access roads to timberlands, and allocating federal funds over the next decade. The Chudoff Committee also addressed timber sale policy, stumpage appraisal, and Tribal participation in the forestry program. In response to congressional pressure, an inter-agency task force-comprising the Forest Service, BLM, and BIA-developed a unified framework for federal timber sales. This effort culminated in the 1959 publication of the Bureau of Indian Affairs Manual (IAM) and updated General Forest Regulations, representing the first major overhaul of BIA timber policies since 1936.

On the Nez Perce Reservation, forest management primarily centered on timber sales and fire control during a time of increased demand for timber, a growing tribal awareness of the value of their forest resource, budgetary and staffing shortages, dated inventory and planning documents, and a political climate favoring termination. Because the Nez Perce Reservation was not considered a major timbered reservation during the war, the Northern Idaho Agency did not prepare a forest management plan for it. However, in March 1949, the Portland Area Office requested that the Northern Idaho Agency submit a list of needed projects and budgets for surveys related to forest management, range management, forest protection, and wildlife management for Area Office consideration and the allocation of \$10,000 to the Agency for these purposes in addition to its regular operating funds. The Superintendent emphasized that a no-cost BLM survey is necessary to reestablish original boundaries. This would allow for the resolution of reservation wide boundary disputes and more effective forest protection.

The Agency was unable to respond to the Area Office's request for periodic harvest scheduling of timber reserves due to lack of updated, comprehensive forest information, which continued to force the forest managers to rely on the estimated timber volume (59.1 million board feet). As a result, cutting schedules were conservative to ensure that the forest reserves were managed in accordance with sustained yield principles. An annual allowable cut was conservatively set at 2 million board feet. A 1954 report by the

forest manager estimated that tribal timber reserves contained 45 million board feet, with 23.5 million board feet located in untouched areas. The report recommended that these specific stands be harvested within three years. Beyond the knowledge that all allotments had been harvested at least once since 1910, the Agency possessed no information regarding the original, total, or current timber volumes for either tribal or allotted lands.

Staffing gaps and fragmented land holdings hindered Nez Perce timber production in the 1950s, leading to significant revenue loss. Although the Portland Area Office suggested the Tribe use 10% deductions from timber revenue to support management needs, the Tribe declined. The tribe argued that the BIA was contractually responsible for providing the personnel and resources necessary to oversee tribal timber. Between 1947 and 1960, only about 16.6 million board feet were harvested, which provided only \$160,000 to the Tribe. Many of the timber sales during this period, however, were contracted through Tribal logging businesses. The sales were set under special procedures in which the Tribe accepted less than the maximum prices possible to assist tribal logging operations.

Between 1947 and 1960, there were only 78 fires, which burned a total of 804 acres on the reservation. The core of fire management, on the reservation, were the cooperative agreements signed between 1942 and 1943 between the Northern Idaho Agency, the state of Idaho, the Clearwater Protective Association, and the Kanisku National Forest, which provided for these agencies to supply the northern Idaho Agency with fire suppression services at cost. The Agency did maintain a small protective organization consisting of a forest officer, a guard at Kamiah, and a fire control aide at Lapwai. Between 1953 and 1959, the Agency signed an agreement to provide better fire protection on a contractual basis than could be provided with the existing cooperative agreements. The agreement provided that the Agency would pay \$1,000 annually in pre-suppression costs and would pay the actual costs of suppressing fires on Tribal lands.

The reductions in federal expenditures for the nation's Tribal reservations resulted in reduced staffing and moved planning efforts to a theoretical rather than an applied stage. By 1960, it was evident that the abrupt attempt at termination had been a failure and that the key to greater Tribal self-determination was interim retention of the BIA-tribal trust relationship and maximum development of Tribal resources in accordance with long-range plans. During the decade, there was greater emphasis on long-term planning, especially intensive forest management planning. This planning recommended various silvicultural techniques-including thinning and reforestation-to maximize forest product output. The goals to accelerate stand regeneration, ensure sustained yield, and boost tribal income through increased sales and enterprise development. Increased BIA staffing, funding, and higher pay grades for foresters during the decade enabled the personnel to execute intensive, accelerated forest management plans.

Revisions in timber sale laws during the late 1950s and 1960s also contributed to accelerated cutting programs and provided the Tribes with a better opportunity to benefit from them. Revisions in the 1959 timber sale regulations provided Bureau foresters with greater flexibility in selling Tribal timber and standardized timber sale contracts helped expedite timber sales. Significantly, Public Law 88-301 passed in 1964 amended the law of June 25, 1910, by providing Bureau foresters with the statutory authority to implement the principles of sustained yield management that had been a part of BIA planning since the 1930s, and to harvest commercially mature as well as over-mature trees from Tribal forests. During the

1960s, increases in annual allowable cuts through intensive forest management and increased revenue enabled foresters to prepare long-term economic development plans for reservations.

During the 1960s, the Commissioner of Indian Affairs required Area Directors to prepare 20-year development plans for their jurisdictions and, for reservations with significant resources, to assist foresters in transitioning to intensive forest management. Harold Weaver, BIA Forester from the Central Office, was placed in charge of preparing the reports. The reports revealed that much work was necessary in the form of aerial photography, reforestation, timber stand improvement, and pest control before the BIA could achieve its goal of intensive forest management on a national scale. Weaver also prepared reports on the potential for intensive forest management on three reservations and recommended employing Tribal members in intensive forest management programs such as thinning and reforestation and improving forest management efficiency through tribal repurchase and consolidation of timber trust allotments.

Funding from early 1960s anti-poverty programs-specifically the Accelerated Public Works (APW) program and the Economic Development Act-enabled the implementation of intensive forest management on the nation's Tribal reservations. Work included forest development and timber stand improvement, hazard reduction and fire suppression, and timber access and road maintenance. The Economic Opportunity Act of 1964 assisted Tribal members by establishing Job Corps Centers on some reservations and by enabling tribal councils to apply for grant funding for local development and training programs for Tribal youth. Small Business Administration loans also were made available for Tribal-owned businesses. These programs provided short-term financial aid, job training, community organization assistance, and various kinds of funding for the tribes but did not provide the funds and technical assistance to contribute significantly to the comprehensive development of Tribal resources or to tribal self-sufficiency.

On the Nez Perce Reservation, the Agency and the Tribe took major steps toward achieving sustained yield and intensive forest management principles and involving the Tribe more fully in managing the forest resource. Much of this progress was the product of the anti-poverty programs of the early 1960s which included an inventory of the reservation's forest resource and the initiation of forest development work. This work was accomplished despite the unique, dispersed nature of the reservation forest and the problems inherent in implementing a comprehensive and coherent management program.

The 1958 and 1959 BIA Agency annual forestry reports extensively addressed the challenges of managing allotment and tribal reserve timber sales. They highlighted how specialized staffing facilitated the simultaneous advancement of a rapid sales program and the development of tribal timber management plans. Furthermore, the reports recommended that timber from 300 allotments be sold within a three-to five-year period under a guardianship approach, prioritizing a fixed harvesting schedule over the immediate economic needs of individual allottees and the Tribe.

However, the Nez Perce Tribe again found itself frustrated with the small BIA forestry staff and the slow progress in timber sales. In 1962, the Tribe nominated Ernest Wohletz, Dean of the College of Forestry at the University of Idaho, to commence work on a land and timber survey for the reservation forest at a cost of \$25,000. The objective was to provide an inventory of tribally owned timber sources, including data on timber volumes and rates of growth, which could be used for planning the long-range management of the timber resource. The report showed a volume of 134 million board feet of tribal

timber on the reservation and recommended an annual allowable cut of 3 million board feet. The report recommended a partial or selective cutting program to achieve the highest yield potential of reservation forest lands, a cutting cycle of 10 to 20 years, and a rotation of 150 years. The report estimated tribal forest land at 18,730 acres, with an excellent growing stock capable of being readily adapted to a sustained yield management program. Predominant timber types were ponderosa pine, Douglas fir, and minor amounts of grand fir, western larch, and western red cedar. The report noted the difficulty of restricted access to timbered areas because of the lack of right of way or access roads and recommended resolving this issue as soon as practical. The Area Office generally approved of the report, noting it supplied the foundational field data needed to develop a satisfactory forest resource plan. Branch of Forestry 'dot counting' on aerial photographs, in 1969, revised volume estimates up to 22,799 acres of tribal lands with estimated volumes of 128,359,000 board feet and 5,942 acres of allotted lands with a volume of 21,047,000 board feet.

Following the Wohletz Report, the Tribe consistently advocated for timber sales that exceeded the annual allowable cut recommended by the Bureau. Although early efforts lagged, averaging just 986,000 board feet annually between 1960 and 1965, harvesting surged in the late 1960s. From 1966 to 1969, production totaled nearly 20 million board feet, generating \$407,000 in stumpage fees and successfully meeting the 3-million-board-foot annual target.

During this period, the Tribe began to recognize the forest as a crucial asset for long-term economic growth and vital for achieving greater self-determination. In 1962, the Tribe began its development planning by submitting a Provisional Overall Economic Development Plan to the Area Redevelopment Administration. This was done to secure federal anti-poverty aid, including support for the Accelerated Public Works program and a reservation Community Action Plan. In addition to conducting the Wohletz Inventory, the Tribe conducted a land use survey of reservation lands, accomplished by a Tribal crew under Title I of the Higher Education Act, and a tribal cultural survey of the reservation in 1968. The plan stressed the need to promote industry on the reservation, including forest-related industries and pointed to the need for improved management of the forest resources. As a result of the land survey, the Tribe decided to establish a land acquisition program in 1968, utilizing \$1 million on deposit in the U.S. Treasury for the purchase of land within the exterior boundaries of the reservation. The basic purpose of the program was to acquire additional acreage under agricultural, industrial-commercial, and homesite classifications. During the 1960s, the Tribe and the Bureau placed a priority on clearing timbered land for agricultural use. The publication of *'These Are the Nez Perce Nation'*, a collection of monographs on the Nez Perce people prepared for the Nez Perce in 1970, was indicative of a newly defined sense of tribal purpose and direction.

Intensive forest management was initiated, although not sustained, on the reservation during the 1960s in the form of the Agricultural Conservation Program administered by the Agricultural Stabilization and Conservation office and forest development work under the Accelerated Public Works program, which employed tribal members on a variety of forest improvement projects. In 1960, the Agency recommended the adoption of the Agricultural Conservation Program on reservation timbered lands and conducted a field trip to examine the possibilities of adopting Timber Stand Improvement practices for farm woodlots. A field trip during the week of October 10-14, 1960, examined timber units and identified those in need of timber stand improvement work.

Accelerated Public Works (APW) funds also became available for forest development work on the reservation. Work in Clearwater, Lewis, and Idaho Counties began in 1963, with the release of \$47,000 to the Northern Idaho Agency for forest improvement work. The APW program allocated \$60,000 and employed 40 for work in a variety of projects, including timber stand improvement, forest access and road maintenance, forest range and recreation improvement, and forest land survey and inventory. However, the APW program did little more than initiate work on the backlog of management problems sidetracked for more pressing daily operations such as timber sales preparation and timber-cutting permits.

There were only 62 fires during the 1960s, which consumed 1,009 acres. On July 1, 1969, the BIA concluded a new fire protection cooperative agreement with the Idaho State Department of Public Lands, covering all forested and range lands under the jurisdiction of the Northern Idaho Agency. The BIA paid a fixed rate per acre for all lands under protection and the state assumed the actual cost of the fires.

The 1970s saw improvement in forest management on the Nez Perce Reservation, through efforts of the Tribe, to practice greater self-determination made possible by federal legislation passed during the 1970s. In 1975, Congress addressed new Tribal concerns about exercising greater control over the management of their affairs by creating the Indian Policy Review Commission to reform the dependent relationship between the federal government and the Tribal people and to consider the restoration of Tribal lands and the development of Tribal natural resources as a means of ending that dependency. At the same time, the U.S. Senate Committee of Interior and Insular Affairs reviewed BIA efforts to develop Tribal natural resources as a means of relieving national shortages in fuel, agricultural products, and timber. General Accounting Office and Indian Policy Review Commission reports of 1975 revealed that the BIA's means of exercising its trust responsibility had continued economic dependence, in part by not effectively managing tribal timber resources. The report recommended improving the trust relationship between the Bureau and the tribes by making the tribes more independent and the BIA more accountable to them in exercising its trusteeship.

Pressure from Tribes and the findings of these two reports resulted in the passage of the Indian Self-Determination Act and Education Assistance Act of 1975 (P. L. 93-638), which was unique in that Congress acknowledged it was enacted in response to the insistence of the Tribal people and the Tribes for maximum participation in government programs and services to Tribes. The act enabled tribes to contract directly for services that government agencies provided without terminating the trust responsibilities of the Bureau. During this period, Tribes also were able to increase their authority in several areas, including natural resource management, in several court decisions. The BIA generally responded to these decisions, federal reports, and congressional legislation by becoming more flexible in exercising its trust responsibility in the management of Tribal forestry programs.

The 1975 General Accounting Office and American Indian Policy Review Commission reports resulted in congressional action to improve Tribal forestry programs through the passage of Public Law 94-373 to establish a 10-year program for reforestation and forest stand improvement work. Congress appropriated \$5.5 million in "add-ons" to eliminate the backlog of forest development work on the nation's Tribal reservations. In 1978, Congress established separate timber sale add-ons for all aspects of the forestry program, especially in timber harvesting. With this increase in funding, the BIA was able to establish a technical assistance office in 1981 (the Forestry Field Staff Assistance Office--later the Branch of Forest Resource Planning). Cooperative agreements otherwise increased Tribal access to technical support. The

Cooperative Forestry Assistance Act (92 Stat.365) authorized the Secretary of Agriculture to allocate funds for private forestry development, which included Tribal forests, and provided funding for insect and disease control. In 1977, the BIA Office of Trust Responsibilities appointed its first permanent representative to the Boise Interagency Fire Center.

As a result of the national reforms of the 1970s, the BIA was expected to include the tribes in the planning process so that the plans would better reflect the unique forest development, economic, and social history of each reservation. Management plans also reflected a greater concern for the environment and the cultural history of the reservation, with BIA provisions that they were to include not only forest inventory and management plans but also an environmental assessment and forest management histories. Also, during the 1970s, the policy of deducting administrative fees from timber sales was revised to allow a reduction in fees in proportion to the amount that the tribes contributed to their forest management programs. Tribal forestry enterprises were established, and Tribal preference contracting was utilized to maximize profits generated by the forestry resource and to increase Tribal employment. In 1979, the Intertribal Timber Council conducted quarterly meetings and annual symposia involving a variety of experts to address Tribal forest management issues and to secure congressional funding for a variety of Tribal forestry management programs.

During the 1970s, the Nez Perce Tribe assumed greater forest management responsibilities and played a greater role in directing its own economic development, based on a more effective use of its timber resource. The federal legislation and funding appropriations provided the means for initiating a tribal forestry program through the preparation of a new forest inventory and the implementation of an intensive forest management program.

An accelerated timber sales program provided the Tribe with increased revenue. From 1970 to 1980, 43 million board feet with a value of almost \$3 million dollars were harvested, which exceeded the annual allowable cut because of the need to harvest over 9 million board feet of fire-killed timber on the Cottonwood Creek and Star Mill Creek logging units. Other major sales occurred on the Alpine and Cavandish units.

In 1975, the BIA funded, and the Tribe conducted a continuous forest inventory (CFI) of all tribal reserves and forested allotments on the reservation at a cost of \$20,000. The inventory was conducted in 1976 and 1977 and provided timber volumes and the annual allowable cut for the Forest Management Plan of 1982.

During the 1970s, there was an evolution from clearing tribal timber lands for agriculture to retention of the lands for timber harvesting. Previous studies and preferences favored conversion to agriculture, but a 1980 tribal report concluded that, after clearing and conversion costs, it would take 17 years before agriculture would outproduce timber harvesting in terms of revenue returned to the Tribe.

The only large fire during the 1970s was the Cottonwood Creek Fire which burned 6,393 acres of land within reservation boundaries and 2,005 acres of tribal and allotted lands. Because of the value of the land for timber and grazing, the BIA decided to carry out an extensive rehabilitation plan to restore the land to the excellent timber and grazing land it once was. There was very little timber loss during the 1970s to insects and disease.

The BIA started the Cottonwood Creek Rehabilitation Project in 1973 funded by BIA Fire Rehabilitation monies. A total of 1,621 acres were planted on Tribal Units 17, 18, and 19 (Lookout Reserve) using fire rehabilitation funds and an additional 54 acres were rehabilitated using forest development funds. The project was completed in 1988. The Nez Perce Tribe did the planting between 1980 and 1988 under P. L. 93-638 contract. The overall project cost was \$603,493.01.

The congressionally appropriated forest development add-on funds, in essence, provided the impetus for the establishment of the Nez Perce Forestry Department in 1977. The Northern Idaho Agency and the Nez Perce Tribe viewed these funds as a means of involving the Tribe more directly in the forest management program. The Nez Perce Tribal Reservation Development Committee worked with the BIA to develop a P.L. 93-638 contract for forest development in fiscal year 1977-1978 and the Tribe assumed the program in 1977. This contract and the long-standing tradition of Nez Perce resistance to government control resulted in the Tribe assuming control of the forestry program in the 1980s.

2.4 MANAGEMENT PLANS AND THE TIMBER SALES PROGRAM

The decade of the 1980s was a turbulent one in which the Tribe assumed control of its forestry and timber marketing programs because of its dissatisfaction with the Bureau's management in these areas. This dissatisfaction had been evident for some time and was overtly expressed in a tribal forest mismanagement suit of 1980-1981 in which the Tribe sought to recover economic losses that it alleged had occurred as the result of wrongs committed by the Bureau before August 13, 1946, and continued after June 30, 1951. (*Nez Perce Tribe v United States*, Docket No. 179-A, U.S. Court of Claims.) The Tribe alleged that from the early part of the century until 1980, harvesting and the utilization of Nez Perce timber growing stock should have occurred much sooner than they did. The Tribe noted that, as of 1980, the government had not prepared an inventory, a management plan, or a marketing plan for the reservation; timber sale contracts had been insufficiently enforced; harvested stands had been improperly handled with respect to growing stock that remained after harvest; and, in some cases, the government had allowed Nez Perce timber to be sold for less than fair market value. The Tribe alleged that, as result, it had lost about \$2.2 million over the 38-year period in question.

This suit was made against a backdrop of the Tribe exploring the option of economic development through utilization of the forest resource, among other things. In 1980, the Nez Perce Tribal Executive Committee (NPTEC) submitted a proposal to the Portland Area Office to obtain data on reproduction and merchantable timber not provided in the 1962 or 1976 inventories, which was needed to prepare a comprehensive forest development program and a comprehensive forest management plan. In June 1981, NPTEC applied for continuation of a Nez Perce Social and Economic Development Strategies (SEDS) grant to the Administration for Native Americans (ANA), U.S. Department of Health and Human Services, which linked timber resource management to the ongoing preparation of the Nez Perce Comprehensive Plan and the economic development of the Nez Perce Tribe. The Tribe saw natural resources such as timber providing the means for revenue generation and employment opportunities and believed that updating timber resource data was the key to increasing tribal timber revenue. Preliminary survey work showed that the annual allowable cut could be increased from 3.2 million board feet to 6 million board feet and that timber revenues could be increased to provide 65-75 percent (up from 40 percent) of the tribal budget. In 1982, the Tribe prepared the "Nez Perce Tribe: An Overview," which considered economic

development as the focal point in overall reservation development, with the forest resource figuring prominently in the Tribe's plans for economic betterment and tribal control over its own affairs.

The development of tribal goals regarding tribal government, economic development, and forest management also involved P.L. 93-638 contracting and additional personnel. The BIA Portland Area Office, however, withheld additional personnel pending a program review of the Northern Idaho Agency. The review stated that the Superintendent should take a more aggressive role in identifying tribal goals and objectives for the forest manager and in setting long- and short-term management goals. However, the Tribe considered the program review, which was conducted between November 30 and December 4, 1981, as a waste of time because it did not address the central issue of securing additional personnel to aid with the added burden of the increased annual harvest.

The Tribe's efforts to obtain its first comprehensive forest management plan took a step forward when the BIA commenced work on such a plan in 1981. The plan viewed the Nez Perce timberlands as "an important historic, religious, and cultural tie to the forbearers of the Nez Perce people" as well as a "solid foundation for the members of the Nez Perce Tribe." The plan, which covered the period from January 1, 1981, to December 31, 1985, was approved by NPTEC on June 22, 1982.

The 1982 Forest Management Plan established a framework for sustained yield forestry, focusing on Tribal self-sufficiency. It aimed to maximize the Tribe's economic return from their timber resources-not just through stumpage fees, but by securing all associated profits and prioritizing jobs for skilled Tribal labor. The preservation of the forest in its natural state and its recreational and aesthetic value was considered more valuable than its value to produce forest products. The plan recognized the value of timbered allotments by stating that timberland units should not be overgrazed, not only because of the grazing limitations of the unit, but also for the future timber crop to be grown. The plan established the number of tribal and allotted harvestable acres at 22,257.82 and net timber volumes of 242,436,861 board feet in 1981, up considerably from the Wohletz figures of 1963. The annual allowable cut was established at 7,730,000 board feet. The figure was based on the employment of silvicultural management on a comprehensive level, including regeneration activities, intermediate management projects, and protection programs. The forest was to be managed according to the requirements of uneven-aged characteristics. The plan recommended a 100-year rotation period for the reservation until smaller trees could be utilized, at which time the rotation period would be reduced to 90 years. The plan also recommended a 20-year cutting cycle for the planning period. The plan included action plans for forest development, forest protection, logging roads, access roads, right-of-way acquisition, a permit program, sales policy, cutting budget, continuous forest inventory, stand examinations, and the Nez Perce inventory analysis.

Despite these gains, the Tribe remained frustrated and angered at the status of its forestry program because of funding and staff deficiencies to carry out the recommendation of the plan, which the Tribe saw as the key to achieving its economic development goals. The Tribe became convinced in the early 1980s that alleged BIA inefficiencies were responsible for the management goals not being achieved and worked aggressively to assume greater responsibility for the direction and administration of the program. During the early 1980s, the Tribe and the BIA Forestry staff leveled a series of charges and counter charges at each other, the Tribe calling for greater efficiencies and revenue from the forest resource and the

Bureau emphasizing its trust role and pointing to problems in communication between the Tribe and the Bureau as one explanation for tribal grievances.

In 1984, the Tribe assumed control of the entire timber sales marketing program, criticizing the BIA for selling timber to mills on long-term contracts, allowing the mills to sell the timber when market conditions best suited them and picking up the windfall profits instead of the Tribe. The Tribe established the Nez Perce Forest Products Enterprise on October 17, 1984, in Resolution 85-15-A. The purpose of the Enterprise program was to develop a management and financial system promoting the stable growth of a forest products enterprise, to provide employment for tribal members, and to promote the establishment of privately or jointly owned tribal logging, construction, hauling, maintenance, supply, or other operations. The Enterprise program could negotiate and execute contracts for management services, enter into formal agreements with the Tribe and individual owners for the purchase of tribal and allotted timber, purchase other timber within the reservation, and acquire timber outside but closely adjacent to the reservation. The Bureau continued to have responsibility for the sales program, developing silvicultural prescriptions, unit layout and marketing until October 1, 1987.

Despite being plagued by continued staffing shortages between 1980 and 1988, the BIA, with the assistance of the tribal forestry staff, was able to increase the timber sales on the reservation to the point of attaining the average annual allowable cut. Between 1980 and 1988, 72,371,000 board feet were harvested with a value of \$4,498,000 and tribally purchased timber sales constituted a significant portion of these sales. The Enterprise had several local, regional, and international marketing options during the 1980s, something the BIA had declared it did not have enough funding or staff to explore. In the mid-1980s, there were ten milling operations on or near the reservation and at least ten more regionally. The Tribe opened a trial timber yard in Clarkston in January 1989 by leasing 14 acres of land along the Snake River, which further involved the Tribe in marketing tribal timber by removing the middlemen and opening new employment opportunities for the Tribe.

The Tribe made two land purchases in the mid-1980s that almost doubled the tribal timber land base and added significantly to the timber volumes that could be included in the annual allowable cut. In December 1986, the Tribe purchased the Marek Ranch (Maloney Creek Reserve) outside the reservation, which comprised 7,846 acres and about 17,078,000 board feet of timber, and the Waha Tract from the Potlach Corporation in February 1988 consisting of 15,847 acres scattered in parcels of land located in south central Nez Perce County and Lewis County containing about 76 million board feet in timber. The two purchases increased the estimated annual allowable cut by about 3 million board feet.

In 1986, the Tribe submitted a \$22,307.67 proposal to the Portland Area Office for an in-stand inventory of approximately 7,200 acres. This request was driven by concerns regarding the annual allowable timber harvest on tribal lands. To set sustainable harvest levels for the next management cycle, the proposal called for combining temporary plot data in addition to continuous forest inventory records. By 1987, the Tribe had obtained \$47,500 in total funding: a \$25,000 P.L. 93-638 contract for inventory planning and analysis, plus \$22,500 from the Area Office budget for onsite data collection.

Forest development work on the reservation also was beset by controversy during the 1980s, even though between 1977 and 1988, 1,618 acres of pre-commercial thinning and 425 acres of tree planting were accomplished on the reservation. However, disagreements between the Portland Area Office, Nez Perce

Tribal Forestry, and the Agency over alleged discrepancies in Nez Perce Reservation forest development backlog figures and subsequent funding requests exacerbated differences between the Tribe and the BIA. The Tribe also asserted that the focus on Bureau required annual allowable cut had limited them from addressing forest development backlogs. They claimed these resulting procedural gaps were unfairly used by the BIA to justify cutting Nez Perce Development funding below necessary levels.

Fire management on the reservation during the 1980s remained effective because of the low incidence of fire and a series of new or modified cooperative agreements. Also, a prescribed burning program was initiated in 1982. In 1980, the Northern Idaho Agency and the Idaho Department of Lands signed a Memorandum of Understanding for slash hazard management to coordinate and ensure the best possible management of slash on Tribal lands. The Tribe demurred because the Area Office had not approved the agreement, which, in the eyes of the Tribe, implied and granted certain privileges to the state on reservation lands. As of 1988, the agreement was a local one between the Agency and the state of Idaho, concerned with standards equal to those of the state but did not grant any jurisdiction to the state. Also, the 1969 Cooperative Agreement between the Agency and the state of Idaho for fire protection was modified by withdrawing state protection from all acreage south of Genesee, north of the Clearwater River, and west of Arrow Bridge. The state also requested withdrawal of protection in the Lapwai areas and parcels north of Grangeville from the protection list. As of 1988, the BIA did not approve the withdrawals requested by the state, but the state would not respond to fire south of Genesee although it continued to provide minimal response in the Lapwai and Grangeville areas.

During the 1980s, the wildland firefighting program served as a primary employment opportunity for the Tribal membership. In 1985, the Tribe joined the smoke jumper program through a joint agreement with the Nez Perce National Forest. Under this arrangement:

- Training & Logistics: The Forest Service handled lodging, meals, and instruction.
- Recruitment: The Tribe's Employment and Training Branch managed candidate screening and selection while providing stipends to trainees.
- Funding: Training costs were covered by the BIA Regional Office's Normal Fire Year funds.

Despite attempts to transition the fire management program to a P.L. 93-638 contract, legal and logistical hurdles prevented the move. As a result, fire management remained governed by the existing agreement between the Bureau and the State of Idaho.

During the 1980s, root rot disease became a major concern on the reservation and the Bureau, and the Tribe worked with the U.S. Forest Service and private consultants to address the problem through the application of a variety of silvicultural techniques. Root rot in the Alpine and Five Mile Reserves was addressed through clearcutting, prescribed burning, and planting disease resistant seedlings.

On October 1, 1987, after about one year of negotiations with the Bureau, the Tribe assumed control of the forest management program. The Tribe viewed this change as a logical and necessary culmination of the Indian Self-Determination Act and as a means of reducing BIA red tape and increasing opportunities for Tribal employment. The Tribe assumed responsibility for most forestry services via contract, utilizing the annual appropriation from the Northern Idaho Agency. The Bureau retained only some of its trust functions, such as reviewing timber sales and forestry practices on trust lands.

3 TRIBAL ORGANIZATION

3.1 NEZ PERCE FORESTRY

The Nez Perce Tribe's undertaking of the Forestry Program in 1987 marked a major milestone in the assertion of tribal self-determination on the reservation. It also marked a gradual shift in emphasis in the role that Forestry played in the overall natural resource and economic development programs on the reservation. Through the direction of Nez Perce Tribal Executive Committee (NPTEC), the tribal Natural Resource Subcommittee, and the work of tribal forest managers like Jamie Pinkham and Roger van Houten, the tribal Forestry Program provided the means for a more holistic approach to the management of natural resources. And, because of its historical importance, its administrative structure, and its experience in following National Environmental Policy Act (NEPA) guidelines, the Forestry Program provided a model for the development of other natural and cultural resource and economic development programs on the reservation.³

The Forestry Program quickly developed a record of cooperation with other programs in seeing that they executed the directives of NPTEC and negotiated hurdles in dealing with federal and state agencies in matters of vital concern to the Tribe. The irony was that, in the overall scheme of things on the reservation and off, the Forestry Program went from being the single most important natural resource and economic development program to one of many such programs on the reservation by the end of the 1990s. The record of the Forestry Program during the 1990s is one of response to the changing priorities of NPTEC and the Nez Perce Tribe and of consistent cooperation with other natural resource and economic development programs in carrying out new tribal mandates.

3.2 NATIONAL DEVELOPMENTS IN TRIBAL FORESTRY

The movement of the Nez Perce Tribe toward managing its own affairs, including its natural resources, and its movement toward more holistic forestry practices both anticipated and reflected national developments in Tribal forestry during the 1990s. The impetus toward greater Tribal self-determination begun with the passage of the Tribal Self-Determination and Education Assistance Act of 1975 (P.L. 93-638) continued with the establishment of the Intertribal Timber Council (ITC) in 1976 and the BIA Forestry Field Staff Assistance Office (later the Bureau of Forest Resources Planning) in 1981. The Forestry Field Assistance Office provided Tribes with technical field support to help them manage and operate their own forestry programs. Meanwhile, the Intertribal Timber Council (ITC) was established to increase Tribal influence on national forestry policy. Since 1979, the ITC has hosted annual timber symposia, where members recommend BIA actions and advocate for federal legislation affecting Tribal forests.⁴

³Interviews with Jack Bell, Acting Director, Department of Natural Resources, Nez Perce Tribe, October 6, 1999; John DeGroot, Director of Forestry Resource Program, Nez Perce Tribe, October 6, 1999; and Keith Lawrence, Director of Wildlife Management Program, Nez Perce Tribe, October 7, 1999, by author, in Lapwai, Idaho.

⁴Alan S. Newell, "Draft in Progress" to revise and update *A Forest in Trust: Three Quarters of a Century of Indian Forestry, 1910-1986*. Prepared by Alan S. Newell, Richard L. Clow, and Richard Ellis (Historical Research Associates of Missoula, Montana, under contract to Litigation Support Services, Washington, D.C., for the U.S. Department of the Interior, Bureau of Indian Affairs, Division of Forestry, Washington, D.C., July 30, 1986.

One of the ITC's most important achievements was its pivotal role in the passage of the National Indian Forest Resource Management Act (NIFRMA) in 1990. Congressional hearings initiated in the late 1980s, at which Jaime Pinkham of the Nez Perce Tribe and President of the Intertribal Timber Council testified, disclosed the need for greater congressional commitment to Tribal forestry, including more efficient and integrated resource management, more and better qualified staff, state-of-the-art technology and equipment, and enabling legislation that would better integrate the principles of sustained yield management with the objectives of the Indian Self-Determination Act. NIFRMA required that the Secretary of the Interior incorporate written tribal objectives into management and marketing plans and provided for a program to encourage the education of Tribal foresters. The ITC and the tribal community were successful in arguing for a broad definition of the Tribal forest, for the direct payment of timber sale receipts to the Tribe, for a BIA commitment to conduct an independent, comprehensive account of the Tribal Forestry Program, and for continued BIA trust responsibility to the tribes.⁵

The ITC played a prominent role in implementing the Indian Self-Determination Act when the Secretary of the Interior issued a contract to conduct an independent assessment of Tribal forestry. The ITC assembled a staff of experts as its Tribal Forest Management Assessment (IFMA) Team, which visited 33 reservations (including the Nez Perce) and Agency and Area offices in collecting data and developing findings and recommendations. The ensuing report found that the Tribal members often had a different view of the tribal forest than professional foresters, preferring holistic management and the importance of cultural and aesthetic values over managing the forest as a commercial venture. BIA and tribal foresters often agreed on the management of the timber resources but sometimes not over the management of the forest's non-timber resources. Tribal members also believed that they should play the principal role in managing their forests.⁶

The IFMA Team identified and was concerned with the inequity between the differences in funding between Tribal and other federal agency and private forestry programs. Tribal forestry is just 63% the level of that for national forests and only 50% the level of that for private forests in the Pacific Northwest. Staff in Tribal programs were comparatively smaller and less well trained. Despite these problems, the assessment team found that some programs were experimenting with Integrated Resource Management Planning (IRMP) and other innovative practices, such as reduced use of clear-cutting and the use of natural rather than artificial regeneration. The team found that active participation by tribal members in the development and approval of their forest management plans was vital to improving forest management planning on Tribal forests. The team also dealt with the historic dichotomy between the national forest goal of sustained yield management and tribal self-determination dating back to the 1920s. The IFMA Team concluded that the only real resolution to this dilemma was for federal policy makers and professional foresters to recognize and accept that Tribal forests operated on different principles than did other federal forests.⁷

The IFMA Team provided numerous recommendations for managing tribal forests. The major recommendation was to redefine the U.S. government's role in discharging its trust responsibility so that

⁵*Ibid.*; National Indian Forest Resources Management Act of 1990, P.L. 101-60.

⁶Newell, "Draft in Progress"; Intertribal Timber Council, "An Assessment of Indian Forests & Forest Management in the United States, Executive Summary," pp. E-1-E-5.

⁷*Ibid.* pp. E-7-E-7; Newell, "Draft in Progress."

tribal governments had primary responsibility for directing Tribal forestry. The U.S. government should provide financial support, technical assistance, research access, and trust oversight, but technical assistance and oversight should be independent from one another. Supporting recommendations included: developing tribally defined trust standards that were easy to monitor and that clarified trust oversight, increasing baseline funding and investment for Tribal forest management to levels comparable to those of the national forests, protecting the health and productivity of Tribal forests through ecosystem management, bringing staffing levels to parity with those of national forests having similar resource management objectives, and addressing issues such as allotments and mixed ownership requiring special planning and management.⁸

3.3 TRIBAL PROGRAMS

Nez Perce tribal government and programs grew dramatically during the 1990s. As of September 1999, the Tribe had a budget of almost \$35 million and employed about 900 personnel. The Nez Perce General Council is the overall governing body, with the Nez Perce Tribal Executive Committee (NPTEC), the BIA Trust Agency, and the Indian Health Service Trust Agency reporting to it. The tribal organization consists of boards and commissions, departments and enterprises, and tribal council subcommittees. Those most directly pertaining to Forestry and Natural Resources include the Fish and Wildlife Commission and the Tribal Employment Rights Commission. Departments and enterprises most directly connected to Forestry include the Tribal Forest Products Enterprise, Transportation Planning, Natural Resources, Fisheries Resources Management, and the Office of Legal Counsel. The Tribal Council subcommittees most directly involved with Forestry include Natural Resources, Land Commission, Enterprise Board, and Budget and Finance.

3.3.1 Department of Natural Resources

As of September 1999, the Nez Perce Department of Natural Resources was composed of the Forestry Program, Wildlife Management, the Land Services Program, the Water Resources Division, the Cultural Resource Program, the U.S. Forest Service Liaison, and the Environmental Waste and Restoration Program. The Forestry Program interrelates with these programs in several ways (Section 7). The Nez Perce Department of Fisheries Resource Management is a separate program, not formally a part of the Department of Natural Resources. The Nez Perce Forest Products Enterprise is not formally part of the Department of Natural Resources (Figure 1).

The Department of Natural Resources was established in 1991-1993 largely by NPTEC and Jamie Pinkham, then the Director of the Forestry Resource Program. The department was established to provide administrative cohesion and integration to existing, and, by their very nature, interrelated programs, such as Forestry, Wildlife, Water, and Cultural Resources. The Department of Natural Resources has a manager, and its programs interrelate through the Interdisciplinary (ID) Team process for National Environmental Policy Act (NEPA) proceedings and through program interrelationships between the various natural resource-related NPTEC subcommittees. However, there is no infrastructure or Natural Resource

⁸ITC, "An Assessment of Indian Forests," pp. E-15-E-21.

Department staff per se; the other programs must pay for whatever work is done under the authority of the Department of Natural Resources.⁹

Most of these programs, except for Forestry, did not exist as BIA programs, per se. The Forestry Program as a bureau and then a tribal entity provided the nucleus of what came to be the tribal natural resource programs in the early 1980s by hiring staff to assess the impact of Forestry programs on natural and cultural resources in compliance with the National Environmental Policy Act. From there, the Natural Resource and Fisheries Departments grew under NPTEC and tribal direction through the creation of separate departments and staff initiated through the P.L. 93-638 contracting process.¹⁰

The first major step toward establishing separate natural resource programs occurred when Roger van Houten, Nez Perce Tribal Forestry Director, saw the need for a Tribal Fisheries program and successfully wrote a grant request for BIA monies for that purpose in 1981.¹¹ Wildlife Management started with Forestry hiring a half-time employee in 1982 and used P.L. 93-638 contracting to build a small staff by 1985.¹² The Water Resources Division began in 1986 with a P.L. 93-638 BIA grant request.¹³ The Cultural Resource Program started in 1988-1989 through the initiation of Sandy McFarland.¹⁴ The U.S. Forest Service Liaison position was created in January 14, 1992 as the result of a Memorandum of Understanding between the Nez Perce Tribe and the U.S. Forest Service.¹⁵

3.3.2 Water Resources Division

The Water Resources Division began in 1986 under a P.L. 93-638 contract between the Tribe and the Bureau of Indian Affairs to protect the water resources of the Nez Perce Reservation through participation in the Snake River Basin Adjudication process. In 1989, the program had an annual budget of \$241,400 and the stated purpose of providing for the overall protection, enhancement, and management of the Tribe's water resources through various activities under the U.S. Environmental Protection Agency's (EPA) Clean Water Act and the Safe Water Drinking Act, and through the development of a tribal utilities program.¹⁶ By 1999, the Water Resources Division had a staff of fourteen and an annual budget of \$630,000, with most of its funding coming from the EPA. Other funding sources include USDA Solid Waste Management, the Idaho Department of Environmental Quality, and the Oregon Governor's Watershed Advisory Board.¹⁷

⁹Bell, Lawrence, DeGroot (October 6, 1999) interviews.

¹⁰*Ibid*

¹¹*Ibid*.

¹²Lawrence interview.

¹³Personal communication with Gwen Carter, Director, Water Resources Division, by author, Lapwai, Idaho, October 14, 1999.

¹⁴Personal communication with Jason Lyon, Director, Cultural Resources Program, Nez Perce Tribe, by author, October 7, 1999, Lapwai, Idaho.

¹⁵Personal communication with Allen Pinkham, U.S. Forest Service Liaison with Nez Perce Tribe, by author, October 15, 1999, Lapwai, Idaho.

¹⁶Report to the Nez Perce Tribal General Council, September 29-30, 1989, pp. 73-75.

¹⁷Report to the Nez Perce Tribal General Council, September 24-25, 1999, pp. 78-79.

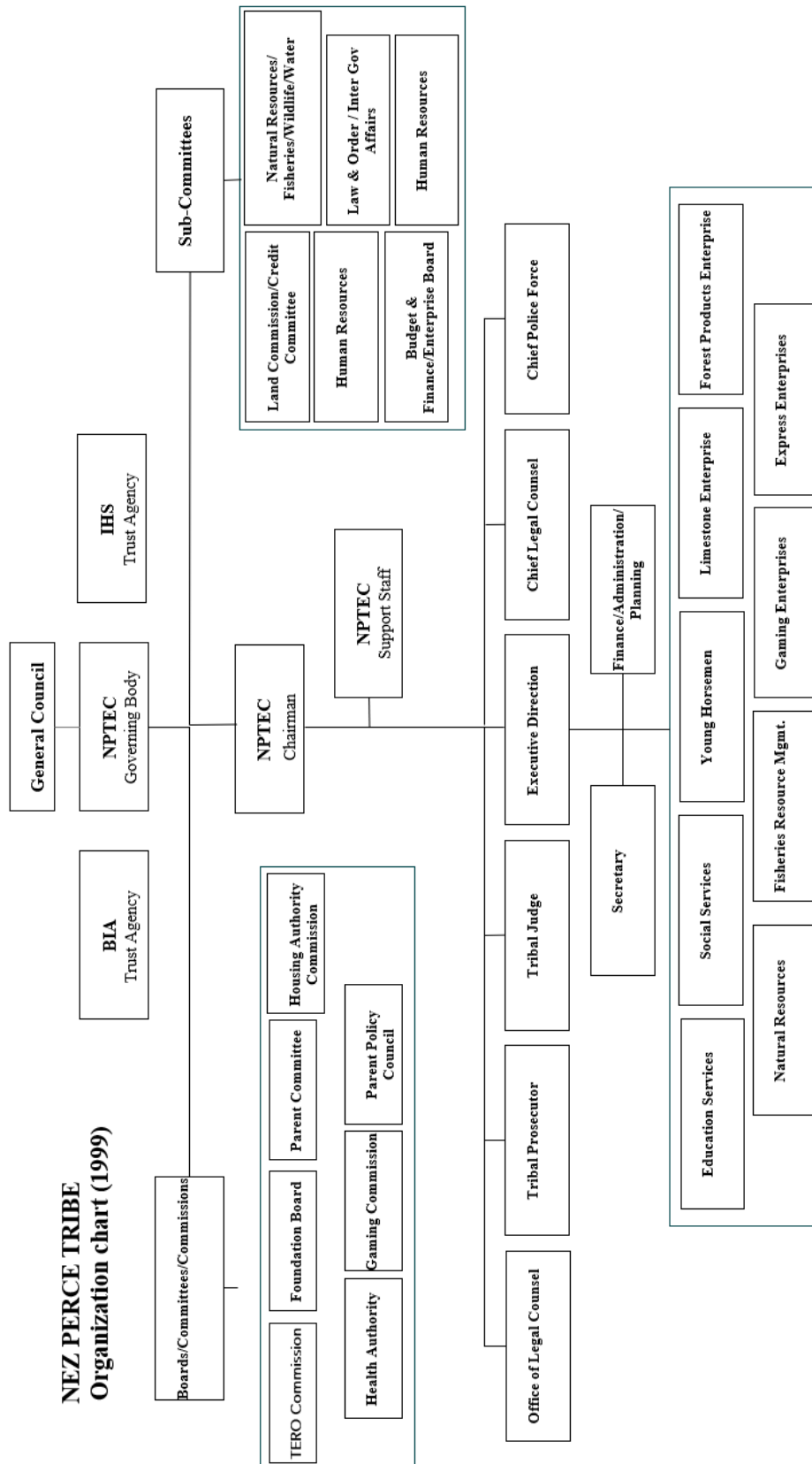


Figure 1. Nez Perce Department of Natural Resources Organization Chart

3.3.3 Wildlife Management Program

The Wildlife Management Program, like other natural resource programs, was, in essence, created by the Forestry Department in the early 1980s to address timber sale compliance with NEPA regulations by the hiring of a half-time forester and half-time wildlife biologist. The program is responsible for managing wildlife resources on the reservation and for co-management of ceded area resources occurring on or crossing open and unclaimed lands.¹⁸ In 1989, the Wildlife Program had a full-time staff of four with one to three seasonal staff as needed. By 1999, the program had seven permanent employees, three of whom were tribal employees, nine seasonal employees, and an annual budget of \$840,400.¹⁹ Programs included the Dworshak Wildlife Mitigation Project; the Wolf Education Research Center in Winchester, Idaho; the Gray Wolf Reintroduction Project; the Grizzly Bear Environmental Impact Statement; and Northeast Oregon Wildlife Mitigation.²⁰

3.3.4 Cultural Resource Program

Before the establishment of the Cultural Resource Program, the Forestry Department complied with NEPA requirements for timber sales by contracting with consultants. In 1989, the Tribe established the Nez Perce Cultural Resource Program under the direction of Sandi McFarland and, in the same year, the Forestry Program contracted with David H. Chance to conduct an archeological overview into the archeological potential of the timbered tracts owned by the Tribe.²¹

Since its establishment, the Cultural Resource Program has operated under grants and has contracted projects on the reservation and within the ceded territory. The program receives no BIA or tribal monies except for its language program and its NEPA timber sale compliance work. In 1989, Cultural Resources had a staff of two and a budget of \$35,000, \$10,000 from a management assistance grant of \$10,000 and a \$25,000 grant for tribal participation in the Columbia River Gorge National Scenic Area Act to identify and protect resources of cultural significance to the Tribe within the area. In 1999, the Cultural Resource Program had a staff of fifteen and a budget of \$477,000. Staff included not only archaeologists, an ethnographer, and an archivist, but also a language team leader and teachers and an Environmental Waste Resource Management team leader and monitor.²²

3.3.5 Land Services Program

The Land Services Program was officially initiated in 1993 under a P.L. 93-638 contract of the BIA Land Operations Program, which was combined with a previous Agriculture Program P.L. 93-638 contract. The program provides land management services to NPTEC and to individual landowners for their economic benefit while protecting and enhancing their natural and cultural resources. Services include managing agricultural lands through leasing that preserves long-term productivity and maximizes revenue through

¹⁸Report to the Nez Perce Tribal General Council, 1989, pp. 69-71.

¹⁹Report to the Nez Perce General Tribal Council, 1999, pp. 80-81.

²⁰Report to the Nez Perce Tribal General Council, May 1-2, 1998, pp. 57-63.

²¹Report to the Nez Perce Tribal General Council, May 1-2, 1998, p. 37; David H. Chance, "Investigations into the Archaeological Potential of the Timbered Tracts Owned by the Nez Perce Tribe of Idaho," for the Nez Perce Forest Resource Department, 1989.

²²Report to the Nez Perce Tribal General Council, 1999, p. 71.

the preparation of Conservation Plans of Operation. The program also provides services for land use planning, noxious weed control, environmental site assessments, and other activities. Land Services provides Geographic Information System (GIS) services to all tribal programs, including Forestry. Land Services participates in a 1997 MOU-established program with the BIA and BLM, providing technical assistance to tribal initiatives and private surveyors conducting work on land adjacent to Tribal properties. In 1994, the Land Services Program had a staff of five and a budget of \$201,000. By 1999, the program had grown to a staff of eight and an annual budget of \$527,000.²³

3.3.6 U.S. Forest Liaison

The Forest Service Liaison position was established in 1992 by a Memorandum of Understanding between the Nez Perce Tribe and the Umatilla, Clearwater, Nez Perce, Payette, and Wallowa-Whitman National Forests. The position was established because of pressure by the nation's Tribes to educate the Forest Service on Tribal treaty rights pertaining to natural and cultural resources pertaining to Forest Service lands, both on and off the reservation. The liaison position reviews actions by the Forest Service with possible bearing on Nez Perce treaty rights. The position established on the Nez Perce Reservation is one of the first such positions established in the country.²⁴

3.3.7 The Environmental Restoration and Waste Management Program

This program began in 1993 when the Tribe received a \$500,000 grant from the U.S. Department of Energy (DOE) to participate in a Five-Year Plan, one phase of the Hanford nuclear site cleanup efforts. The Tribe's participation is rooted in the Treaty of 1855, which secures their reserved rights to access and manage resources at traditional sites along the Columbia River. The program involves several components including those of the DOE (environmental policy, communications, environmental quality, Nez Perce plant identification and production project) and non-DOE funded activities, including environmental quality programs on the reservation. Among other activities, the Tribe participates in the development of standards and activities to protect cultural resources, including archeological sites and habitat for fish, game, and plants within the treaty area. The program has a staff of fourteen and an annual budget of \$1,360,323.²⁵

3.3.8 The Department of Fisheries Resource Management

The Department of Fisheries Resource Management is not formally part of the Natural Resources Department but has a larger staff and budget than all the Natural Resource Department programs combined. The department originated in disputes with the state of Idaho over the control of fisheries on and off the reservation, especially the recovery and restoration of select salmon species within the 14-million-acre Nez Perce Territory as defined in the Treaty of 1855. Since 1981, the program has grown from a small staff into a coequal partner in salmon recovery. Driven by NPTEC and staff initiatives, the Tribe

²³Reports to the Nez Perce Tribal General Council, 1994-1999.

²⁴Allen Pinkham interview; Memorandum of Understanding between Nez Perce Tribal Executive Committee and Umatilla National Forest, Clearwater National Forest, Nez Perce National Forest, Payette National Forest, Wallowa-Whitman National Forest, January 14, 1992.

²⁵Reports the Nez Perce General Tribal Council, 1992, 1998, 1999.

now works alongside federal, state, interbasin commissions, and other tribal agencies to restore key species throughout the ceded territory using both litigation and collaborative efforts.²⁶

In 1992, the Fisheries Department had a staff of fifty full-time, part-time, and temporary employees.²⁷ By 1999, the staff had grown to 225 permanent full-time employees organized into six divisions: Administration, Production, Research, Resident Fish, Habitat-Watershed, Conservation Enforcement, and Harvest with an annual budget of \$14 million.²⁸ Most of the funding is provided by the Bonneville Power Administration (BPA), with some coming from the BIA, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers. With these funds, (a product of the Endangered Species Act designation for all salmon species in the Nez Perce homeland territory) and NPTEC's mandate for an aggressive habitat management program, the Tribe established an ecosystem management approach imparting Nez Perce cultural values and traditions within a 20-year management program cycle. The cycle started in 1990 for selected salmon stocks naturally reproducing in major subdivisions of the Grande Ronde-Imnaha, Salmon, and Clearwater Rivers.²⁹ By May 1998, the Fisheries Department was involved in twenty major hatchery, monitoring, restoration, artificial propagation enhancement, acclimation and release, and watershed projects on the reservation and on ceded lands.³⁰

3.3.9 Office of Legal Counsel

The Office of Legal Counsel is responsible for representing the Nez Perce Tribe in all legal matters, including the review of all contracts, memorandums of understanding, and other agreements with outside agencies. Its chief relationship to tribal natural resources is its contract with the Native American Rights Fund to support the costs of the Snake River Adjudication. In addition to what it receives in that contract, the Office of Legal Counsel has a budget of \$383,395 for FY 1998. The staff includes four attorneys and a legal assistant. Case work includes four lawsuits seeking damages for the destruction or diminution of anadromous fish by dams in rivers and streams where the Tribe has reserved fishing rights. The Snake River Adjudication case involves tribal water rights on the Snake, Salmon, and Clearwater Rivers and their tributaries.³¹

3.4 FOREST ORGANIZATION AND FUNDING

The Forestry Program is within the Department of Natural Resources; Forestry became a tribal program under a P.L. 93-638 contract effective October 1, 1987. According to the terms of the contract, the Tribe performs the following Bureau programs: timber sale and permit administration, forest presales,

²⁶Personal communication with Paul Kucera, Director of Biological Services, and Felix McGowen, Watershed Coordinator, Department of Fisheries Resources Management, Nez Perce Tribe, by author, October 14, 1999, Lapwai, Idaho.

²⁷Report to the Nez Perce Tribal General Council, September 25 & 26, 1999, p. 63.

²⁸Report to the Nez Perce Tribal General Council, September 24-25, 1999.

²⁹Report to the Nez Perce Tribal General Council, September 25 & 26, 1992, p. 62.

³⁰Report to the Nez Perce Tribal General Council, May 7-8, pp. 76-89.

³¹Report to the Nez Perce Tribal General Council, September 25-26, 1998, pp. 91-94.

silviculture, forest development, management, inventory, planning, fire management, forest pest management, trespass, and communications (Figure 2).³²

The Forestry Program is responsible for the activities related to "the management and conservation of forest resources on Nez Perce tribal and allotted lands." The program also supervises the "proper management and protection from trespass of Tribal forests and the enforcement of timber sale contract provisions." The 1989 Forestry Program staff of eleven was composed of four foresters, five forestry technicians, a forest secretary, and a forestry clerk/typist. Forestry's 1989 \$648,423 budget was composed of \$383,330 in P.L. 93-638 funding for forest management, \$106,823 in forest management deductions, \$121,500 from Wildlife Management, and \$36,770 from the BPA.³³

By 1999, the statement of purpose and goals of the Forestry Program had changed in emphasis from that of 1989, reflecting NPTEC's call for more environmentally sensitive forest management. The Forestry Program's 1999 vision statement called for "healthy, productive forests covering those lands originally forested on the reservation." It also called for an environment that [was] clean, with diverse habitats and wholesome populations of plants, animals, and human beings" and a "resilient, working forest that [could] meet the needs of the Tribe without damaging the land base for future generations." The basic goal of the Forestry Program was to "implement, monitor, and revise the Tribal Forest Management Plan as adopted by NPTEC as well as to develop and implement plans for all forest allotments."

In 1999, the Forestry Program consisted of Forest Inventory and Planning, Presales and Timber Sales Administration, Forest Development and Timber Stand Improvement, Fire Pre-suppression, Fire Suppression, Information and Education, and the Program Administration Sub-programs, and had a staff of thirteen. The staff was made up of the Forestry Program Director, an Administrative Assistant, three Foresters, three Forestry Technicians, four Forestry Aides, a Forestry Student Aide, a Fire Management Officer, an Assistant Fire Management Officer, two Engine Crew Foremen, and four Engine Crewman. The program's budget of \$761,736 was made up of \$578,158 in P.L. 93-638 funds, \$133,578 in fire pre-suppression, and \$70,000 in forest management deductions. About \$100,000 of the P.L. 93-638 funds were designated for forest development projects.³⁴

³²P.L. 93-638 Contract/Award (Contract No. P00C14209329), Bureau of Indian Affairs and Nez Perce Tribal Executive Committee, to operate a Forest Management Program on the Nez Perce Indian Reservation, October 1, 1987-September 30, 1990. File: Reports on P.L. 93-638 Contract, 103-02, Nez Perce Tribal Forestry Program.

³³Report to the Nez Perce Tribal General Council, September 29-30, 1999, pp. 65-69.

³⁴Report to the Nez Perce Tribal General Council, September 24-25, 1999, pp. 73-74.

**NEZ PERCE TRIBE
DNR Organization chart (1999)**

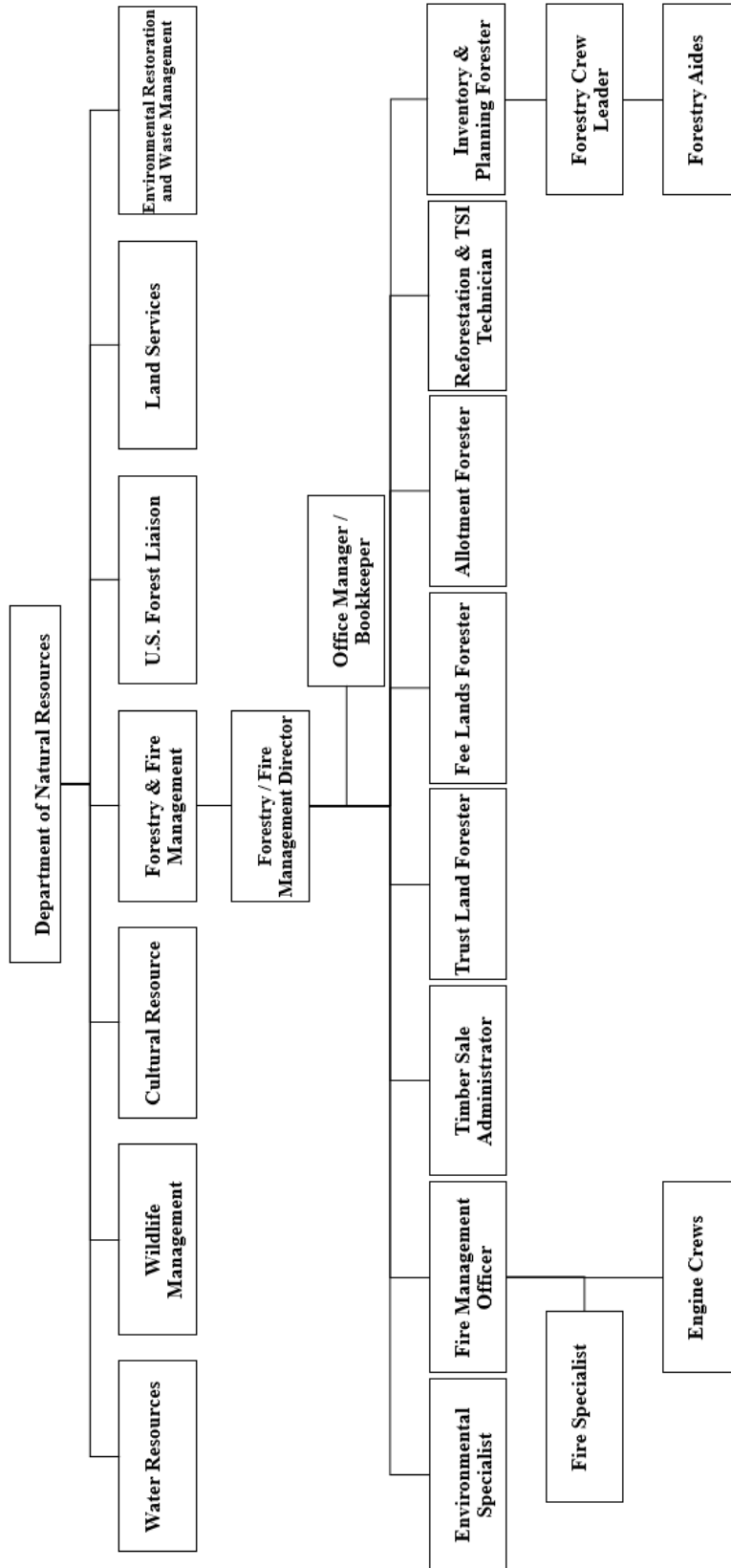


Figure 2. Nez Perce Forestry Program Organization Chart.

4 FOREST MANAGEMENT PLANNING

4.1 1986-1995 MANAGEMENT PERIOD

The Nez Perce tribal leadership strongly advocates for and is committed to implementing effective, proactive forest management planning. They emphasize sustainable, holistic, and science-based strategies to improve forest health. The plan sets annual allowable cut guidelines, allowing the Tribe to project revenue for its yearly budget. The plan also establishes guidelines for balancing timber and non-timber uses of the forest.³⁵

Upon taking over the Forestry Program, the Nez Perce Tribe began developing a new forest management plan. The Tribe was particularly intent on managing the forest in accordance with a comprehensive planning format. The inaugural 1982 forest management plan, which followed decades of tribal frustration, was a direct result of persistent advocacy aimed at the BIA. The plan was approved on June 22, 1982, and covered the period from January 1, 1981, to December 31, 1985.

The Tribe began preparing the Forest Management Plan (The "Consolidated Plan") for the 1986-1995 Planning Period in the late 1980s. In accordance with BIA regulations, the forest management plan was composed of an environmental assessment, a forest inventory, a forest history, and the forest management plan itself. Forest inventory and planning were to occur on a 10-year cycle and were designed as "a measure of goal achievement and as a means to provide the necessary steps to adjust management practices accordingly."³⁶

The plan, which was completed in January 1991, was prepared by Forestry Resources (composed at that time of the Tribal Forestry Program, Wildlife Management, and Cultural Resources) and circulated to these and other programs and departments such as Water Resources and Fisheries, for comment. Although the plan considered resources other than timber, its primary emphasis was on timber production for the Nez Perce Forest Products Enterprise because of the importance of timber income to the Tribe in the early 1990s.

4.1.1 Environmental Assessment (EA)

In 1987, the Tribe utilized P.L. 93-638 funding to launch a new forest and stand-based inventory. This analysis served as the foundation for the 1986-1995 planning period. The information gathered in the inventory was developed as a baseline for the forest resource alternatives identified in the Environmental Assessment. In turn, the Environmental Assessment developed a spectrum of alternatives necessary to achieve possible goals of the Tribe.³⁷

³⁵Personal communication with Michael J. Penney, Executive Director, Nez Perce Tribal Executive Committee, by author, October 15, 1999, Lapwai, Idaho.

³⁶John DeGroot, "Consolidated Forest Management Plan, Nez Perce Forest Resources, Idaho," 10/01/1985-09/30/1995. p. v.

³⁷"Consolidated Plan," p. vi.

An Interdisciplinary (ID) Team was formed to evaluate environmental concerns, and comments and discussions with the ID Team members were assimilated into the Environmental Assessment.³⁸ The Environmental Assessment, which was completed in 1989, developed alternatives separately for the tribal trust lands and allotments so that the owners could best modify forest management according to their wishes.³⁹ Because NEPA did not require an Environmental Assessment on fee lands, the same alternative selected for tribal land management was applied to purchased lands to ensure that management practices and environmental protections would be consistent on all tribal lands.⁴⁰

The Environmental Assessment defined four alternatives for tribal lands (Do Nothing, Salvage and Firewood, Single Use and Maximum Value, and Multiple Use, Economic Returns) and five for allotted lands (Do Nothing, Self Use, Ultimate Use, Status Quo, Block Management). The Tribe selected the Multiple-Use, Economic Returns as the preferred alternative for tribal lands, which called for the management of the tribal forest lands with the best silvicultural method for all forest resources and an optimal balance of outputs from the multiple uses of the forest. This alternative recommended the use of both even-aged and uneven-aged silvicultural systems, depending on the forest stand characteristics and multiple use objectives. The alternative also called for the salvaging of mortality through the permit system. The use of Tribal logging would be continued and encouraged to further benefit tribal employment.⁴¹

The Environmental Assessment process selected Alternative 5, (Block Management) for allotted lands, which employed the "appropriate silvicultural system" for allotment management on a land block basis to maximize the stumpage value received. Cutting operations were scheduled on a cyclical basis to provide periodic income to the owners using the principle of sustained yield forestry. The objective of Forestry was to facilitate small-volume timber sales at the request of owners for economic purposes. Forestry collaborated with the Branch of Land Operations to create grazing schedules that supported owner economic needs while ensuring forest regeneration. Finally, Forestry was to identify potential forest-to-cropland conversions (and vice versa) for individual owners and integrate these changes into the timber sale program.⁴²

4.1.2 Forest Inventory Analysis (FIA)

Although the 1886-1995 Consolidated Plan was originally scheduled for completion by 1990, it was delayed until January 1992. This was due to needed revisions in annual allowable cut figures-following computer inventory errors at the BIA Portland Area Office-and additional analysis to incorporate new purchased lands.⁴³

A Continuous Forest Inventory (CFI) was finalized in May 1991 to monitor stocking levels and growth rates. This tool helped ensure that the forest was moving toward a regulated state providing a steady,

³⁸Report to the Nez Perce Tribal General Council, September 29-30, 1989, p. 67.

³⁹"Consolidated Plan," p. 23.

⁴⁰"Consolidated Plan," pp. 23-26.

⁴¹Nez Perce Tribe Forest Resources, "Environmental Assessment for the Forest Management Plan, 1986-1995 Management Period," September 1989, p. 3.

⁴²*Ibid.*, p. 5.

⁴³Report to the Nez Perce Tribal General Council, September 29-30, 1989, p. 67.

sustainable flow of products.⁴⁴ The primary objectives of the CFI analysis necessary to achieve a managed, regulated forest were to determine the growth and yield of the current and predicted future forest and to produce stocking guidelines as the basis for silvicultural prescriptions needed to calculate an indicated annual cut.⁴⁵ The 1991 Inventory Analysis was based on maximizing the production of saw timber with a minimum diameter breast high (DBH) of 9 inches to a 6-inch-top diameter based on Scribner C log scale rules.⁴⁶

The 1991 Inventory Analysis described the forest as highly fragmented into 25 separate parcels ranging from 120 to 5,000 acres and 147 allotments with five or more acres of timber, many of which were partially to fully under tribal ownership. A phototyping project identified land use areas, assigning specific photo types and classifications to all tribal trust lands, as well as to allotments containing at least five acres of commercial forest. Ponderosa pine was the predominant type on tribal forest land, comprising over 45 percent of the total forested area, followed by Douglas-fir and a ponderosa pine-Douglas-fir mix. Ponderosa pine occupied 75 percent of the forested area on allotments, primarily because most of them occupied land occurring at lower elevations and on drier habitat types. On tribal lands, ponderosa pine comprises 47.7 percent of the total board feet volume; Douglas-fir, 46 percent; and grand fir, 4.7 percent. Ponderosa pine comprised 79.3 percent of the board feet volume on allotted lands, and Douglas-fir, 17.7 percent. Excluding allotments of five acres or less, the tribal trust commercial forest included 20,207 acres.⁴⁷

The initial inventory between 1975 and 1977 had established 322 permanent 1/5-acre plots on tribal and allotted land. Nez Perce tribal crews remeasured 321 plots (one had been dropped), installed 23 new plots beginning on October 16, 1985, and finishing May 15th, 1986. CFI plots were checked for inaccuracies in plot establishment, as well as qualitative and quantitative determinations prior to the Portland Area office review and data processing. The Tribe received the CFI results (paper printouts) in May 1988. The final printouts were received in 1989 for analysis. The inventory analysis and annual allowable cut were then calculated.⁴⁸

Existing stand structures designated in the CFI plots for classification purposes were divided into even-aged, two-storied, uneven-aged, and even-aged clump. Even-aged stands accounted for about 50 percent of the forested lands, and uneven-aged stands covered about 30 percent.⁴⁹ The 1991 Inventory Analysis used the Austrian formula to calculate an annual allowable cut for the forest at 7.2 million board feet for tribal lands and 1.8 million board feet for allotments. The Austrian formula calculation used simulations predicting higher levels of growth from an intensively managed future forest in addition to actual measured growth.

The annual allowable cut calculation was based on the single use of timber production and managing all commercial forest land for maximum timber production. If all acres typed as commercial forest land were not intensively managed for the single use of maximizing timber production (such as allowance for stream

⁴⁴John DeGroot, "Nez Perce Reservation Forest Inventory Analysis," May 1991, pp. 30-31; "Consolidated Plan," p. v.

⁴⁵*Ibid.*

⁴⁶John DeGroot, "Nez Perce Reservation Forest Inventory and Analysis," May 1991, p. 31.

⁴⁷"Inventory Analysis," 1991. pp. 5-8.

⁴⁸*Ibid.* pp 31-32; "Consolidated Plan," p. 68.

⁴⁹"Inventory Analysis," 1991, p. 43.

buffers), the annual allowable cut would have to be reduced to account for the multiple-use interests of the resource.⁵⁰

4.1.3 Forest Management Plan

The Consolidated Plan, which was completed in January 1992 and approved by Resolution NP 92-25, was unique in that it was the first comprehensive plan for managing all tribal forest lands, fee and trust. This "consolidated" approach to all lands was designed to account for their collective advantages in sustaining natural resources, stabilizing long-term income flow, and acquiring a better balance of species and age class distribution. This approach provided greater flexibility in managing and protecting tribal resources and in enhancing opportunities for tribal employment and use resulting from land ownership. It also was viewed as a means of reducing the risk of loss to the Tribe through diversification of forest resources (timber, plants, water, and fish and wildlife habitat).⁵¹

The plan's management goals and objectives outlined the Nez Perce Tribe's policy for a multiple-use, sustained yield measurement of the forest resource. In doing so, the plan reflected some of the recommendations of the National Indian Forest Resource Management Act of 1990. Objectives for the management of trust lands included the preservation of tribal lands in a "perpetually productive state" through effective protection, the application of sound silvicultural and economic principles to the harvesting of timber, and adequate provision of new forest growth during timber harvesting.⁵²

The Nez Perce people were to develop tribal forests to promote "self-sustaining communities" through the provision of stumpage value and whatever profit it could yield to the tribal government and the tribal members. Forest management was redirected toward aesthetic and recreational optimization once the Tribal Council determined these factors provided greater utility to the Nez Perce people than industrial forest production. The forest plan aims to maintain hydrologic stability and reduce erosion, with practices designed to safeguard water quality, streams, and aquatic habitats. Furthermore, grazing, wildlife, and other forest resources will be conserved and enhanced, provided such actions align with the Tribe's best interests.⁵³ Similar objectives were applied to allotted forested lands, but, in addition, the sale of timber was to consider the needs and the best interests of the individual owners and heirs, including the suitability of devoting the land to uses other than timber.⁵⁴

The Consolidated Plan called for the protection of the forest from insects, disease, and fire and for prompt, effective suppression when required. It also recommended the continued harvest from tribal and purchased lands addressing individual stands with silvicultural needs as the primary objective to ensure that the forest became regulated as planned in the calculation of the annual allowable cut. Harvesting of the second-growth stands will continue at a rate matched to the annual allowable cut, ensuring projected tribal income and the development of a regulated forest. Where economically feasible, salvage of both mortality and impending mortality was to be practiced. Pre-commercial thinning was to be increased to prevent potential growth loss from tree suppression and stagnation of stands. The Tribe also called for

⁵⁰"Inventory Analysis," 1991, pp. 32-57.

⁵¹"Consolidated Plan," p. iv.

⁵²*Ibid.*

⁵³"Consolidated Plan," p. 28

⁵⁴*Ibid.*, p. 28-29.

the eradication of forest development backlogs on tribal trust lands and non-stocked areas on the purchased and allotted lands. Other accomplishment goals included pursuing markets for unmerchantable material and thinning slash.⁵⁵

The Forestry Program was also responsible for creating and maintaining a real-time “in place” forest stand inventory system. This system would schedule operational activities based on silvicultural priorities and provide data for long-term management planning. Intermediate harvesting is planned for the next decade, managed by programming annual sales of selected allotment groups. A permit and small timber sales program was to be established and maintained that would ensure opportunities for Tribal loggers.⁵⁶

As of 1990, the Tribe's commercial forest land base was 20,207 acres with a total of 216 million board feet of commercial timber. In addition, the Waha tract contained 15,587 acres of commercial forest with 47,983,000 million board feet of timber and the Maloney Creek tract contained 5,880 acres with 8,016,000 board feet of timber.⁵⁷

The 1991 Forest Inventory Analysis was amended in the "Proposed Harvest Schedule and Annual Allowable Cut (ACC) for the Nez Perce Forest Lands." This revised schedule calculated an annual allowable cut for tribal trust and tribal fee lands using the Multiple Use Sustained Yield Calculation (MUSYC) model to compare both the separate (independent) and consolidated (dependent) management of the tribal and the tribal-purchased lands. The resulting annual allowable cut for consolidated management was further reduced in the Consolidated Plan to account for the multiple-use alternative identified in the Environmental Assessment process for trust lands.⁵⁸

An annual allowable cut of 10.6 million board feet resulted in the consolidation of the tribal lands when the harvest was allowed to vary by 10 percent between subsequent 10-year planning periods. The total cut for all tribal lands using the same 10 percent harvest flow constraints resulting from separate management of trust and fee lands was 8.1 million board feet, and 6.3 million board feet where harvest flow was constrained to ensure a long-run, non-declining even flow. A further administrative reduction of 20 percent was made to ensure multiple-use benefits of the forest would be maintained, resulting in an annual allowable cut of 8.4 million board feet for the 1986-1995 planning period. An annual allowable cut of 6.1 million board feet was targeted to cut from 1986 to 1990 on extension of the management plan, which suggested an annual allowable volume of 10.6 million board feet was available from 1991 to 1995 for an average of 8.4 million board feet for the 10-year plan period.⁵⁹

Use of the Austrian formula to calculate the annual allowable cut for forested allotments indicated an annual allowable cut of 1.85 million board feet necessary to regulate the forest and produce a sustained yield with the objective of maximizing timber revenue. The resulting annual allowable cut was

⁵⁵*Ibid.*, pp. 19-20

⁵⁶*Ibid.*

⁵⁷*Ibid.*, pp. 5-7.

⁵⁸*Ibid.*, pp. v-vi.

⁵⁹*Ibid.*, p. 17

administratively reduced by about 20 percent to 1.5 million board feet to ensure multiple-use benefits for the forest reserve as identified in the Environmental Assessment as the desire of the allotment owners.⁶⁰

4.2 1998 MANAGEMENT PERIOD

After the Consolidated Plan was completed in 1992, the focus for natural resource management planning shifted from the Forestry Program to the Natural Resources Department as other programs became either established or more fully developed. During the early 1990s, an initial attempt was made to develop an Integrated Resource Management Plan (IRMP) for the reservation designed to expand and refine the Consolidated Plan. A working group facilitated by the tribal GIS coordinator was formed with representatives from all the natural resource departments to identify data needs for the integrated plan. However, lack of a centralized natural resource management planning structure and the inherent problems of creating such a plan for fragmented tribal holdings and allotments at this stage forced the postponement of the IRMP and a comprehensive land use plan for the reservation.⁶¹

Instead, a new forest management plan was prepared with greater reliance on an ID Team representing all natural resource programs being involved in the process from the outset. As part of the natural resource management planning effort to aid all natural resource departments and programs, NPTEC authorized the Forestry Program to contract with WAC Corporation for aerial photographs of about 1.3 million acres on the reservation at a cost of \$28,595.00. Color photographs were taken at a scale of about 4 inches to 1 mile from May to July 1992. NPTEC subsequently authorized the Tribal Forestry, Agriculture, and Water Resources Programs to be provided with a complete set of aerial photographs.⁶² The cost of \$42,095.00 was funded by special forest management inventory and planning add-ons, and the Water and Wildlife programs were to reimburse the Tribal Forestry Program for \$4,500.⁶³

4.2.1 Forest Inventory Analysis, 1993

During this time, the forest inventory process for a new forest management plan continued. In 1992, funds were requested for the remeasurement of the existing plots and the establishment of 50 permanent growth or continuous forest inventory (CFI) plots on the "purchased" lands so these lands could be more accurately accounted for in the forest management plan scheduled for completion in 1995. In 1993, Forestry began the process of revising stand boundaries on all aerial photographs. It also began preparing stand maps for future digitization into the Geographic Information System (GIS) so that computer-generated forest stand maps could be completed for all tribal lands. In August 1993, remeasurement of the CFI plots was started and scheduled for completion in May 1994. Stand exam information, which provided the detailed information on individual forest stands necessary for developing silvicultural prescriptions and harvest schedules, was collected in the fall and summer of 1994.⁶⁴ As of September 1997, forest inventory field measurements, including CFI plot measurements and stand exams, had been

⁶⁰*Ibid.*

⁶¹Bell interview.

⁶²Nez Perce Tribe and WAC Corporation, 1992 Aerial Photography Contract, April 23, 1992. File: Photo Contract, Nez Perce Forestry Program.

⁶³Nez Perce Tribal Resolution NP 92-410, September 22-23, 1992.

⁶⁴Reports to the Nez Perce Tribal General Council, May 1-2, 1992. pp 67-69; September 25-26, pp. 69-72; May 7 and 8, 1993, pp. 71-74; September 1993, pp. 64-67; May 6-7, 1994, pp. 77-82.

updated for planning purposes. By then, a computer program used to compile regeneration survey data also had been developed, and the computer programs used to analyze CFI and stand exam data to look at trends in forest stocking and growth had been updated. The Forest Inventory Analysis summarized CFI and stand examination information used for comparing various management alternatives.⁶⁵

The Forest Inventory Analysis provided detail on the status of the forest in terms of species composition, volume, stocking, growth, and forest health, along with past forest trends. The inventory information used for Alternative 2/3 of the Forest Management Plan, "Current Practices with Balanced Timber Harvest" was current as of September 1995, which coincided with the end of the 1986-1995 Management Period and was used for calculating the harvest level.

The commercial forest land base as of October 1, 1995, was 43,119 acres. The increased commercial forest land base from that of the 1992 draft plan reflected the acquisition of the Waha and Maloney Creek commercial timber tracts. The area for timber production reduced by stream buffer zones occupying the commercial forest land amounted to 1,821 acres, leaving a commercial forest land base of 41,298 acres.

The total standing gross volume of green saw timber on the reservation was 213 million board feet as of October 1, 1995, or 204 million board feet after reducing the volume for the 4.2 percent of the commercial forest area in stream buffer. The specifications for merchantable logs used to determine the total volume were Scribner Decimal C log scale rules for all trees with a minimum 9-inch diameter breast high (DBH) containing one 16-foot log to a top diameter inside the bark (dib) of 6 inches, and a minimum piece size of 8 feet. Volume by species was 45 percent for Douglas-fir, 37 percent for ponderosa pines, 14 percent for grand fir, and 4 percent for western larch, lodgepole pine, western red cedar, Engelmann spruce, and subalpine fir combined.

The inventory analysis determined the annual allowable cut to be 4.8 million board feet, composed of 3.4 million board feet of sawlogs, 0.9 million board feet of pulp, and 0.5 million board feet of firewood. The 4.8 million board feet was calculated on a strategic planning level using reservation-wide averages.⁶⁶ The annual allowable cut was a sharp decline from the 8.4 million board feet of the Consolidated Plan due to an increased emphasis on non-timber values, the decline in inventory because of past cutting exceeding growth, the measured decline of net growth, an increase in mortality, and the increased length of time overstory trees were planned to be retained in seed tree and shelterwood cuts.⁶⁷

4.2.2 Forest Management Plan and Environmental Assessment, 1998

In 1993, The Tribe began preparing the new Forest Management Plan and Environmental Assessment, which were completed in 1998. The Tribe proposed to actively manage the timber resource according to accepted forest management strategies to maintain the health and productivity of the timber resource while producing important revenue necessary to provide essential government services to the Nez Perce people. The Forest Management Plan included trust land and non-trust lands purchased since 1986. The Environmental Assessment was to analyze the environmental consequences of the management

⁶⁵Reports to the Nez Perce Tribal General Council, September 1996, pp. 56-60; May 2-3, 1997, pp. 60-66.

⁶⁶"Forest Management Plan", 1998, pp. 4-6 through 4-11.

⁶⁷DeGroot interview, October 6, 1999; ID Team Meeting Notes, September 19, 1996. File: Memos, Forest Management Plan, Nez Perce Forestry Program.

alternatives proposed in the Forest Management Plan. It also was to identify possible forest management regimes to provide possible background information to determine the type of management that best fit tribal goals. The Tribe decided that as part of the Environmental Assessment public involvement process, a survey would be conducted to determine how the tribal public wanted the forest to be managed.⁶⁸

By an administrative action of 1993, NPTEC required that at least one professional level person from each program participate in the forest management planning process. The team was composed of representatives from Land Services, Cultural Resources, Wildlife Management, Water Resources, Fisheries, Environmental Restoration and Waste Management, the Forest Products Enterprise, and the NPTEC Natural Resource subcommittee. NPTEC hired an interdisciplinary coordinator whose duties included seeing that tribal input was solicited and incorporated in the environmental assessment and forest management planning process. ID Team meetings were conducted during 1995 and 1996. The team's main mission was to ensure that forest management practices provided for multiple use of the forest while ensuring that minimal adverse environmental impacts resulted from timber harvest. The team prepared guidelines for forest practices affecting wildlife, water quality, soil productivity, and cultural resources. It also considered alternatives for various stream buffers portions and wildlife management guidelines.⁶⁹

The ID team prepared the Environmental Assessment and the Forest Management Plan simultaneously. The team was to prepare forest management alternatives for the plan and then submit both documents to NPTEC for selection of a preferred alternative. The team thereupon was to complete the Environmental Assessment by writing the final chapter on the environmental consequences of the selected alternatives. At the same time, the selected alternative was to be incorporated as the final chapter in the Forest Management Plan.⁷⁰

One significant step in the process of preparing the new Environmental Assessment and Forest Management Plan was the preparation by the Nez Perce Department of Natural Resources Forestry Program of "Summary Nez Perce Tribe Priorities for Forest Management Survey" on November 1995.⁷¹ This step represented a significant departure from the planning process for the Environmental Assessment-Forest Management Planning process for the 1986-1995 planning period, where the Forestry Program was largely responsible for preparing those documents and essentially submitted them to other programs and the Tribe for approval.⁷²

The survey was conducted in August and September 1995 to begin the scoping process necessary for writing the Environmental Assessment for the ten-year Forest Management Plan and to provide an educational tool to inform the tribal members of the upcoming plan and to inform them about some forestry management concepts. The study population was divided into tribal members and tribal

⁶⁸Nez Perce Tribe, "Environmental Assessment, Forest Management Plan, Nez Perce Indian Reservation," 1998, p. 1-1; Reports to the Nez Perce Tribal General Council, 1992-1997.

⁶⁹"Forest Management Plan Environmental Assessment," 1998, p. 1-1; DeGroot interview, October 6, 1999; Reports to the Nez Perce Tribal General Council, 1992-1997.

⁷⁰Reports to the Nez Perce Tribal General Council, May and September 1997.

⁷¹Nez Perce Tribe Department of Natural Resources Forestry Program, "Summary Results of the 1995 Nez Perce Tribe Priorities for Forest Management Survey," November 1995. File: FMP, Nez Perce Forestry Program.

⁷²DeGroot interview, October 6, 1999.

employees working in natural resource programs, the latter group including Nez Perce, non-Nez Perce, and non-Tribal respondents. The tribal members and employees provided ratings on 20 categories of forest management on a scale of 1 (poor) to 5 (excellent). The percentage of those responding that they "did not know" ranged from 17 to 67 percent, depending on the issue. Tribal members gave the overall forest management program a 2.8 rating; the employees, a 3.2 rating.⁷³

The most important issues to tribal members were overall forest management and wildlife. Tribal employees rated sustained yield, land acquisition, and forest condition as the most important. Tribal members rated wildlife and fisheries as the best managed resources/activities; employees rated forest condition, wildlife, and cultural site protection as the best managed. Tribal members rated trespassing, employment, water quality, and overall forest management as the subject most in need of improvement. Regarding the latter, tribal members were concerned about logging practices--the types used and the need for monitoring. Employees rated trespass, road access, and wildlife as the subject most in need of improvement. Employees regarded overall forest management as only the seventh most important activity in need of improvement, stating that forest management be balanced so that timber harvest was not the primary goal, that harvesting be slowed, and that care be taken about waste. Both tribal members and employees rated beauty-scenery and spiritual-cultural values ahead of subsistence, income, and recreation as forest uses.⁷⁴

Those conducting the survey concluded that both tribal members and employees were very concerned about what happened to tribal forest lands and that many of the respondents indicated a general lack of knowledge about how their resources were being managed. The survey noted that the Consolidated Plan placed timber harvest and income production as the highest priority, with other resource concerns of less importance. Resources such as wildlife, water, fisheries, were considered in order to maintain their quality or to avoid significantly impacting them, but they had not been given the same priority as timber harvest.⁷⁵ One immediate response by the Forest Manager was to recommend to the manager of the Natural Resources Department that Natural Resource Day be held in April of 1996 to educate adults and students about how natural resources were being managed on the reservation. This recommendation was provided for in the 1998 Environmental Assessment.⁷⁶

The Forest Management Plan, which NPTEC adopted on July 14, 1998, strongly reflected these tribal concerns as noted in Tribal Resolution NP 98-339. The plan noted that it contained significant improvements over previous plans. Many forest values other than timber that have "an important place in the overall management and culture of a forested landscape" (grazing, wildlife, fisheries, recreation, aesthetic, cultural, and other traditional values) were considered and incorporated into the design of the plan. The authors noted that the plan was not fully integrated but that it incorporated "concepts of multiple use and diverse values" into the management of tribal forested lands for timber use and revenue.⁷⁷

⁷³"Survey Summary," 1995, p. 14.

⁷⁴*Ibid.*, pp. 14-24.

⁷⁵*Ibid.*, pp. 25-27.

⁷⁶Scott Gasperin, Director, Tribal Forestry Program, to Jaime A. Pinkham, Manager, Natural Resources Department, December 13, 1995. File: Forest Management Plan, Nez Perce Forestry Program.

⁷⁷"Forest Management Plan," 1998, pp. 1-1 and 1-2.

Unlike previous plans, this plan did not provide for the management of individual Tribal allotments. The authors reasoned that they were owned by individuals with "certain and sometimes very specific management goals and objectives" for those lands. For that reason, it did not seem appropriate to include them under the same guidelines as those held in common for all members of the Tribe. Another unique aspect of the plan was that it did not have an expiration date and was to remain in effect "until modified or revised based on the need to do so."⁷⁸

The chapter on objectives and goals included those not only for Timber Management and the Forest Products Enterprise but also for Fire Management, Range Management, Wildlife Management, Cultural Resource Management, and Water and Fisheries Management. The Statement of Goals and Objectives of Forest Management provided for a regulated harvest program which would ensure a predictable volume of timber in perpetuity, provide revenue for the Tribe, achieve the desired biological conditions through the development of the site-specific silvicultural prescriptions, develop a comprehensive road access plan, and educate the tribal public and NPTEC on forestry issues. This statement of goals and objectives explicitly recognized that management decisions would recognize "the intrinsic and less easily measured values of forest resources other than timber." The plan viewed timber as "only one component of the total forest resource" and, as such, the health and productivity of the timber resource was "ultimately dependent on maintaining the overall health and productivity of all forest resources."⁷⁹ The Interdisciplinary Team developed guidelines for areas of concern not addressed in detail before, including Stream Management Zones, Wildlife Snags, and Down Woody Material. The plan and the Environmental Assessment considered these topics in depth to ensure that these values were protected in all forestry activities on tribal lands.⁸⁰

NPTEC adopted Alternative 2/3, Current Practices with Balanced Timber Harvest, as the preferred alternative for the new Forest Management Plan through Administrative Action #13 on October 7, 1997. This alternative was prepared after the other alternatives. It incorporated most of the current practices addressing non-timber resources as described in Alternative 2 and combined them with the timber harvest strategy in Alternative 3, the balanced alternative. The Current Practices alternative (Alternative 2) called for closer examination of the previous forest management planning period by monitoring the recommendations made in the Environmental Assessments for individual sales over the last several years. The alternative incorporated the management practices which addressed non-timber resources being implemented in timber sales. Alternative 3, the balanced alternative, was created to address the concerns of the ID Team, while recognizing sustainable timber production as the primary goal. Management practices that are more beneficial to wildlife, fisheries, and water, than those currently being practiced, were incorporated.⁸¹

Under Alternative 2/3, then, the future annual allowable cut would change as management practices altered future growth rates. Harvest levels were to be increased when future growth rates were realized and not in anticipation of greater future growth. The shelterwood system with residuals was the preferred silvicultural regime. Overstory trees would be left in seed trees and shelterwoods into the subsequent

⁷⁸*Ibid.*

⁷⁹*Ibid.*, pp. 2-1 through 2-6

⁸⁰*Ibid.*, p. 1-1.

⁸¹"Forest Management Plan Environmental Assessment," 1998, pp. 2-4 through 2-7.

rotation rather than being completely removed when the stand was regenerated. Stream management zones would continue to be determined on a site-specific basis during the timber sale environmental assessment process. Average stream buffer zones as determined from monitoring recommendations by stream type on individual sales would be used for analysis to determine the amount of timber available for harvest.

Rather than cutting and removing all pulp trees during a timber sale, enough of these trees would be left to meet snag guidelines. Live cull trees could be killed to create snags. No green healthy trees would be left specifically as snag recruitment trees or killed to create snags. Upper limits of dead and down woody material (DDWM) left on site would be based on the slash requirements of the state of Idaho in compliance with slash fire hazard potential. If there were insufficient DDWM to meet the guidelines, it would not be required to create additional DDWM from sawlogs, pulp, or culls.⁸²

As the plan was prepared, the Portland Area Office complimented the Tribe on its interdisciplinary approach and the expanded use of GIS in the process. However, it expressed concern about NPTEC authorizing extension of the Forest Management plan each year as not fully responsive to federal statutory and regulatory requirements for the existence of a current, approved plan. Any plan extension also would have to be approved by the federal official, along with a revisiting of NEPA requirements.

⁸²*Ibid.*

5 TIMBER SALES AND ADMINISTRATION

5.1 TIMBER SALES ORGANIZATION

Timber Sales and Administration is one of four Forestry subprograms, the other being Reforestation and Timber Stand Improvement (TSI), Forest Inventory, and Fire Management. The Pre-sales and the Timber Sale Administration functions are organized together to ensure continuity from sales preparation through the completion of logging activities and to facilitate the achievement of the environmental and silvicultural objectives of the harvest prescription. The Timber Sales sub-program manages all forms of timber harvest on tribal trust and tribal purchase lands from the inception of the sales as prescribed treatments through sale closure procedures. The Timber Sales sub-program also manages the allotment sales program.⁸³

As of 1999, the Timber Sales sub-program was staffed with eight full-time employees. Except for the Timber Sales Forester position, each position emphasized either the presales or sales administration function. Other positions included the Timber Sales Administration Forester, the Allotment Forester, the Presales Crew Leader, and four Timber Cruisers.

P.L. 93-638 contract monies fund positions and activities within the Timber Sales sub-program. A management fee of \$5.00/MBF deducted from all sales purchased by the Nez Perce Forest Products Enterprise subsidizes management activities on non-trust tribal purchase properties. A standard forest management deduction of 10 percent of stumpage revenues generated on trust properties provides additional enhancement funds. The forest management deductions are withheld only on sales and permits with values greater than or equal to \$5,001.00.

Timber sales preparation includes all phases of field work, correspondence, and documentation required in preparing timber harvest. Presales activities are divided into two general areas: tribal lands and tribal allotment properties.

The primary functions of the Presales staff are to conduct a reconnaissance of the proposed area to be harvested and to locate property boundaries; secure necessary rights-of-way and crossing permits; correspond with allottees and acquire powers of attorney, design silvicultural prescriptions, coordinate interdisciplinary review and prepare requisite NEPA documents, design and layout roads, mark and cruise timber, determine volume and stumpage appraisal, prepare contracts and paid timber cutting permits, and develop prospectus and advertisement, bid opening, and contract award.

Timber Sales Administration includes all phases of field work, correspondence, and documentation required in administering a timber harvest. Timber Sales Administration activities on allotment properties and tribal properties are merged into one function. The primary functions of the Timber Sales Administration staff are to acquire slash hazard management agreements from the Idaho Department of

⁸³"Forest Management Plan," 1998, pp. 9-1 through 9-2.

Nez Perce Tribe Land Cover (1999)

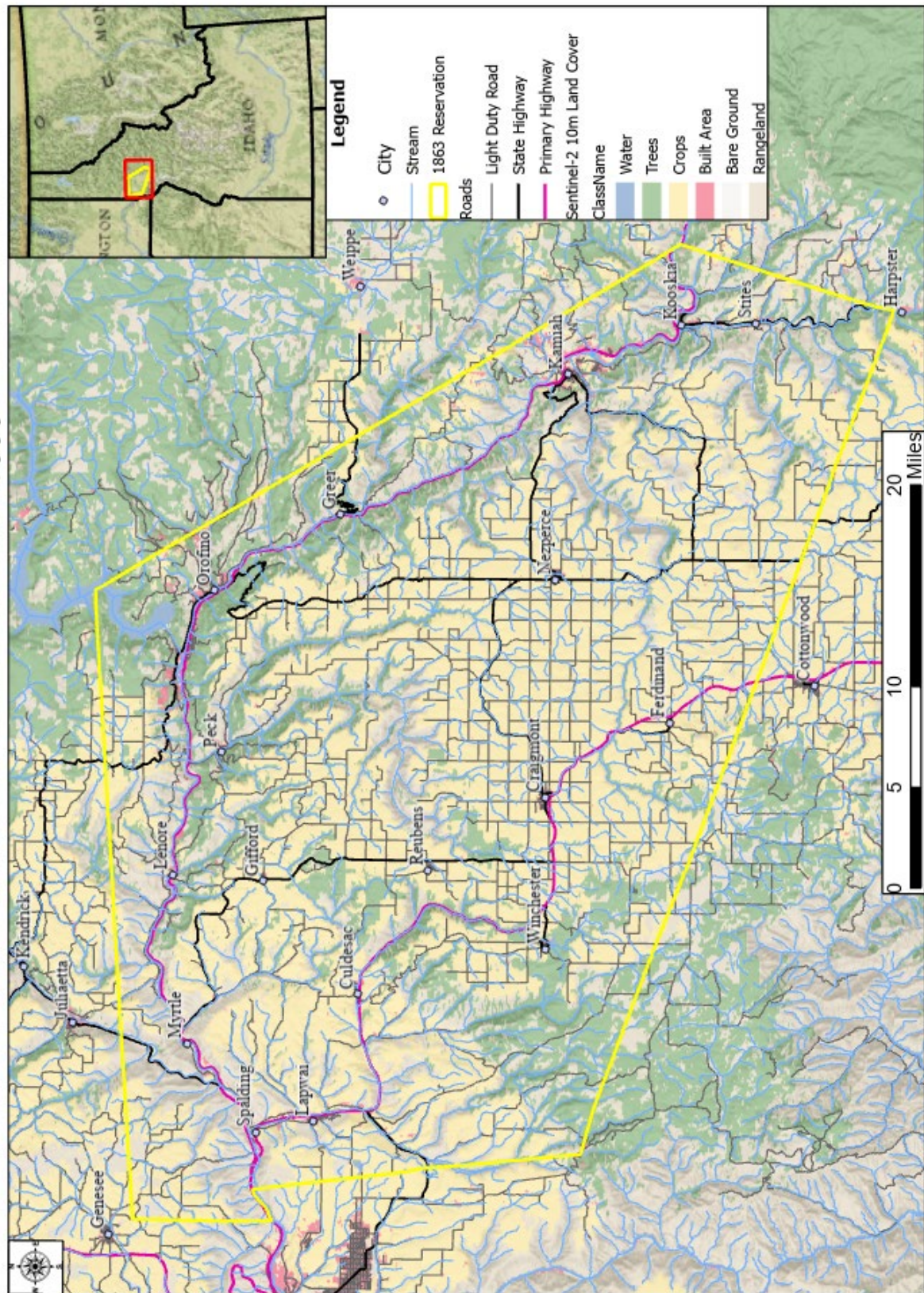


Figure 3. Nez Perce Tribal Forest Lands

Nez Perce Tribe Landholdings (1999)

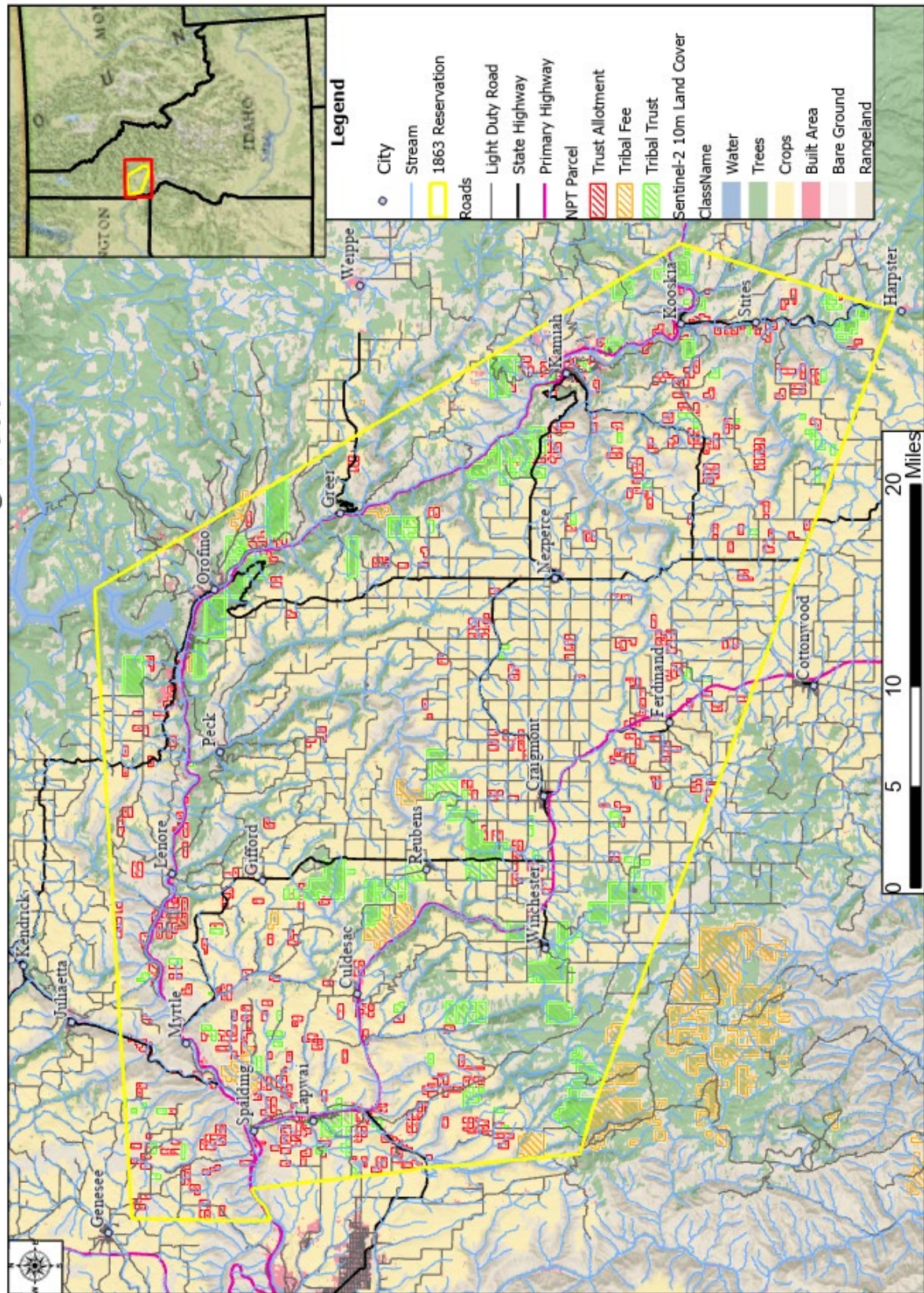


Figure 4. Ownership Map of Tribal and Allotted Lands

Lands; approve and administer logging plans; approve the location of skid trails and landings; conduct regular field inspections of logging operations for contract compliance and progress; and communicate with logging contractors and purchasers. Timber Sales also prepares inspection reports at each site visit; monitors rights-of-way and crossing permits, road construction, road maintenance, and road conditions; maintains scale and payment records; monitors utilization of timber; ensures adequate slash management; administers sale closure procedures; and prepares periodic and annual reports for the Nez Perce Tribe and the BIA.⁸⁴

Timber sales are marketed to the Nez Perce Forest Products Enterprise on a right-of-first-refusal basis and it has been the only party to purchase tribal sales during the 1990s. Major timber purchasers in the area include the Bennett Lumber Company in Clarkston and Princeton, the Menasha Corporation in Princeton, Three Rivers in Kamiah, Shearer Lumber Company in Elk City, Kamiah Mills in Kamiah, Konkeville Lumber in Orofino, Clearwater Forest Industries in Kooskia, Boise Cascade in Lewiston and northeast Oregon, and purchasers in Lewiston.⁸⁵ At the present time, there is only one TERO-certified logging firm in the area.⁸⁶

Between 1989 and 1999, the Timber Sales sub-program sold 71,051.659 MBF of tribal timber with a total value of \$8,361,860.72 and 9,554.56 MBF board feet of allotted timber with a total value of \$1,360,971.98. As of 1999, the target annual allowable cut was 4.3 million board feet, and the sales program was supposed to return about \$400,000 in revenue to the Tribe.⁸⁷ In addition, 2,750.74 MBF of tribal timber on fee lands with a total value of \$337,046.83 was harvested.

5.2 SIGNIFICANT TIMBER SALES, 1989-1999

Timber sales of importance to the program from 1989 to 1999 included the Camas Prairie, Tramway Fire, Fords Creek, and Upriver Timber Sales. The Camas Prairie Sale was the largest sale on the reservation for some time, amounting to over 18 million board feet. Species included 9,978,000 million board feet of green ponderosa pine, 1,437,000 million board feet of blue-stained sawlogs, and 3,933,000 board feet of Douglas-fir and other sawlogs with a total purchase price of \$1,188,219.65. The sale was composed of timber from the Cold Springs and Reubens Tribal Reserves and Nez Perce Allotments 862, 863, 1222, and 1801. The major objective of the sale was to salvage insect-killed and damaged ponderosa pine to reduce inter-tree competition and to increase the vigor of the ponderosa pine and Douglas-fir trees, thereby making them less susceptible to insect attack. The sale was designed to promote the establishment and sheltering of a new generation of trees through shelterwood cutting and mechanical site preparation. The sale also was intended to encourage the release of the existing advanced regeneration through overstory timber thinning, and to provide income through harvesting part of the 1990 and 1991 annual allowable cut. The sale area included 2,730 acres of shelterwood cutting and 70 acres of clear cutting.⁸⁸

⁸⁴"Forest Management Plan," 1998, pp. 9-2 through 9-9.

⁸⁵DeGroot interview, October 6, 1999.

⁸⁶Personnel communication with Richard Guzman, Nez Perce Forest Products Enterprise by author, October 8, 1999, Lapwai, Idaho.

⁸⁷Penney and Guzman interviews; Annual Reports to the Bureau of Indian Affairs, 1989-1999.

⁸⁸Timber Contract for Camas Prairie Tribal Logging Unit, July 20, 1990; Abstract, Environmental Assessment, Camas Prairie Logging Unit. File: Camas Prairie Timber Sale File, Nez Perce Forestry Program.

Nez Perce Tribe - Tribal and Allotted Timber Harvest Volumes and Values 1989-1999*				
Year	Tribal timber volumes (MBF)	Tribal timber values	Allotment timber volumes (MBF)	Allotment timber values
1989	7,215.87	\$403,606.80	-	-
1990	6,304.76	\$334,799.48	3,047.32	\$86,586.04
1991	18,046.00	\$1,190,319.65	436.00	\$25,215.30
1992	871.82	\$141,390.70	1,233.60	\$175,243.10
1993	7,787.12	\$1,251,247.05	451.09	\$124,904.52
1994	4,101.71	\$600,257.44	378.21	\$110,654.26
1995	4,945.58	\$867,665.67	308.12	\$90,182.19
1996	16,753.77	\$2,566,274.97	392.80	\$53,714.88
1997	4,565.79	\$906,112.18	1,979.47	\$509,212.33
1998	256.22	\$54,494.30	781.89	\$116,565.49
1999	203.03	\$45,692.48	546.06	\$68,693.87
*- Values exclude pulpwood volume and value.				

Table 1, Harvest Volumes and Values (1989-1999)

The ID Team provided extensive input into the proposed sale in meetings and memoranda during April 1990. The Tribe passed Resolution NP 90-255 approving the sale June 12-13, 1990. The Superintendent approved the contract with the purchaser, the Nez Perce Forest Products Enterprise, on July 20, 1990. The contract was unique for the Forestry Program in that the total purchase price was paid in installment payments based on volumes delivered rather than on a lump sum basis.⁸⁹

⁸⁹DeGroot interview, October 6, 1999.

The contract also required that the purchaser plant a maximum of 65,400 ponderosa pine seedlings at about 20-foot spacing on areas of shelterwood cutting units that had less than 300 crop trees per acre (based on regeneration surveys) and that were deficient in seed trees due to windthrow or continued insect mortality. The regeneration surveys were to be done in three to five years.⁹⁰

The Lower Ford's Creek Timber Sale of 1997 was unique in that it was the first to adopt the log scale accounting format in place of the "lump sum" format. Under the lump sum system, the timber cruise produced a volume for timber to be harvested and a corresponding amount to be paid, whether the actual scale went above or below these amounts. Under the new system, scale data was used to estimate volume cut.⁹¹ The log-scale accounting format was to be adopted for selling timber on all new sales and permits beginning in the spring of 1997 through an interagency agreement between the Tribe, the BIA, and the Forest Service. Previously, the Nez Perce Forest Products Enterprise had relied on mills for scaling services, with third party scalers providing check scales. The new format was adopted for greater log accountability and lower loss of stumpage caused by mis-sorted logs.⁹² A two-year Memorandum of Agreement between the BIA, Northern Idaho Agency, the Nez Perce Tribe, and the Clearwater National Forest was signed on June 27, 1997 providing that the Forest Service would provide the services for all logs delivered to Forest Service scaling points sold after May 1, 1997 and would be reimbursed for its services. All log scalers would be employed by and under the direction, supervision, and control of the Forest Service.⁹³

The Lower Ford's Creek Timber Sale authorized by Tribal Resolution NP 97-486 of May 27, 1997, and approved by the Northern Idaho Agency Superintendent on July 11, 1997, provided for the harvesting of 5,109,635 board feet of timber on Tribal Unit 49. Resolution NP 97-486 provided that the Lower Ford's Creek Timber Sale would be an estimated volume sale. Stumpage payments would be based on the actual volume harvested and scaled and stumpage values would be determined using an accepted appraisal process.⁹⁴

The lack of consultation with Forest Products Enterprises regarding the new sale method caused confusion and sparked concerns over existing and future agreements. The Enterprise, responsible for paying the Tribe and managing purchaser contracts, faced uncertainty, as log buyers worried about receiving sub-standard timber.⁹⁵

Just before the 1997 Forest Service agreement was scheduled to lapse, the Clearwater National Forest notified the Tribe that it could no longer scale logs at the Lewiston-Clarkston Port beginning in the 1999 field season through the foreseeable future because of the "downward trend" of federal timber at the

⁹⁰Camas Prairie Timber Sale Contract; Dave Bubser to Mike Penney, September 14, 1993. File: Camas Prairie Timber Contract File, Nez Perce Forestry Program.

⁹¹Personal communication with Howard Teasley, Jr. Allotment Forester, Nez Perce Forestry Program, by author, October 15, 1999, Lapwai, Idaho.

⁹²DeGroot interview, October 6, 1999; Report to the Nez Perce General Council, September 26-26, 1997, p. 48.

⁹³Interagency Agreement between the Bureau of Indian Affairs, North Idaho Agency and the Nez Perce Tribe and the U.S. Forest Service, Clearwater National Forest, U.S. Department of Agriculture, June 27, 1997. File: Natural Resource Subcommittee Actions, Nez Perce Forestry Program.

⁹⁴Nez Perce Tribal Resolution NP-486, May 27, 1997.

⁹⁵David Bubser to Mike Penney, Telephone Call Documentation, June 25, 1997, Dave Bubser to Mike Penney, Memorandum, July 21, 1997. File: Lower Ford's Creek Timber Sale Contract File, Nez Perce Forestry Program.

Port.⁹⁶ Tribal Forestry expressed regret but stated that the Nez Perce Tribe would continue to seek log scaling services from the Clearwater National Forest log scalers within the Kamiah scaling zone. Forestry also suggested another agreement limited to the Kamiah Scaling District reflecting the changes in the Forest Service's anticipated ability to provide scaling services to the Nez Perce Tribe.⁹⁷ A subsequent agreement was signed between the BIA, the Nez Perce Tribe, and the Forest Service on July 14, 1999.⁹⁸ The Tribe also has utilized third-party scaling services of such organizations as the Southern Oregon Scaling Bureau.⁹⁹

The Upriver Timber Sale was notable for illustrating the difficulties in obtaining and maintaining access to timber harvesting areas where such access involved crossing lands owned by parties other than the Tribe. The Tribe authorized the harvesting of 2,043,277 board feet on June 30, 1996. The contract was approved by the Superintendent on September 2, 1996. The sale was located on the Selway, Clear Creek, and Kooskia Reserves (Tribal Units 69, 70, and 71). Primary access to the Selway Reserve was through the property of Reid Smith and Louis Ulmer. New road construction and road maintenance were required at various locations. Culvert installation was required at five locations on tribal property and at four locations on the Ulmer property.¹⁰⁰

Problems encountered with landowners regarding access to the harvesting areas included landowners demanding more money for access across their property. The Tribe believed that access was the BIA's responsibility and was opposed to paying for access to their timber lands for harvesting. Landowners sometimes asked for payment for the right of access; others demanded payment for road maintenance or by truck load. Landowners base payment on a variety of criteria, including fair market value, net and gross scale, or all the market would allow.¹⁰¹

Road access also involved other issues, such as gates, road conditions, drainage and culverts, damage to and destruction of property, and noise levels. For example, Louis Ulmer, whose property had to be crossed to access the Selway Reserve, complained to Forestry about its failure to perform certain tasks promised in the crossing permit or to rectify situations that had occurred as the result of crossing his property. He also threatened to deny further access to the reserve to recover logs and equipment if his complaints were not rectified. These requests included the construction of gates at certain points on his property, repair of a damaged fence and a stock watering tank, removal of dirt that was pushed onto the fence just

⁹⁶James L. Caswell, Forest Supervisor, USDA Forest Service, Clearwater National Forest to Samuel N. Penney, Chairman, Nez Perce Tribe, February 26, 1999. File: Lower Ford's Creek Timber Sale File, Nez Perce Forestry Program.

⁹⁷John DeGroot, Forestry Program Director, Nez Perce Tribe, to James L. Caswell, Forest Supervisor, Clearwater National Forest, April 8, 1999. File: Log Scaling Agreement, Nez Perce Forestry Program.

⁹⁸Interagency Agreement between the Bureau of Indian Affairs, Northern Idaho Agency and the Nez Perce Tribe, and the U.S. National Forest, Clearwater National Forest, U.S. Department of Agriculture. File: Interagency Scaling Agreement, Nez Perce Forestry Program.

⁹⁹DeGroot interview, October 6, 1999.

¹⁰⁰Nez Perce Tribe, Forest Officer's Report, Upriver Timber Sale, Nez Perce Indian Reservation, Idaho, June 10, 1996, pp. 3, 6. File: Upriver Timber Sale, Nez Perce Tribal Forestry Program.

¹⁰¹DeGroot interview, October 6, 1999.

below the road where it entered the Ulmer property, and installation of a culvert in a ditch created along the road crossing through his property.¹⁰²

The Tramway Fire Salvage Sale authorized by Tribal Resolution NP-93-005 occurred because of the need to salvage timber damaged by a lightening fire on 1,354 acres of the Tramway Reserve on August 19, 1992. The indirect effects of the fire included a high risk of subsequent beetle infestation in both fire-injured trees and in surrounding stands and an increasing loss in value of fire-damaged trees. The sale area consisted of 18 cutting units located within Tribal Units 57, 58, 59, and 61 and Allotments 1361, 1566, and 1569. The sale as completed amounted to 4,374,760 million board feet with a value of \$539,448.81.¹⁰³

The sale was important in that it revealed differences between Forestry and Land Services over treatment of logged land--whether to reforest or to grass seed. In the wake of the Lookout Fire in the 1970s, it was initially decided to forego planting the affected area in grass because, in the case of the Lookout Fire, reseeding of the fire-affected area and subsequent competition between the sod and seedlings and the presence of voles had resulted in a high mortality rate to the seedlings. Forest Development worked with the Idaho Department of Lands in the suppression of the fire and developed a long-term fire rehabilitation plan, which included planting, seeding, road needs, sedimentation fencing, and water quality. However, Alternative 3 preferred by Land Services recommended seeding the entire burn to grass, maintaining roads, and reforestation even through respected ecologists and wildland fire burn specialists classified burn severity as light to moderate with little to no high severity areas delineated. This alternative was designed to protect the burn area from erosion, from loss of soil productivity, from water quality degradation, and from the threat of noxious weed invasion. It also was designed to reduce the occurrence of native vegetation, to increase forage favorable to livestock and wildlife, and to protect timber of value to the Tribe. However, the Alternative also was seen as increasing planting costs, reducing the growth of trees, increasing the rotation in the harvest schedule, and producing a long-term loss of income to the Tribe. As it turned out, the decision of Land Services to recommend replanting the area in grass to prevent erosion had the same result as the Lookout Fire Rehabilitation--the formation of thick sod, a high seeding mortality rate, and the subsequent presence of abnormally high numbers of voles (1,200 to 1,500 instead of a normal 30-60 per acre). Forest Development used Pronone 25G (herbicide) for spot control of grasses around tree seedlings and contracted to exterminate the voles, an expensive process.¹⁰⁴

5.3 ALLOTMENT SALES

As noted, the Forest Management Plan of 1998 did not, unlike two of three previous plans, provide a harvest target for all allotted forested lands combined. Based on prior experiences with various allottees, Forestry reasoned that since allotments were owned by individuals with specific objectives for their lands, it was inappropriate to include those lands under the same plan as those lands held in common for all members. Also, the recent hire of a forester to specifically manage allotment forest resources provided

¹⁰²Dave Bubser, Timber Sale Forester, to Mike Penney, Nez Perce Forest Products Enterprise, February 18, 1997, March 4, 1997, April 2, 1997. File: Upriver Timber Sale, Nez Perce Forestry Program.

¹⁰³Nez Perce Tribal Resolution NP 93-005, October 19, 1992; Silvicultural Prescription, Fire Salvage-Tramway Reserve, File: #17 Tramway Fire Salvage, Nez Perce Forest Products.

¹⁰⁴Jack H. Bell, et. al, "Rehabilitation Plan for the Marker 62 Fire (Tramway Fire), Nez Perce Reservation," August 19, 1992; Personal communication with Brain Kummet, Forester, Forest Development, Nez Perce Tribal Forestry, March 13, 2000.

Forestry with the ability to customize its activities to be more responsive to the individual landowners. Forestry regarded the allotments as individual holdings and would work collectively with an interdisciplinary team, including the landowners, to produce a specific management plan, complete with goals and objectives to be met with prescribed actions for the land in question.¹⁰⁵

An ongoing trend in allotment management involves Forestry withholding money from stumpage for reforestation. Previously under the BIA, money was not invested in reforestation because of the lack of grazing control. The Tribe is also using forest development add-on funds to reforest allotments where seed-tree and shelterwood treatments failed to naturally regenerate and is coordinating with Land Services to keep cattle off the allotments in question until the trees are large enough to avoid being damaged by grazing. Specific provision is now included in the allotment sales contract for withholding deposits for reforestation.¹⁰⁶ The Tribe also has been more effective in enforcing the terms of the grazing leases. Forestry has responded to allottee requests to determine the most appropriate silvicultural prescriptions for their allotments, some of which are overstocked or have Ips infestation. Forestry is also taking a pro-active role in identifying allotted areas that need silvicultural treatment.¹⁰⁷

5.4 TIMBER SALE SUBPROGRAM REVIEWS

Timber Sales' subprogram reviews were conducted from 1989 through 1999 with generally positive results. Between October 3 and 6, 1989, Neil Eldridge, Forester, Timber Sales, Portland Area Office, conducted an activity review of the timber sale portion of the Nez Perce Forestry Program. The objective was to review timber sale administration and documentation for compliance with 53 BIAM Supplement 3, to compare on-the-ground sale administration with the logging unit contract and approved logging plan, to inspect utilization and log accountability, to review stumpage distribution records, and to ensure field compliance with federal regulations.¹⁰⁸

Eldridge stated the Forestry staff provided a professional, state-of-the art Forestry Program on the reservation. Overall, he was impressed with the site-specific management. Most issues he identified were minor and easily remedied. Regeneration looked good throughout most of the reservation, although in a few areas where natural regeneration had been prescribed, seedlings had not become established within the planned time frame. Forestry acknowledged that regeneration and survival of the seedlings was poor but stated that the Tribe already had expended considerable funds for initial site preparation and planting and that there were no additional funds for these purposes.¹⁰⁹

In response to Eldridge's comment that Timber Sale Inspection reports were sporadic and were not being distributed to the forest manager or the purchaser on a regular basis, Forestry replied that it has been more conscientious since the inspection, inspecting sales at least twice weekly. Eldridge also noted that

¹⁰⁵"Forest Management Plan," 1998, p. 1-2.

¹⁰⁶DeGroot interview, October 6, 1999.

¹⁰⁷Teasley interview.

¹⁰⁸Neil Eldridge, Forester, Timber Sales, Nez Perce Reservation Timber Sales Activity Review, October 3-6, 1989. File: Survey of Enterprises, Nez Perce Forestry Program.

¹⁰⁹Lester Tschannen, Acting Forest Resource Manager, Nez Perce Tribe, to Wilford G. Bowker, Assistant Area Director, Program Services, USDI Bureau of Indian Affairs, Portland, Oregon. File: Survey of Enterprises, Activity Review, Nez Perce Forestry Program.

timber sales contract provisions were not being uniformly followed in all cases and that waivers had been granted in some cases, which could be the basis for appeal by bidders in a competitive bidding situation. Forestry assured the Area Office that corrective action had been taken. Eldridge noted that the annual allowable cut had not been attained over the last year, including the allotment cut. Forestry acknowledged the problem but noted that the BIA had the same problem when it was managing the program, that Tribal Forestry had sold more allotment timber than the BIA, and that sufficient funds were not available to accomplish all contract forestry functions, including those for allottees.¹¹⁰

Eldridge conducted another Timber Sales sub-program review in September 1992. He judged that, overall, the program followed the BIA Manual and that the timber sales' professional-level staff was highly qualified. Ground-level timber sale problems continued to exist, but the staff was aware and was working towards a resolution. Regeneration looked good and plans were made for site preparation in the brushy area when needed. Improvements had been made in the timber sale inspection reports since 1989, but they still were not completely satisfactory. Problems remained in timber sales administration, such as damaged trees (especially damaged and cut leave trees in the Camas Prairie Sale), roads, and skid trails, but the staff was working to correct these problems, which included the development of timber sale administration guidelines.

Eldridge also recommended stricter timber sale administration, more files, and some shutdowns to rectify some of these situations. Eldridge also noted that some timber sales were not being closed because some files were not being sent to the Portland Area Office (due, in part to workforce shortages) and because on-the-ground provisions were not being met. Site-specific silviculture looked good. Eldridge noted that the contract called for the retention of older snags and dead cull trees but that these were being cut and removed; if a value was not placed on these products and loggers removed them, there was a value loss to the landowner. The snags also were not to be cut because they were left for wildlife habitat. He recommended that this problem be corrected either by leaving the snags or by calling for their removal and allowing a value for them.¹¹¹

The IFMA Team assessment of the Nez Perce Forestry Program in 1993 noted that timber sales were declining in size and that in the future they would be on steeper ground more prone to erosion, requiring more work for laying out and harvesting the timber units. At the time, funding constraints precluded hiring a separate forester for small sales. Overall, the IFMA Team concluded that the sales program was in "some difficulty," in part because of the need to re-mark a lot of volume in the Camas Prairie II timber sale and because of the small sales and more difficult ground creating "bottlenecks."¹¹²

In 1995 Eldridge reviewed the new approval policy of the Nez Perce Tribal Forestry Program, specifically several timber sale and permit files, to ensure that they were complete and in compliance with applicable BIA manuals and regulations. The reviewed files were found to be complete and prepared in a manner consistent with other forestry programs in the Portland Area. The only area in which the tribal staff was not in compliance was in the completion of Categorical Exclusion checklists for each paid permit. In

¹¹⁰*Ibid.*

¹¹¹Neil Eldridge, Timber Sales Forester, Portland Area Office, "Nez Perce Exit Meeting," handwritten report, September 3, 1992. File: Neil Eldridge's Files, BIA Branch of Forestry, Northwest Regional Office, Portland, Oregon.

¹¹²J. Sessions, "Indian Forest Management Assessment Team (IFMAT) Observations on Forestry Planning, Roads and Harvesting," Nez Perce Site Visit, July 20-21, 1993, pp. 5-7.

conclusion, Tribal Forestry Program was performed at an above-average level and the Portland Area Office recommended continuing the Agency's process of approval without further review.¹¹³

On September 2, 1999, Neil Eldridge and Arnie Browning of the Northwest Regional Office in Portland and most of the Nez Perce Forestry Program participated in a field site visit on the West Winchester Timber Sale and Allotments 965 and 966. Overall, they found that the sales they visited implemented the general silvicultural prescriptions and timber goals and guidelines described in the Forest Management Plan. The review commended the Nez Perce Forestry staff on its excellent forest management program.¹¹⁴ As of April 2000, a copy of the report had not been received at the Nez Perce Tribal Forestry Office.

5.5 FOREST DEVELOPMENT

As of 1992, the Forest Development sub-program included timber stand improvement and reforestation activities used to establish and grow a stand of trees to commercial size and value. Timber stand improvement activities included thinning and weeding to enhance growth and yield of existing stands. Reforestation involves tree planting and replanting to establish or reestablish trees in existing forested stands or for forest stand restoration purposes. The Forest Development sub-program was funded through federal monies to reforest areas that were non-stocked before 1977 and to precommercial thin those areas over stocked before 1977. Primary funds were from P.L. 93-638 forest development add-on funds. Other reforestation funding sources included an annual budget request by Forestry to the Tribe for reforestation funds, timber sale purchaser payments held back for reforestation of harvest areas, and federal emergency rehabilitation funds for use on forest fire-denuded areas.¹¹⁵

In 1998, the Forest Development sub-program had been reorganized as the Reforestation and Timber Stand Improvement sub-program responsible for the coordination and implementation of all reforestation and timber stand improvement activities and, for a short time, the development and implementation of all Emergency Fire Plans and burn plans for prescribed fire activities on all tribal trust, allotments, and purchase lands. The sub-program during that time consisted of the Forest Development, Timber Sale Reforestation, Emergency Fire Rehabilitation, and Prescribed Fire components. The Reforestation and Timber Stand Improvement sub-program is under the direct authority of the Director of Forestry and coordinates with the other three programs--Inventory and Planning, Timber Sales, and Fire Management within the Forestry Program.¹¹⁶

As presently defined, forest development involves the improvement of forest resources through reforestation and forest stand improvement activities, including all silvicultural treatments applied to establish, promote, enhance, and maintain optimum growth on selected trees to produce perpetual yields of desired forest products. Reforestation includes tree planting, replanting, and direct seeding if

¹¹³Ronald J. Eggers, Acting Assistant Area Forester, (Program Services), Branch of Forestry, to Superintendent, Northern Idaho Agency, Attention: Nez Perce Forest Manager, February 1, 1995. File: Neil Eldridge Files, BIA, Northwest Regional Office, Branch of Forestry, Portland, Oregon.

¹¹⁴Neil Eldridge, Timber Sales Forester, and Arnie Browning, Nez Perce Tribal Forestry Program, Field Visit, September 2, 1999. File: Arnie Browning Files, BIA, Branch of Forestry, Northwest Regional Office, Portland, Oregon.

¹¹⁵"Consolidated Plan," pp. 51-52.

¹¹⁶"Forest Management Plan," 1998, pp. 9-11.

necessary. Afforestation (planting trees where logging has not occurred or where timber previously did not exist for a long period) follows similar practices but cannot be funded by congressional add-on funds. Reforestation includes regeneration-stocking surveys; project area delineation, site preparation, production and acquisition of planting stock, planting, replanting, or direct seeding, protection of recently forested areas, post planting and contract compliance surveys, and cone collection.¹¹⁷ Forestry collects seeds and has a growing agreement contract with Western Forest Systems, Inc. in Lewiston, Idaho.¹¹⁸

Timber Stand Improvement (TSI) includes the silvicultural practices that enhance growth and yield of existing forest stands. TSI practices include precommercial thinning, reduction of hazardous fuel loading (generated by TSI operations), release of desired species, protection of recently planted stands, fertilization of commercial forest soils which support young, vigorous stands, pruning of lower limbs on selected trees, and sanitation operations.¹¹⁹

The Reforestation and Timber Stand Improvement Sub-program is comprised of the positions of a Forest Development Forester, two Forest Development Technicians, a permanent Forest Development Aide, and from one to six seasonal Forest Development Aides. Only seasonal employees are tribal members. Funding for Forest Development projects comes from congressional forest development add-on funds, P.L. 93-638 Contract funding, ten-percent administrative deduction funds, timber sales reforestation deposits, cost share monies, and emergency fire rehabilitation funds.¹²⁰ Forest development add-on funds vary annually based on congressional appropriations, land in the commercial forest base, acres in need of treatment, on-the-ground accomplishments, and BIA funding strategies. Funding levels between 1993 and 1998 averaged \$72,022.00. Tribe-Agency P.L. 93-638 funds also vary annually based on the current goals and objectives of the Tribe and the needs and priorities of the Forestry Program. Funding between 1993 and 1998 averaged \$35,250.00.¹²¹

Timber sales reforestation is responsible for the reforestation of acreage harvested as the result of timber sales activities as required by federal law. The reforestation of timber sales areas is funded with monies from that sale's activity. Acres needing reforestation as the result of timber sales are not recorded in the forest development needs unless the initial timber sale reforestation efforts fail. The Forest Development Forester works with the Timber Sales Forester to develop a silvicultural prescription for the stands to be treated within the timber sale. He also recommends methods of site preparation, type of regeneration, and other matters if needed once the treatment methods are identified and might monitor activities as the sale proceeds. After the timber sale contract is closed, all additional reforestation activities are the responsibility of Reforestation and Timber Stand Improvement. These activities are funded by non-refundable deposits made by the logging contractor to cover on-the-ground costs associated with reforestation as appraised in the Forest Officer's Report. Tribe-Agency P.L. 93-638 funds cover field delineations and administrative costs.¹²²

¹¹⁷*Ibid*, pp. 9-12 through 9-17.

¹¹⁸Kummet interview.

¹¹⁹*Ibid.*; "Forest Management Plan," 1998, pp. 9-11 through 9-17.

¹²⁰*Ibid.*; Kummet interview.

¹²¹*Ibid.*; "Forest Management Plan," 1998, pp. 9-11 through 9-17.

¹²²*Ibid.*

During the 1990s, Forest Development became a more fully defined and developed program. There was not a great deal of oversight.¹²³ Before 1992, the Nez Perce Forest Products Enterprise was the primary contractor for most of the planting on the reservation. There were few specifications on quality, sporadic inspections were made to monitor quality, and records were brief and sporadic. Additional attempts were made in the 1992 and 1993 planting seasons to use the Enterprise for planting work but with limited success.¹²⁴ Since 1990, the major emphasis of the program has been in reforestation. A professional forester development staff position was created, and major reforestation investments were made including the use of Vexar tubes to protect seedling from big game browsing damage, the use of herbicides like Pronone 25G to reduce competition with grasses and hiring a reforestation technician to complete regeneration surveys and track seedling survival.¹²⁵

The Forestry Program contracts the forest development work to those that are certified to perform the work. The Forest Products Enterprise is given the right of first refusal. Planting, herbicide use, seedling protection, and thinning are contracted with firms that must meet the requirement of the Tribal Employment Rights Office (TERO). As of 1999, there was one tribal certified firm eligible for Vexar tube installation, only. At the outset of the contracting program from 1994 to 1995, TERO required that firms contracting forest development work use 100 percent tribal members. Because of the lack of qualified tribal personnel, this requirement dropped to 50 percent in 1996 and to 25 percent from 1997-1999. In this manner, the Forest Development sub-program was able to lower planting costs, but, as a result, there has been some controversy about the use of Hispanics in the Forest Development crews. After 1997, Forest Development began shifting some of its attention to thinning and pruning work although, as of 1999, planting still comprised 50 percent of the Forest Development budget. Forest development problems include a lack of adequate funding, concerns about the BIA formula for allocating forest development funds to various reservations, and a lack of consistency in forest development report requirements.¹²⁶

5.6 LAND ACQUISITION

The Nez Perce Forest Products Enterprise continued a land acquisition program in the 1990s, although on a reduced scale when compared to that of the 1980s, when the Tribe purchased the Waha and Maloney Creek tracts. In addition to acquiring major holdings to increase the timber base, the Tribe also has sought to consolidate existing allotments, which includes preventing them from being sold. The Consolidated Plan pointed out the desirability of consolidating tribal ownership as a means of permitting more efficient management of all timber sources. Intermingled ownerships presented right-of-way problems and complicated stumpage appraisals, logging road system design, fire suppression, and other management activities.¹²⁷

The Nez Perce Tribe has the right of first refusal on the sale of individual allotments. Some of the allotment sales are negotiated; others are sales between Tribal members where the land remains in trust. People

¹²³Kummet interview.

¹²⁴Jaime Pinkham, Manager, Department of Natural Resources, to Bill Picard, Chairman, Natural Resources Subcommittee. May 2, 1994. File: Forest Development, Nez Perce Forestry Program.

¹²⁵Kummet interview.

¹²⁶Kummet interview.

¹²⁷"Consolidated Plan," p. 61

with fee patent requests are requested to consider selling their land to the Tribe so that the Nez Perce land base is not reduced. Allotments are sold at the request of the allottees. In the case of sales, if timber volumes are small, the Realty Officer assigns timber values. If timber volumes are large, the Branch of Realty requests that the Branch of Forestry determine the timber volumes. The Branch of Forestry then returns the volume figures to the Branch of Realty, which, in turn, sends them to the BIA Appraiser in Spokane.¹²⁸

As of the preparation of the Forest Management Plan in 1998, only an additional 2,001 acres (the Miller, Swift, CMC-Waha, Tyler-Fords Creek, Croson-Rawls, and Snider Units) had been purchased with a total of 1,575 acres forested since the purchase of the Waha and Maloney Creek tracts. These tracts were added by 1994.¹²⁹ Increased rural land values made acquiring large parcels of land for their timber resources increasingly difficult by the mid-1990s. The highest and best use of these parcels as determined by their market value by that time was often rural homes or ranchettes. Owners of rural parcels large enough to be attractive for timber management were cutting over their land and selling the timber and then selling land to developers for subdivision. As of 1995, developers were selling subdivided rural properties for \$2,000 per acre.¹³⁰

The speculation driving land values higher does not benefit the Tribe who is not intending to dispose of lands and profit from the increased land values. Large parcels, which are the most desirable for acquisition based on price per acre and efficiency of management, are limited in number and will decline in the future. The Inventory Forester recommended that the Tribe, therefore, should consider acquiring agricultural land, the value of which had been least impacted by current market demand. In contrast to cutover forest land, agriculture can generate cash flow in the short term. Agricultural lands are potentially the most productive forest lands and can be converted to forest at any future time.¹³¹

One major consideration regarding the Tribes's acquisition of lands, especially off reservation, was the matter of being able to convert tribally held fee land to trust status. After the Nez Perce Tribe purchased the Waha and Maloney Creek tracts, it discussed with local government officials the possibility of having these lands placed in trust status. The Secretary of the Interior's Office, which has discretionary authority to grant such status, does so "only in certain unique circumstances." Matters that the secretary must consider include the need for additional land, the intended use of the land, the effect on state or local government of removing the land from the tax rolls, and the potential administrative burden placed on the Bureau. The Tribe, in essence, must show that a tribal initiative would, in essence, fail if trust status were not granted. Also, the concerns of local government on such topics as zoning, taxation, and public services would have to be elicited and then considered by the Area Director before the secretary could render a decision.¹³²

¹²⁸*Ibid*, p. 61-62.

¹²⁹"Forest Management Plan," 1998, pp. 3-4 through 3-5.

¹³⁰John DeGroot, Inventory Forester, to Land Commission, March 21, 1995. File: Land Acquisition, Nez Perce Tribal Forestry Program.

¹³¹*Ibid*.

¹³²Secretary of the Interior to James McClure, United States Senate, Washington, D.C., January 8, 1990. File: Land Acquisition, Nez Perce Tribal Forestry Program.

As of 1999, the Nez Perce Tribal Casino was the only purchased property that had acquired trust status.¹³³ The Tribe is seeking to acquire land from the state in the form of land exchanges. It also seeks to eventually acquire about 10,000 acres of land from the Dworshak Dam mitigation award. The Tribe already has acquired 12,000 acres because of the Lower Snake River Dam mitigation settlement and is seeking to acquire 4,500 acres more from the same settlement. The land acquired will carry the proviso that they will be used exclusively for wildlife habitat.¹³⁴

5.7 ENVIRONMENTAL TRENDS

5.7.1 The National Environmental Policy Act (NEPA)

Federal environmental laws passed since the 1960s have had a significant impact on the natural resource planning and management of Tribal forest lands. These laws have provided for the enforcement of policies and guidelines for the protection of the environment, including fish and wildlife, scenic rivers, water quality, and significant cultural (prehistoric and historic) resources. Activities threatening to affect natural and cultural resources must be reviewed for their conformity to these laws and regulations.

The most basic of these laws is the National Environmental Policy Act (NEPA) passed in 1969. The act was designed to prevent or eliminate human-caused damage to the environment and to increase the understanding of ecological systems and natural resources. The act requires that appropriate measures be taken to preserve important historic, cultural, and natural aspects of our national heritage, preserve environmental diversity while achieving the wide range of benefits from the nation's natural resources, ensure safe and healthful surroundings for present and future generations, and achieve a balance between population and resource use while enhancing the environmental quality of those resources. To achieve these goals, the act requires that reports and assessments be produced for all activities that have the potential to damage or alter the environment in particular areas, including alternatives to the proposed course of action.¹³⁵

Forestry, originally a BIA program directly subject to NEPA, has historically been the major natural resource program on the reservation. As such, Forestry has provided the model around which the NEPA process has been applied on the Nez Perce Reservation to its natural resource programs. Forestry's solicitation of input from the other natural resource programs has been the single-most reliable means of seeing that natural resource management concerns of these departments have been incorporated into forest management plans and proposals for specific actions, such as timber sales.¹³⁶

Timber harvests activities that might have significant impacts on the human environment are subject to NEPA requirements. NEPA requires, as part of timber sale preparation, an interdisciplinary review, public participation, and development of specific documents, including an Environmental Assessment, and a Finding of No Significant Impact. Paid timber cutting permits are excluded from the process.¹³⁷

¹³³DeGroot interview, October 6, 1999.

¹³⁴Lawrence interview; Personal communication with John DeGroot, by author, April 7, 2000.

¹³⁵National Environmental Policy Act (Public Law 91-190), U.S. Statutes at Large, vol. 83, p. 852.

¹³⁶Bell interview.

¹³⁷"Forest Management Plan," 1998. p. 9-4.

Interdisciplinary Team review includes meeting(s) and field tour(s) with members of the ID Team composed of professionals from tribal Wildlife, Water Resources, Cultural Resources, Land Services, Fisheries, and the Forest Products Enterprise. ID Team members present non-timber goals and objectives for the proposed timber sale. Conflicting goals and other areas of concern are identified, and solutions are considered. Written comments are solicited from all participants and are included in the timber sale files. After the ID Team meeting, a public meeting is held in a town near the proposed sale to provide tribal members an opportunity for addressing issues or concerns about the proposed timber sale directly to the tribal forestry staff and other members of the ID Team.¹³⁸ The growing importance of non-timber values and the involvement of tribal public in the forest management process was evident in the Forestry Program report to the Nez Perce Tribal General Council in May 1993. There, Forestry described its new approach to public involvement not only as a NEPA requirement but "as absolutely necessary to reach the best possible decision regarding the management of the forest resources."¹³⁹

After the public meeting and interdisciplinary review, an Environmental Assessment and Finding of No Significant Impact are prepared and presented to the BIA. These documents summarize the issues, input, and mitigation measures produced by the tribal public and the staff members who participated in the tours and meetings. The ID Team develops two or more alternatives for the proposed activity and includes them in the Environmental Assessment. The team selects one alternative as the desired alternative and recommends it to the Superintendent of the Northern Idaho Agency for his or her approval. Copies of the approved Environmental Assessment are made available to the tribal public and presented to the Natural Resource Sub-committee of the Nez Perce Tribal Executive Committee.¹⁴⁰

¹³⁸*Ibid.*

¹³⁹Report to the Nez Perce Tribal General Council, May 7 & 8, 1993, p. 71.

¹⁴⁰*Ibid.*

Forest Development Projects (including Timber Sales and Fire Rehabilitation), 1989-1999				
Year	Thinning (acres)	Backlog (acres)	Planting (acres)	Backlog (acres)
1989	110	1,314	5	156
1990	177	1,137	31	125
1991	0	1,137	*2,980	125
1992	0	1,137	211	1,806
1993**	0	1,137	2,528	1,702
1994**	0	1,333	1,333	1,691
1995**	1,358	1,670	7,488	5,023
1996**	1,751	1,458	6,325	7,872
1997**	1,358	1,563	5,093	8,648
1998**	1,706	1,563	6,250	8,612
1999**	1,912	1,515	3,163	8,346
*Indicates regeneration surveys **Includes such activities as planting for failed shelterwoods; seedling protection, installment, and herbicide spot treatment for fire rehabilitation; regeneration surveys; measurements of 5-year survival growth rates; monitoring cone crops; cone collecting; forest development needs assessment/inventory; rodenticide treatment for voles; planting, mechanical site preparation, and herbicide spot treatment for timber sale reforestation; precommercial thinning exams; slashing-prescribed burn site preparation; estimate of research test plots, etc. See Annual Forest Development Accomplishment Reports for a detailed breakdown of task expenditures by year.				

Table 2, Forest Development Projects, 1989-1999

5.7.2 Endangered Species Act (ESA)

The Endangered Species Act of 1973 recognizes the numerous fish, wildlife and plant species threatened with extinction and was designed to require the use of the means necessary to protect and to preserve the ecosystems that support endangered species.¹⁴¹ If the Secretary of the Interior determines a species is endangered, local officials under the guidance of the U.S. Fish and Wildlife Service, must take appropriate measures to ensure protection of the threatened or endangered species and its habitat. As a result of this act, the Nez Perce Fisheries Department, under direction of NPTEC, has prepared a 20-year Habitat Management program and is currently engaged in numerous projects for the protection and restoration of selected species of salmon naturally reproducing within the Nez Perce homeland as defined in the Treaty of 1855.¹⁴²

Under authority of the Endangered Species Act, Wildlife Management participated in the Gray Wolf Reintroduction Project involving the release of wolves into central Idaho by participating in the Environmental Impact Statement and shaping the proposed action approved by the Department of the Interior in 1994; by signing a cooperative agreement with the U.S. Fish and Wildlife Service to participate in the recovery of wolf populations in central Idaho; and by helping to develop the Wolf Recovery and Management Plan for Idaho. Through this plan, the Tribe has assumed lead operational responsibility for the reintroduction of wolves in the state of Idaho. The Tribe also has participated in the development of the Grizzly Bear Recovery Plan Environmental Impact Statement, like the process undertaken for the reintroduction of the gray wolf.¹⁴³

5.7.3 Wild and Scenic Rivers Act

In 1969, Congress passed the Wild and Scenic Rivers Act, which recognized the importance of preserving certain rivers and their immediate surroundings in a free-flowing state because of the significance of their scenic, recreational, geological, fish and wildlife, historical, and cultural values. In the early 1990s, the Tribe's Cultural Resource Program was working under the provisions of the act with the tribal Fisheries Department in coordination with the states, the Forest Service, and the Bureau of Land Management on a plan for the designation of wild and scenic status on numerous rivers within the tribal ceded areas. NPTEC members have provided assistance on the acquisition and development of in-lieu fishing sites in the Columbia River Gorge.¹⁴⁴ The Tribe also is deeply involved in the Columbia River Gorge National Scenic Act of 1986 by working with the Columbia River Commission and other agencies within the Columbia River Scenic Area and by commenting on the effect of development on the many cultural sites within the area.¹⁴⁵

¹⁴¹Endangered Species Act (Public Law 93-205), U.S. Statutes at Large, vol. 87, p. 884.

¹⁴²Report to the Nez Perce Tribal General Council, September 1993, p. 59.

¹⁴³Report to the Nez Perce Tribal General Council, May 1-2, 1998, pp. 59-60.

¹⁴⁴Report to the Nez Perce Tribal General Council, May 1-2, 1992.

¹⁴⁵Nez Perce Tribe, General Council Report, September 1996, p. 49.

5.7.4 Cultural Resource Protection

The Cultural Resource Program is working on both the reservation and on 1855 Treaty lands to preserve and protect cultural sites of significance to the Tribe under the authority of numerous cultural resource protection acts including those considered below. (Also, see Section 7.)

5.7.4.1 *National Historic Preservation Act*

The National Historic Preservation Act of 1966 as amended (P.L. 89-665) is the centerpiece of the national historic preservation program. It sets forth the responsibilities for federal agencies in historic preservation and directs the Secretary of the Interior and the President's Advisory Council on historic Preservation to conduct various studies and provides various types of guidance and regulations. Section 106 requires federal agencies to consider the effects of their activities on historic properties and to give the President's Advisory Council the opportunity to comment on such activities. The federal agencies are expected to consult and cooperate with others in carrying out historic preservation activities.¹⁴⁶

5.7.4.2 *The American Indian Religious Freedom Act (AIRFA), 1978*

This act is a joint resolution of congress stating that the federal government will protect the rights of the Tribes to the free exercise of their traditional religions. AIRFA requires agencies to consult with tribes regarding any action that might affect the practice of traditional religions. AIRFA deals with the practice of religion as well as with the place and physical paraphernalia needed for religious practice.¹⁴⁷

5.7.4.3 *The Native American Graves Protection and Repatriation Act (NAGPRA), 1989*

NAGPRA requires federal agencies and museums that have received federal funds to repatriate Native American ancestral human remains and cultural items to tribes that demonstrate genetic or cultural affiliation with the items and remains. The act also regulates excavation of such items and remains on federal and Tribal land.¹⁴⁸

6 FOREST PROTECTION

The Forestry Program addressed protection issues through the preparation of management plans and the development of approaches to treat chronic problems like timber trespass and roads. The Fire Management sub-program made significant strides during the 1990s, assuming control of fire management under P.L. 93-638 in 1994. Forestry treats insects and disease primarily through the normal harvesting (silvicultural treatment) process.

¹⁴⁶Thomas F. King, *Cultural Resource Laws and Practice: An Introductory Guide* (Walnut Creek: Altamira Press, 1998) pp. 270-273.

¹⁴⁷*Ibid.*

¹⁴⁸*Ibid.*

6.1 ROADS

Roads on the reservation have been a consistent point of concern from the standpoint of access and environmental effect for the Tribe during the 1990s. Many road miles are located on the reservation ranging from old, abandoned logging and county roads to major state highways. The primary access to the various scattered tribal units is using private, county, and state roads maintained by one or various entities. Most of the logging roads on the Nez Perce Reservation have been constructed for the removal of forest products. These roads not only provide access for logging but also for hunters, firewood gatherers, recreationists, berry pickers, land managers and personnel as well as other forest users.

Roads have been constructed across most tribal lands and have experienced some level of logging. Where possible, existing roads are utilized. In certain areas, road densities often exceed what is necessary for timber removal using modern harvesting methods. Often original road systems were not properly laid out with respect to stream channels or slope conditions. In these cases, new road systems must be designed. The road systems are designed to meet the minimum specifications necessary for logging so that environmental impacts are minimized.¹⁴⁹ Road closures have been recommended and implemented through the Environmental Assessment process on a site-specific basis. No set policy has been established, and road closures are decided on a case-by-case basis.¹⁵⁰

The Consolidated Plan outlines a multi-faceted approach to road placement, prioritizing the avoidance of hazardous terrain like rock outcroppings, bogs, springs, and steep pitches. While timber revenue funds these projects, construction is typically handled by the purchasing logger under Forestry supervision. Post-harvest, loggers must install water bars and outsloping, followed by Forestry-led native grass seed mix application for soil stabilization. Non-essential roads are barred to prevent unauthorized vehicle access; however, a lack of post-sale maintenance funding—coupled with frequent recreational use by tribal members—has created significant management challenges.¹⁵¹ Frequent recreational and cultural use by Tribal members (e.g., wood cutting, berry picking, site-seeing, cultural use, etc.), during saturated road conditions, degrade the road infrastructure and promote sediment runoff into local streams.¹⁵²

Tribal members generally support keeping roads open but want their quality improved, while natural resource staff prioritize creating clear policies for road layout, maintenance, and potential closures. These priorities—alongside concerns regarding road density, erosion, and soil productivity—stem from the 1995 and 1996 meetings held during the development of the Environmental Assessment and the 1998 Forest Management Plan. To address these issues (e.g., maintenance costs, erosion control measures, slopes, culvert placement, and fisheries concerns), the plan established best management practices for construction and erosion control, as well as standards for road quality and vehicle use. The environmental alternatives also considered redesigning road systems before reconstruction and associated costs.¹⁵³ The 1998 Forest Management Plan developed more detailed road specification guidelines based on BIA

¹⁴⁹"Consolidated Plan," pp. 61-62; "Forest Management Plan Environmental Assessment" 1998, p. 3-21.

¹⁵⁰*Ibid.*; "Consolidated Plan," pp. 60-61.

¹⁵¹"Consolidated Plan," pp. 61-62.

¹⁵²DeGroot interview, April 7, 2000.

¹⁵³"Forest Management Plan Environmental Assessment," 1998 pp. 1-4 through 1-5.

regulations, tribal and employee concerns, and the issue statements developed during ID Team meetings.¹⁵⁴

6.2 FIRE HISTORY AND CONTROL

When the Tribe assumed control of the Forestry Program in 1987, the BIA maintained control of Fire Management because of several legal and logistical considerations until 1994, when the Tribe took over the program.¹⁵⁵

The Secretary of the Interior, through the Wildland Fire Bureau Director and the Deputy Commissioner of Indian Affairs, is responsible for wildland fire management activities of the Department on tribal trust lands. This responsibility includes activities contracted in whole or in part with other agencies or tribes which the BIA reimburses for fire-related costs. In 1969, the BIA concluded an agreement with the Idaho Department of Lands (IDL) for fire suppression on 29,473 across forested trust lands on the Nez Perce Reservation (Fire Management Zone 1). Under this agreement, the Idaho Department of Lands takes "appropriate management actions" based on strategies documented in the approved Fire Management Plan and strategies specified in the Local Operating plan of the Cooperative Fire Agreement between the Department of Interior, the BIA, and the Idaho Department of Lands. These commercial forest lands have an estimated 163 million board feet of timber.¹⁵⁶

The BIA also has a fire management contract with the Nez Perce Tribe for fire protection on 24,925 acres of grass and bush land on the reservation (Fire Management Zone 2) and provides for all wildland trust lands. Under this agreement, the Tribe assumes appropriate management actions also based on the Fire Management Plan and specified in the Nez Perce Operation and Mobilization Plan on the 24,925 acres of grass and bush lands not covered by the Idaho Department contract. The agreement also provides for oversight of the BIA Northwest Regional Office and Idaho Department of Lands contract of 1969 for fire suppression on the reservation's forested trust land.¹⁵⁷

On July 25, 1992, the Tribe signed a cooperative agreement with the BIA, the Northern Idaho Agency, for joint BIA and Nez Perce Tribe participation in carrying out fire suppression, emergency fire suppression, and fire rehabilitation occurring within the boundaries of the reservation and for wildfire occurring outside the reservation's boundaries when crews or equipment were requested. The cooperative agreement also provided BIA funding for equipment (vehicles), supplies (radios, chainsaws), and for technical supervision and training to tribal employees working on emergency fire suppression activities.¹⁵⁸

In addition to these agreements, there is an Operating Plan between the Nez Perce Tribe and the Nez Perce National Forest of 1987, which is updated annually; a Cooperative Agreement between the U.S. Department of the Interior, the Bureau of Land Management, the National Park Service, the BIA Portland

¹⁵⁴"Forest Management Plan," 1998, p. 8-4 through 8-6.

¹⁵⁵Personal communication with Sandy Holt, Assistant Fire Management Officer, by author, October 8, 1999, Lapwai, Idaho; Report to the Nez Perce Tribal General Council, May 6-7, 1997, p. 82.

¹⁵⁶"Perce Forest Management Plan," 1998, p. 10-29; U.S. Department of the Interior, Bureau of Indian Affairs, Nez Perce Tribe, "Fire Management Action and Mobilization Plan," 1999, p. 4.

¹⁵⁷*Ibid.*

¹⁵⁸Report to the Nez Perce Tribal General Council, September 25-26, 1992. p. 72.

Area Office, the U.S. Fish and Wildlife Service, and the Idaho Department of Lands (March 1996); an Operating Plan between the Nez Perce Tribe and the Nez Perce National Forest (in review); and a Memorandum of Understanding between the Nez Perce-Clearwater National Forest and the Nez Perce Tribe, also in review. There is also an Annual Operating Plan for the Idaho Interagency Statewide Fire Management Agreement first concluded in 1961 and revised in 1963, 1995, and 1999, which involves three Idaho Department of Lands protection districts (Ponderosa, Maggie Creek, and the Clearwater-Potlatch timber Protective Association, a private protection district.¹⁵⁹ These districts are reimbursed by the BIA for their fire protection operations affecting tribal resources.¹⁶⁰ The Tribe is also now working with the cities of Orofino, Lapwai, and Kamiah for protection against structure fires to Tribal homes and other Tribal property within the city limits not currently protected because their owners do not pay local taxes. The Tribal Fire Management Office protects only tribal property classified as wildlands outside the city limits in the northwest corner of the reservation.¹⁶¹

The overall Fire Management Plan is composed of the Fire Management Action and Mobilization Plan (March 1999), the Fire Management Planning Analysis (1998), the Vehicle Plan/Fire Management Plan (March 1999), the Wildfire Prevention Plan (February 1999), the Fuels Management Plan (February 1998), and the Safety Action Plan (January 1999). The Fire Management Action and Mobilization Plan includes a policy statement and extended discussion of suppression, pre-suppression, and a directory consisting of local cooperators and an equipment inventory list.¹⁶²

The Fire Management Planning Analysis (FMPA) has replaced the Normal Year Fire Plan and is prepared through the Boise Interagency Fire Center. The plan is prepared every four years and describes the fire program and explains the need for funding and how the fire program is to be fully operated. The plan's primary purpose is to provide information about the Nez Perce Tribe's fire program for acquiring program funds. It outlines program planning goals, objectives, and constraints, and selects an alternative to meet the ultimate program goal. The plan deals with program needs and concentrates on areas where forested lands are located and where fire is a prominent disturbance. The plan also examines alternatives for determining funding, issues, and concerns for establishing FMPA guidelines for the Nez Perce Reservation.¹⁶³

The Fire Management goals and objectives include managing a wildland fire program providing for firefighters and public safety that is cost efficient and responsive to land stewardship needs and to other resource management goals and objectives. Especially important is the protection of trust resources and homesites from damaging wildland fires. Another major goal is to develop, maintain, and enhance a program of fuels management and prescribed fire that effectively reduces the fire hazard of accumulated fuels, achieves multiple resource management objectives, provides for a natural role of fire in the ecosystem, provides opportunities for wildland fire to be used for resource benefits and implementation

¹⁵⁹Sandy Holt interview.

¹⁶⁰*Ibid.*

¹⁶¹Sandy Holt interview; Jim Brown, Fire Management Officer, to Jack Bell, Natural Resources Manager, June 30, 1999. File: Natural Resource Sub-Committee Actions, Nez Perce Tribal Forestry Program.

¹⁶²U.S. Department of the Interior, Bureau of Indian Affairs, Nez Perce Tribe, "Fire Management Action and Mobilization Plan," 1999.

¹⁶³Nez Perce Tribe, "Forest Management Plan" Three Ring Binder, Chapter 10, Fire Management, pp. 7-8. Nez Perce Fire Management Office.

when conditions permitted. Other goals include developing, maintaining, and enhancing a prevention program for reducing human-caused wildland fires; providing career and seasonal opportunities for tribal members in support of local and national fire management operations; providing for a safe working environment by strictly adhering to national standards for qualifications physical fitness and personal protective equipment; and participating in interagency fire management operations through planning and sharing of resources under formal agreements.¹⁶⁴

The Fire Management sub-program falls under the Forest Management Program and coordinates with Reforestation and Timber Stand Improvement, Inventory and Planning, and Timber Sales sub-programs. Internally, the Fire Management sub-program is comprised of a permanent Fire Management Officer, a permanent Assistant Fire Management Officer, one seasonal Engine Crew Foremen, two to five seasonal Engine Crew members, and crews comprised of Emergency Fire Fighters organized and trained for firefighting and camp crew work on a temporary basis.¹⁶⁵

The overall Fire Management sub-program is organized into fire prevention, pre-suppression, suppression, and prescribed burning. Fire prevention concerns preventing or reducing the likelihood of wildfires with the potential to damage natural resources or human developed resources. Fire prevention education and fire prevention engineering are used to achieve this goal. Fire prevention education through the schools, signs, television and radio, and community events are used to inform the Tribe about the safe uses of fire in wildland areas. Fire prevention engineering is designed to prevent fires by shielding the spark (ignition) or removing the fuels (vegetation). Examples include spark arresters and screens on trash burners and the removal of vegetation along roadways. Fire prevention regulations often require clearance around homes, spark arresters in forested areas, and permits to burn.¹⁶⁶

Fire pre-suppression involves the preparation for crew and equipment fire assignments under cooperative agreements and memorandums of understanding. Before each fire season, Fire Management reviews and updates the cooperative agreements, memorandums of agreement, and fire plans and inspects all equipment for safety, readiness, and maintenance. A fire cache is inventoried and stocked during planned levels. The Forest Management Officer sets up a 24-hour schedule for fire dispatching from April through October of each year. The tribal facilities and equipment at the tribal Fire Management Office compound are part of this program and consist of a new office, a warehouse, and two 200-gallon Model 52 fire engines funded through BIA grants and appropriations. The office was constructed in 1997 at a cost of \$200,000 from a subsidiary grant and capitalized requests from the BIA.¹⁶⁷

All primary fire employees must meet an aerobic step test or alternative equivalent for the positions they fill. Physical fitness training during working hours is restricted to the seasonal limits identified in the Fire Management Planning Analysis. Training is provided for all fire-related personnel and individuals (i.e. firefighting, camp crews, crew bosses, chain saw, first aid, and engine operations and other applicable training). The Nez Perce Tribe and the U.S. Forest Service have an operating plan agreement to train, equip, and dispatch emergency firefighting (EFF) crews, known as the Lapwai Tribal Firefighters. Seasonal

¹⁶⁴"Fire Management Action and Mobilization Plan," pp. 11-12.

¹⁶⁵"Fire Management Plan," Chapter 10, p. 1.

¹⁶⁶"Fire Management Plan," Chapter 10, p. 2-3.

¹⁶⁷"Fire Management Plan," Chapter 10, p. 3; Sandy Holt interview; Report to the Nez Perce Tribal General Council, May 26-27, 1997, p. 46.

training has been extended to nearly 100 tribal members. Firefighters have received other training structured to meet their needs in contracting and fire, such as small engine use and maintenance, supervision, first aid, and truck driving.¹⁶⁸

The Nez Perce Tribe is a member of the Northern Idaho Training Group and provides trainees and instructors for local training areas. Instructors at the Northern Training Center in Missoula also support the regional training program. The Forest Service provided the training until about 1992, the Tribal Forest Management Program, since then. These Emergency Fire Fighter (EFF) crews are used to fight fires on Forest Service lands on and off the reservation. The year 1999 was the first time that the Tribe sent Emergency Fire Fighter crews to California. If the Idaho Department of Lands requires Emergency Fire Fighter crews for state land firefighting, they are required to do so through the Nez Perce and Clearwater National Forests.¹⁶⁹

Prescribed burning is the application of fire to fuel in a definite area to achieve certain objectives such as hazard fuels reduction, seed bed preparation, removal of undesirable vegetation, seed scarification to allow for germination, species manipulation, disease and insect control, and wildlife habitat management. In 1997, the Forest Management Officer prepared a prescribed burn plan for many units.¹⁷⁰ A major fire management objective of the 1998 Forest Management Plan is hazardous fuels reduction in the urban interface to a level that would ensure structure protection from encroaching wildfire, particularly in the 30-mile Lapwai Valley area along both sides of Highways 12 and 95, which makes up about 80 percent of the Initial Attack Zone 1.¹⁷¹ In the case of prescribed fire, Fire Management teams with the Timber Sales Forester and the Allotment Forester on burning prescriptions for site preparation on timber sales. Fire management responsibilities include writing burn plans and aiding in the monitoring of fuel conditions and in implementing burning activities. Funding for such activities comes from timber sales reforestation deposits and Tribe-Agency P.L. 93-638 contracts.¹⁷²

The fire history on the reservation during the decade is reported in terms of the two Initial Attack Zones in the reservation's two fire management zones identified above. Between 1987 and 1996, 99 fires burned a total of 5,818.7 acres, for an average of 581.7 acres per year in both zones. There was one Class F (1,000 to 5,000 acres) fire in 1992 and one Class F fire in the grasslands in 1996.¹⁷³ The Tramway (Marker 62) Fire of August 19, 1992, which lasted until August 25th burned 1,654 acres, 1,423 of which were on tribal lands. The fire burned portions of Tribal Units 57, 58, 59, and 61, as well as portions of Nez Perce Tribal Allotments 1361, 1362, 1566, 1569 (Tramway Reserve). Damages varied from burning open hillsides to the burning timbered slopes, which sufficient damage to warrant a salvage cut for the burn area rehabilitation. A total of 1,414 acres required grass seeding, 940 acres required conifer seedling planting,

¹⁶⁸"Fire Management Plan," Chapter 10, p. 3; Sandy Holt interview.

¹⁶⁹*Ibid.*

¹⁷⁰"Consolidated Plan," pp. 58-59; Report to the Nez Perce Tribal Council, May 2-3, 1997, p. 63.

¹⁷¹"Forest Management Plan" 1998, p. 10-39.

¹⁷²*Ibid.*, p. 9-18.

¹⁷³*Ibid.*, p. 10-31.

7 miles of fence had to be built, and 1.75 miles had to be maintained. Total rehabilitation costs were \$705,190.¹⁷⁴

One effect of the Tramway Fire was to point out some deficiencies in the existing fire management cooperative agreements with other agencies. The Fire Management sub-program responded by comparing the provisions of the various agreements to chart a course of action and negotiation for updating the agreements. Some of the issues of concern were the use of Nez Perce crews on local fires, dispatching agreements with the State of Idaho and the Forest Service, prevention programs and reporting requirements with the State of Idaho, and access to firefighting equipment and training.¹⁷⁵

The Emergency Fire Rehabilitation (EFR) sub-program is responsible for the development, coordination, and implementation of EFR plans. These plans are developed in response to wildfires on tribal lands that require emergency actions to mitigate the adverse effects of fire and its suppression on soil, water, and critically threatened natural resources. Once an EFR team is assembled, the Forest Management Officer is responsible for team coordination and development of an EFR plan with the BIA Branch of Forestry Northwest Regional Office and the National Interagency Fire Center (NIFC) and implementation of the EFR plan. Only items approved by these offices are funded by EFR funds.¹⁷⁶

6.3 INSECT AND DISEASE DETECTION AND CONTROL

Insects and disease are always present on the Nez Perce Reservation in endemic populations as an integral component of a healthy ecosystem. Various forms of stress such as weather conditions, fire, overstocking, old age, mechanical damage, and poor genetics can predispose individual trees or groups of trees to insects and disease. Under extreme conditions of stress, each can reach epidemic proportions and result in significant economic, aesthetic, and ecological damage.¹⁷⁷

The Forestry Program uses two methods to monitor and detect populations of potentially damaging insect and disease infestations. Local staff surveillance conducted by Forestry personnel in performance of their regular day-to-day tasks is the most effective detection system on the reservation. Detection surveys consist of an annual aerial survey of the reservation and surrounding public properties conducted by an Insect and Disease Cooperative comprised of trained personnel from the U.S. Forest Service and the Idaho Department of Lands. Insect and disease infestations visible from the air are mapped and labeled with the name and extent of the damaging agent. Maps are provided for the Forestry Program which confirms significant problem areas on the ground.¹⁷⁸

Forest health is maintained primarily through silvicultural systems that boost tree vigor and leverage natural genetic resistance. Favorable genetic characteristics enhance natural resistance mechanisms and develop stand structures and species compositions that maintain forest health. The

¹⁷⁴Jack Bell, et al., "Rehabilitation Plan for the Marker 62 Fire (Tramway Fire), Nez Perce Reservation, August 19, 1992; Scott Gasperin, Director of Forestry, to Karole Overberg, Superintendent, Northern Idaho Agency, September 9, 1992. File: 201-01, Reading of Chronological Files, Nez Perce Tribal Forestry Program.

¹⁷⁵Report to the Nez Perce Tribal General Council, May 7-8, 1993, p. 74.

¹⁷⁶"Forest Management Plan," 1998, p. 9-17.

¹⁷⁷*Ibid*; "Consolidated Plan," p. 52.

¹⁷⁸*Ibid*.

suppression strategy involves sanitation and salvage logging, which removes infected trees or groups of trees. The techniques are used in conjunction with most timber harvests as a matter of practice and are included in marking guidelines. Individual trees or groups of trees infected with insects and disease, or which are genetically inferior, are marked for removal. In epidemic outbreaks, small sales or permits are prepared specifically to reduce the threat of further damage and to capture the remaining value of the timber.¹⁷⁹

In the late 1980s and early 1990s, the western pine beetle caused significant infestations on the reservation, particularly within drought-stressed, overstocked second-growth ponderosa pine. A March 1988 survey of 81 acres in Tribal Units 46 and 47 (Upper Fords Creek Reserve) confirmed this issue. To manage it, the Timber, Cooperative Forestry and Pest Management entomologist recommended the "free thin harvest" alternative. This strategy combined small patch cuts in heavily infested areas with shelterwood-commercial thinning in high-risk areas, which significantly reduced future beetle-related mortality.¹⁸⁰

In 1989, forest managers mitigated timber losses through immediate salvage logging and thinning of infested stands, notably through the Cold Springs and 612,000-board-foot Tramway Insect and Salvage sales. While root rot simultaneously threatened Douglas-fir populations in Tribal Units 42 (Cavendish I & II) and 62 (Woodland)¹⁸¹, experts remained cautiously optimistic. By July 1990, official assessments suggested that proactive management combined with a return to typical rainfall could stabilize bark beetle mortality rates to "acceptable levels."¹⁸²

The recently proposed Tribal ban on pesticides, aimed at preventing chemical drift, has met concerns from Natural Resource Management program directors, particularly in Forestry. While insecticides are rarely used on reservation forests, the Forestry program contend that some chemicals (used properly) may have beneficial uses. Herbicides are vital for managing invasive weeds and ensuring tree establishment and growth; where mechanical and biological control techniques are not feasible or cost effective. Rodenticides are necessary to protect plantations from devastating surges in gopher and vole populations. Spot-treating dry areas with Pronone 25G has boosted tree survival rates by up to 40%. Fungicides and insecticides remain necessary for nurseries and insecticides for orchards and ornamental tree management across the reservation.¹⁸³

6.4 TIMBER TRESPASS AND SURVEYING

The occurrences of timber trespass on the Nez Perce Reservation are generally inadvertent and minor resulting from poorly marked and referenced survey lines and property corners dating back to the original monumentation in the late 1880s along with fencing projects in the 1930s that failed to properly resurvey

¹⁷⁹*Ibid.*; DeGroot interview, October 6, 1999.

¹⁸⁰Kenneth E. Gibson, Entomologist, Timber, Cooperative Forestry and Pest Management, Trip Report, Nez Perce Indian Reservation, March 1, 1988. File: 301-19, Forests Insects and Disease Control, Nez Perce Forestry Program.

¹⁸¹Report to the Nez Perce Tribal General Council, 1989. Pp. 67-68.

¹⁸²Ken Gibson, Entomologist, Service Trip, Nez Perce Indian Reservation, July 5, 1990. File: 301-19, Forest Insect and Disease Control, Nez Perce Forestry Department.

¹⁸³John DeGroot, Forestry Director, to Jack Bell, Natural Resource Manager, July 14, 1999. File: Pesticide Policy, Nez Perce Forestry Program.

the projected fence location.¹⁸⁴ Most of the trespass occurs in the eastern most portion of the reservation near Kamiah and Kooskia. The 1880s survey covered only the external boundaries of sections that are then further dissected when required. No lines were blazed and, after 100 years, old 'bearing trees and stones' are either missing or difficult to locate.¹⁸⁵

Historical surveying inconsistencies on the Nez Perce Reservation have created significant boundary disputes and land management challenges. Early surveys focused narrowly on bottom lands, necessitating later "completion surveys" that frequently conflicted with original findings or failed to locate initial corner markers. This led to the establishment of redundant, conflicting monuments. Furthermore, the U.S. Indian Service established allotments on the Nez Perce Reservation and conducted surveys from 1889–1892; where not all surveys were officially recorded.¹⁸⁶

These inaccuracies were compounded in the 1930s when fences were erected along estimated—rather than verified—lines, often straying 100 to 200 feet from true boundaries. Today, reliance on these inaccurate fence lines leads to unintentional trespass cutting by adjacent landowners and puts the Tribe at risk of encroaching on others during timber sales. Modern, comprehensive surveys are essential to resolve these inherited irregularities.¹⁸⁷

During the 1960s and 1970s, the BIA hired a private surveyor—funded by 10% administrative deduction fees—to conduct several resurveys. Following these, the surveyor's license was revoked due to irregularities, requiring a verification of accuracy for those tribal surveys. Later, in the 1970s and 1980s, the BIA contracted Whetmore and Rice of Grangeville for further surveys, which were also funded by 10% administrative deduction fees. The Bureau of Land Management (BLM) verified that the surveys conducted by this later firm were accurate.¹⁸⁸

The Nez Perce Tribe's Forestry Program and the BIA, Northern Idaho Agency, have made numerous requests through the years for land surveying funds from the BIA. Through the efforts of the Nez Perce Tribal Forestry Program, the Portland Area Office allocated \$22,000 in June 1991 for boundary line surveying on the Gilbert Grade and Riverside Reserves. BIA funds also have been requested for boundary line surveying on the Ford's Creek, the Selway, and the Kooskia Reserves, but funds were not allocated.¹⁸⁹ This pattern continued during the 1990s, with the tribal Forestry Program unsuccessfully requesting funding to establish a BLM Cadastral Survey Project Office with funding guaranteed for five years (1991-1996). The Forestry Program has had the support of the BLM Cadastral Survey Office in Boise and signed a Memorandum of Agreement with the BLM for the establishment of the Project Office; however, the

¹⁸⁴"Consolidated Plan," p. 54.

¹⁸⁵Charles H. Hayes, Chairman, Nez Perce Tribal Executive Committee, to Gordon E. Cannon, Superintendent, Northern Idaho Agency, Bureau of Indian Affairs, February 15, 1991, Nez Perce Forestry Program.

¹⁸⁶Doug Welman, Bureau of Land Management, Boise, Idaho, to Jamie Pinkham, Nez Perce Tribe, November 7, 1991. File: 301-18 Surveying, Nez Perce Forestry Program.

¹⁸⁷Hayes to Cannon.

¹⁸⁸Thomas C. Roberts, Memorandum, October 28, 1991. File: 301-08 Surveying, Nez Perce Tribal Forestry Program.

¹⁸⁹*Ibid.*

request was not funded. As of 1996, the survey requests for tribal and allotted trust lands were estimated at 402.5 field months of survey work by a registered BLM cadastral.¹⁹⁰

On June 16, 1997, the BLM, the BIA, and the Nez Perce Tribe signed a Memorandum of Agreement to establish a Cadastral Survey Office in Lapwai, Idaho. The BLM staffed the office with one full-time Cadastral Surveyor and one part-time Survey Technician. They completed two parcel surveys on Tribal tract 2008, northwest reservation, and on a cluster of allotments along Amos Beach, and surveys were scheduled for the 1999 field season in the Sweetwater Creek and Kamiah areas. The survey office has provided technical assistance to tribal programs and private land surveyors conducting surveys adjacent to Tribal lands. The Land Services Program will coordinate and prioritize parcel surveys with NPTEC policy direction.¹⁹¹

7 TRIBAL PERSPECTIVES ON THE FOREST MANAGEMENT PROGRAM

The decade of the 1990s brought considerable change to the Nez Perce Reservation and its Forestry Program. The size of tribal programs, especially Natural Resources, increased dramatically as the Tribe assumed greater responsibility. The historical dichotomy between self-determination and BIA trust responsibility remained but continued to be redefined to fit tribal needs. This redefinition brought greater autonomy but also greater responsibility for the success of the emerging tribal programs. The Tribe obtained greater flexibility in disbursing federal funds but received less of them and looked for and found other sources of revenue to increase and sustain tribal programs. Attempts to operate tribal enterprises and to increase tribal employment in forestry-related activities met with mixed results. However, economic development projects in non-Forestry programs diminished the relative importance of Forestry as a revenue generator and allowed the Tribe to develop new mandates about the management of the forest and to address their concerns about the forest's role and future.

7.1 BIA TRUST RESPONSIBILITY AND TRIBAL SELF-DETERMINATION

The relationship between Tribal self-determination and continued BIA trust responsibility continued to be redefined during the late 1980s and the 1990s on several different levels. At one level, the Tribe was engaged in several legal proceedings and court cases related to the protection of rights reserved by the Tribe under treaty with the United States, many involving natural resources. At another level, many changes occurred in federal laws related to the operation of tribal governments, the contracting of federal services, and funding levels supporting tribes. Finally, the individual tribes worked out their own relationship with the federal government as they assumed greater responsibility for managing their own reservation programs. The passage of the Indian Self-Determination and Education Act of 1975 authorizing tribes to contract federal service programs and subsequent laws expanding this right passed in 1988, 1991, and 1994, greatly expanded the opportunities for tribes.¹⁹²

¹⁹⁰Scott A. Gasperin, Director, Tribal Forestry Program to Samuel N. Penney, Chair, Nez Perce Tribal Executive Committee, December 4, 1996. File: Surveying General, ICCC Pendleton, Nez Perce Tribal Forestry Program.

¹⁹¹Report to the Nez Perce Tribal General Council, May 1-2, 1998, p.64.

¹⁹²Kaufman and Associates, Inc., "Nez Perce Strategic Plan 1998," prepared under contract with the Nez Perce Tribe, Office of Self Governance, p. 2.

In the field of Forestry, the BIA moved to assume a more supervisory role and otherwise encouraged the tribes to assume a greater role in their Forestry Programs through the activities of the Intertribal Timber Council (ITC). In preparing "Vision 2000," the ITC sought to define a viable trust relationship with the United States reflecting the uniqueness of each tribe and fully providing for tribal management of Tribal resources without reducing the trust responsibilities of the United States. The ITC's role in passing the National Indian Forest Resource Management Act of 1990 (NIFRMA) sought to integrate the principles of sustained yield management with the objectives of the Indian Self-Determination Act and continue the trust relationship.¹⁹³

The Intertribal Timber Council's "An Assessment of Indian Forests & Forest Management in the United States" (1993) identified the issue of trust responsibility and self-determination as the key factor affecting the ability of tribes to achieve their forest management goals. The assessment argued that the concept of trust responsibility in the management of Tribal forests had not been defined in law or regulation, despite the existence of draft standards for several forest resources and activities. The lack of definition contributed to poor communication between the BIA and the tribes and often made it difficult to evaluate the adequacy of forest management. With the tribes assuming more forest management functions formerly performed by the BIA under the doctrine of Indian self-determination, parallel lines of authority undermined the prospects of coordinated forest-resource planning and management, especially when considering multiple resources. The issue of sustained yield was of particular concern. The study asserted that:

*'An overly restrictive definition of sustained yield management can prevent attainment of tribal goals. Federal regulations currently call for harvest schedules to be directed toward achieving an approximate balance at the earliest practical time between maximum net growth and harvest. This definition of sustained yield management can result in overly rapid conversion of existing stands, erratic harvest levels, and a future forest at odds with tribal goals.'*¹⁹⁴

At the local level, these laws and developments have provided more opportunities to consolidate programs, to waive federal regulations, and to operate tribally based programs according to tribal priorities. However, in the eyes of the Nez Perce Tribe, the conclusion of a self-governance compact does not waive the federal government's trust responsibility.¹⁹⁵

The relationship between the issues of BIA trust responsibility and Tribal self-determination on the Nez Perce Reservation changed dramatically in 1987, when the Tribe assumed control of the Forest Management Program under authority of P.L. 93-638. The Tribe alleged that the Bureau was mismanaging the program, that funding was insufficient, that there were too many federal regulations, and the "work

¹⁹³Newell, "Draft in Progress."

¹⁹⁴ITC, "An Assessment of Indian Forests," p. E-10.

¹⁹⁵"Nez Perce Tribe Strategic Plan," p. 2.

was not getting done." The Tribe also alleged that the BIA was insufficiently sensitive to its concerns about Tribal preference and the preservation of cultural and religious values.¹⁹⁶

The Tribe envisioned taking over the management program as the logical outcome of the Indian Self-Determination and Education Assistance Act. While BIA officials agreed that direct contracting (P.L. 93-638) was necessary for the Tribe to achieve its timber goals, some tribal members felt the BIA should have retained responsibility, concerned by the increased burden of self-management.¹⁹⁷

The relationship between the BIA's trust responsibility and the Nez Perce Tribe's self-determination was defined in the P.L. 93-638 contracts and cooperative agreements between the BIA and the Tribe over the management of the Forestry Program. On the basis of the P.L. 93-638 contract of October 1, 1987 between the Nez Perce Tribe and the BIA in which the Tribe assumed control of the Forestry Program, the Tribe began performing almost all forestry-related work on a contractual basis, and the BIA retained only some of its trust functions, such as reviewing timber sales and Forestry Programs on trust lands.¹⁹⁸ In assuming control of its Forestry Program, the Nez Perce Tribe was in the vanguard of the nation's Tribes opting to assume management of their resources while holding the BIA to its trust responsibility.

The process of transition was a difficult one. The fact that the Northern Idaho Agency served the Nez Perce, Coeur d'Alene, and Kootenai Tribes, the latter two of which did not want to assume control of their programs, complicated matters. There was initial controversy over how the BIA would monitor the Forestry Program--from Lapwai, where there was a shortage of personnel, or from Plummer, which was somewhat distant from the Nez Perce Reservation. As of 1993, BIA foresters at the Plummer Field Office provided technical assistance, reviewed timber appraisals and timber sales contracts, Environmental Assessments, and other documents requiring the Superintendent's approval, and filed Forestry Program monitoring reports. The Portland Area Office also exercised its traditional trust responsibilities pertaining to contracts, conducting program reviews, and providing technical assistance.¹⁹⁹

As the 1990s progressed, the Tribe continued to assert its self-determination in the direction of its Forestry Program through its increased role in the development of its management plans and the operation of its forest, which has met the general approval of the BIA Northwest Regional Office in Portland. The Tribe also has extended its view of self-determination by asserting its treaty rights in natural and cultural resources on and off the reservation, by seeking to expand Tribal education, and by pressing for greater tribal employment in tribal programs and in tribal contracting on the reservation.

7.2 FUNDING

At a national level, the era of self-determination was accompanied by continuing federal cutbacks in funding Tribal programs, including forestry, during the 1980s and 1990s. The deliberations on the National

¹⁹⁶*Forests of the Nez Perce*, pp. 8-34 through 8-35; Personal communication with Del White, Assistant Secretary of Nez Perce Tribe Executive Committee, October 8, 1999.

¹⁹⁷*Ibid.*

¹⁹⁸*Forests of the Nez Perce*, pp. 8-34 through 8-35.

¹⁹⁹*Ibid.*; Nez Perce Tribe, Reports to the Nez Perce Tribal General Council, 1989-1993; Rutger van Houten, Forestry Manager, to Allen V. Pinkham, Chairman NPTEC, August 31, 1988. File: P.L. 93-638 Contract, 103-01, Nez Perce Tribal Forestry Program.

Indian Forest Resource Management Act of 1990 revealed the disparity between BIA forestry funding and that for the Forest Service and the Bureau Land Management. For every \$1.67 spent by the BIA on Tribal land, the Forest Service spent \$2.34 and the BLM, \$7.39. The Indian Forest Management Assessment (IFMA) Team that conducted an independent assessment of forested reservations in 1993 was particularly concerned with the comparative analysis between the staffing, funding, and management of Tribal forests and that of other federal and private forest lands.²⁰⁰ Despite the enactment of NIFRMA and the preparation of the IFMA Team assessment, Congress failed to appropriate the funds necessary to effect the changes recommended. As a result, the tribes have had to increasingly fund their forestry programs themselves using a variety of means.²⁰¹

The funding for the Nez Perce Tribal Forestry Program continues to come from P.L. 93-638 contracting, administrative fee deductions, and various congressional add-on funding for forest development and forest inventory, management, and planning. In about 1991, the Nez Perce Tribe received a substantial increase of about \$200,000 in forestry add-on funding because of intensive tribal lobbying of Congress to make up for budgetary shortfalls. Also, the Fire Management Office has recently received new sources of federal funding available for fuels reduction through prescribed fire, thinning, and disposing of dead and down woody material.²⁰²

The Nez Perce Tribe, like others in the country, is increasingly using its own funds for forestry and other activities to make up for shortfalls with regularly appropriated federal funding. The Tribe uses the 10-percent deduction fees withheld from timber sales for forestry enhancement and is actively seeking permission of allottees to do so in the case of allotment sales. The Tribe also implements a \$5.00 per thousand board feet levy charge for timber harvested in purchased or fee lands to be used for forestry-related purposes on these lands only. The Nez Perce Tribe also has received grants for natural and cultural resource projects. The Tribe recently received a \$30,000 Ford Foundation grant for community-based forestry for assisting communities develop non-timber revenue and jobs from the forests, such as roots, herbs, plants, mushrooms, and berries. Forestry also worked with the Water Resources Division in the Total Maximum Daily Load project on Winchester Lake, Idaho, funded by the Environmental Protection Agency to find ways to clean up the water, including road obliteration, culvert installation, and road rocking. The Water Resources Division is the leading agency, and the Forestry Program provides physical labor.²⁰³

The Tribal Forestry Program is seeking funds through yet other sources for forestry-related work. The Tribe has applied for funding from the U.S. Natural Resources Conservation Service EQIP program administered by the states for road obliteration, thinning, and reforestation. Carbon sequestration funding available from industries receiving credits for planting trees to offset their carbon emissions is a potential source of funding for the Nez Perce Tribe. The Tribe also has applied for funding from the U.S. Department of Agriculture for tree planting through its Conservation Resources Program, which also is

²⁰⁰Newell, "Draft in Progress."

²⁰¹*Ibid.*

²⁰²DeGroot interviews, October 6, 1999, and April 7, 2000.

²⁰³DeGroot interview, April 7, 2000.

administered by the states. The Tribe also has applied for funding through the Global Relief Fund for tree planting.²⁰⁴

7.3 TRIBAL EMPLOYMENT RIGHTS OFFICE (TERO) AND TRIBAL EMPLOYMENT

One of the reasons that the Tribe assumed control of the Forest Management Program was to provide more employment for tribal members in the Forestry Program itself and to see that Forestry work was contracted to tribal loggers and other tribally owned firms providing forestry related services, something the Tribe believed was not occurring to a sufficient degree under BIA management.²⁰⁵ Over the past decade, about one-third of Forestry Program employees have been tribal members. Only two of these have been professional foresters; most of the tribal forestry personnel have been forestry technicians and office and secretarial staff.²⁰⁶

In 1979, the Tribe passed Resolution NP 79-165, which established the Nez Perce Tribal Employment Rights Office, with a director to be appointed by NPTEC. The act and TERO bylaws require employers operating within the exterior boundaries of the Nez Perce Reservation to give preference to Tribal members in hiring, promoting, training, in all other aspects of employment, and in subcontracting.²⁰⁷ Resolution NP 87-35 created an Indian Preference Review Board and required Tribal preference in contracting and subcontracting opportunities located on or near the Nez Perce Reservation. In 1995, Resolution NP 79-165 was amended to require that every construction contractor with a contract of \$15,000 or more pay a one-time fee of 1.5 percent of the total amount of the contract and that every covered employer with twenty or more employees or gross sales of \$15,000 or more, should pay an annual fee of 1.5 percent of the annual payroll of that employer.²⁰⁸

The Equal Employment Opportunity Commission (EEOC) provides funds for the TERO Compliance Department pursuant to the Civil Rights Act of 1964 as amended. The contract between the EEOC and TERO states that TERO shall act as an investigative branch of EEOC and that TERO is responsible for the enforcement of NP-165 and NP 87-35.

The Forestry Program has partnered with TERO to provide employment for tribal members through direct hiring and contracting. However, collaboration has yielded mixed results due to a shortage of qualified TERO-certified contractors (such as loggers, planters, and herbicide workers). Additional challenges include confusion regarding TERO regulations and a perceived conflict between TERO compliance and delivering optimal service to Tribal timber allotment owners.

The Nez Perce Forest Products Enterprise has historically been given the right of first refusal for timber sales, permit sales, and forest development projects on tribal lands. However, since 1994, the Enterprise has not performed any forest development work because of a lack of interest or a lack of satisfactory work performance. Forestry has historically contracted with TERO-certified loggers for contract and permit sales, and, in the process, the Tribe has foregone market-driven stumpage prices. Forestry also has

²⁰⁴*Ibid.*

²⁰⁵White interview.

²⁰⁶DeGroot interview, April 7, 2000.

²⁰⁷Nez Perce Tribal Resolution NP 79-165, December 19, 1978. File: TERO, Nez Perce Tribal Forestry Program.

²⁰⁸Nez Perce Tribal Resolution NP 79-165, Amended July 25, 1995. File: TERO, Nez Perce Forestry Program.

encountered situations where TERO-certified loggers have not been interested in submitting bids, especially for permit sales.²⁰⁹ At the present time, there is only one TERO-certified logger in the area.²¹⁰

Forestry has been concerned that there is a problem in selling to TERO-certified loggers on sales and permits. It believes that the 1.5 percent fee requirement for contracts over \$15,000 exceeds the total value of many of the cutting permits that are issued. Forestry also believes that TERO has reduced the number of firms bidding on Nez Perce timber sales and permits and that the reduced competition has translated into lost income. This was of particular concern for some time in the case of allotments when TERO regulations applied to allotment harvesting.²¹¹ However, the requirement that TERO-certified loggers be given the right of first refusal on allotment sales has since been discontinued.²¹²

The Forest Development program maintains a vested interest in TERO partnership initiatives. Historically, the two departments established a combined training program to enhance tribal member employment during spring planting. Following the discontinuation of the Employment Readiness Training (ERT) component due to low participation, the availability of local, certified labor for reforestation contracts has decreased. Despite mandates requiring a 100% TERO-certified workforce, maintaining consistent staffing levels throughout contract terms has proved difficult.²¹³

In 1996, TERO agreed to drop the percentage of TERO-certified workers to 50 percent and, as a result, contract bid prices fell as well. In 1997, TERO dropped the requirement to 25 percent of TERO-certified workers and contract bid prices dropped again. In the meantime, the actual attendance and performance of local workers remained about the same before any training and regardless of the employment level required by TERO. Forestry maintained, as a result, that TERO actions were having no effect on employment but were having a "dramatic effect" on the price of doing business. The less restrictive the TERO requirements were, the lower the contract bid prices were received. Forestry concluded that TERO actions were not increasing employment of local workers and were costing the Tribe a significant amount by maintaining a "falsely high employment requirement which TERO could not satisfy."²¹⁴

Due to ongoing issues with TERO contracting, the Director of Forestry and the Timber Stand Improvement Forester drafted a proposal to address miscommunication between TERO and contractors. Forestry highlighted that vague, high-level language in bid solicitations, coupled with the impracticality of mailing full regulations to every bidder, caused confusion. Contractors frequently called for clarification on hiring requirements (tribal member percentages) that Forestry could not definitively answer. Furthermore, because TERO instructed that specific compliance details only be discussed after a contract was awarded,

²⁰⁹Dave Bubser, Timber Sale Forester, to Ron Halfmoon, TERO, January 26, 1996. File: Meeting, Evaluation Forms, Nez Perce Tribal Forestry Program

²¹⁰Guzman interview.

²¹¹Dave Bubser, Timber Sale Forester, to Ron Halfmoon (TERO), January 26, 1996. File: Meetings, Evaluations Forms, Nez Perce Tribal Forestry Program.

²¹²DeGroot interview, April 7, 2000.

²¹³Scott Gasperin, Director, Tribal Forestry Program, to Julie Kane, Office of Legal Council, January 5, 1998. File: TERO, Nez Perce Tribal Forestry Program.

²¹⁴*Ibid.*

answers varied based on who the contractor spoke to. This inconsistent information led to a very low volume of bids with massive, unpredictable price discrepancies.²¹⁵

Key recommendations for improving the TERO process included standardizing contract language and bid packages to eliminate extreme bid variations. To ensure fair, realistic expectations, suggestions included defining approved employee referral sources based on past performance. Additional improvements involved establishing a grievance board or third-party moderator and hiring a coordinator to facilitate communication between the tribe, TERO, and contractors. Furthermore, it was recommended that TERO's authority to independently determine contractor qualifications or terminate contracts be removed, with all rules clearly defined in the compliance plan.²¹⁶ Following these recommendations, TERO created a summary sheet of requirements for advertisements.

Concerns have arisen within the reservation community regarding the Tribe's requirement that TERO regulations apply to local businesses. In response, the North Idaho Jurisdiction Alliance was formed to represent non-Tribal interests. The Tribe is currently collaborating with this Alliance to maintain a "good neighbor policy" with the broader community while still upholding tribal interests.²¹⁷

Despite these concerns, the Tribe generally agrees that implementing the Tribal Employment Rights Ordinance (TERO) is essential for overall tribal benefit, viewing increased employment as a vital, long-term goal, even if it entails extra costs.²¹⁸ Consequently, as of April 13, 1999, the Tribe began reviewing the TERO ordinance to address these concerns.²¹⁹

7.4 NEZ PERCE FOREST PRODUCTS ENTERPRISE AND ECONOMIC DEVELOPMENT

The Nez Perce Forest Products Enterprise, which was established in 1984, has played an important part of the Tribe's assertion of self-determination, has provided revenue for the Tribe and for allottees, has explored markets for the Enterprise products, and has provided employment for tribal members directly through employment in the Enterprise and through timber harvesting. The establishment of the Enterprise was the opening salvo in the Tribe's total assumption of the Forestry Program and was a significant factor in increasing timber sales, improving cash flow, and providing income to the Tribe when its management priorities called for increased sales and revenue. The Enterprise continued to play a prominent role in tribal employment and revenue generation until the mid-1990s when tribal management priorities and environmental conditions changed to diminish the Enterprise's relative importance as a source of direct employment and revenue generation. At the end of 1990s, plans were being considered for reorganizing the Enterprise because of these developments.

²¹⁵Brian Kummet, Reforestation and TSI Forester and John DeGroot, Director of Forestry, to Mike Penney, Executive Director, Nez Perce Tribe, and Julie Kane, Deputy Counsel, Office of Legal Counsel, November 2, 1998. File: TERO, Nez Perce Tribal Forestry Program.

²¹⁶*Ibid.*

²¹⁷*Ibid.*

²¹⁸DeGroot interview, April 7, 2000.

²¹⁹Carla Higheagle, Chairperson, Nez Perce Law and order Committee, to Managers/Directors and Enterprises, April 13, 1999. File: TERO, Nez Perce Forestry Program.

The Enterprise was chartered by the Nez Perce Tribe to do business on and off the reservation. As established, it was managed and directed by a five-member Board of Directors appointed by NPTEC as provided for in the Charter and Bylaws adopted on October 24, 1984. The purpose and objectives of the Enterprise were:

1. to develop a management and financial system promoting the stable business growth of a forest products enterprise
2. to provide employment opportunities for Nez Perce Tribal members through tribal preference and TERO initiatives
3. to develop the economic, natural, and human resources of the Nez Perce Tribe
4. to promote the best and fullest development and utilization of reservation timber on a sustained yield basis
5. to encourage and stimulate tribal member opportunities for creative development of privately or jointly owned logging, hauling, maintenance, supply or other operations
6. to contract with individuals and/or firms to expedite and enhance the achievement of these stated purposes and objectives.²²⁰

Under the 1984 agreement, NPTEC authorized the Enterprise to formally contract with the Tribe and individual member trust allotment owners for timber purchases. Before any timber sale was offered publicly, the BIA (and subsequently Tribal Forestry) was required to submit all relevant data—including cruise data and appraisals—to NPTEC to determine if the Enterprise wanted the first right of refusal. Upon receiving an offer, the Enterprise had 20 days to provide written notice to the NPTEC Chairman and the Superintendent regarding its decision to accept or reject the sale. Additionally, for any purchased sale, the Enterprise agreed to separate contracts with individual member trust allotment holders who wished to sell their timber.²²¹

Originally, the BIA was to appraise the timber for the purpose of establishing stumpage rates according to BIA regulations. The Forestry Program now performs this function using appraisal methods as outlined in the BIA Northwest Regional Office addenda to BIAM Supplement 3.

Tribal members establishing the Enterprise strongly believed it was necessary to better achieve the annual allowable cut and increase tribal income, to provide better employment through Tribal preference contracting, and to improve cash flow to the Tribe.²²² Because the BIA had marketed the timber sales within a two- or three-year harvest completion date to local buyers, a cash flow problem often occurred. The Enterprise pays the appraised value of stumpage to the Tribe and harvests the sale within the same

²²⁰An Agreement Between the Nez Perce Tribe and the Nez Perce Forest Products Enterprise, November 20, 1984. File: Nez Perce Forest Products Enterprise, Nez Perce Tribal Forestry Program.

²²¹*Ibid.*

²²²Penney, Guzman, White, and DeGroot interviews.

fiscal year to the extent possible, depending on the date the sale was purchased. Such a process provides the Tribe with more stable revenue for annual budgeting requirements.²²³

The Enterprise also helped improve net income and improve tribal employment in that, when the BIA marketed timber sales, they went to non-tribal purchasers. Therefore, the Tribe realized no benefit other than the stumpage price itself. The purchaser had control over hiring contractors to harvest the timber and retained all profits from the project, including the benefits of increased timber values due to fluctuations in the market. After the Enterprise assumed control of the sales program, the Tribe retained these same benefits. As of 1993, 50 percent of the net income was paid to the Tribe, and there were four logging companies owned and operated by tribal members. These included Tom Cat Logging and Construction owned by Tom Rich; Bulldog Logging owned by Harold Hudson; Warden Brothers Logging owned by the Warden family; and Five Crows Construction owned by Elmer Crow.²²⁴

In addition, the Enterprise was primarily established to secure commercial loans for land acquisition and new business ventures. It played a crucial role in purchasing the Waha and Maloney Creek tracts, nearly doubling the Tribe's timber resources. This expansion provided a steady stream of income and jobs, with the resulting timber revenue being used to pay off the acquisition loans.²²⁵

From 1989 to 1991, the Enterprise operated Nez Perce Wood Products, a manufacturing plant (wood shop or box factory) funded by a mix of BIA grants and private loans. A proposal was submitted to the General Council in May 1989, and it was operational by the fall. The plant produced grape box ends for the fruit industry in California and anticipated moving into laminated core stock type products as of fall, 1989. In fall 1989, a new building was constructed at the Sweetwater Compound to house the new plant. The project was funded with a \$48,000 BIA Economic Development grant, which was matched with a \$148,000 loan from a bank in Lewiston.²²⁶ However, as of fall 1991, the plant closed because of the high cost of lumber and the "financial standing" of the plant.²²⁷ The Tribe also opened a tribal timber yard in Clarkston in January 1, 1989 to take advantage of the developing export market for logs by leasing 14 acres of land along the Snake River from Appleway Leasing of Spokane. This step further involved the Tribe in the marketing of timber by removing the middleman and opening new employment opportunities for tribal members.²²⁸

During most of the 1990s, the Enterprise had a staff of about five to six persons, consisting of a manager, a sales manager, a log-scale bookkeeper, a secretary, and seasonal technicians, all overseen by the Enterprise Review Board which reviews the Enterprises three-year operating plan, the last one of which was prepared in October 1998. However, the scope of the Enterprise's operation has declined during the decade and presently it has only one and one-half employees. The decline reflects the declining annual allowable cut during the decade from over 8.4 million board feet to only 4.8 million board feet under the existing management plan. The decline of the Forest Products Enterprise is also the result of Enterprise

²²³"Nez Perce Forest Products Enterprise Business Plan," 10/1/1993 to 9/30/1994. File: Nez Perce Forest Products Enterprise, Nez Perce Forestry Program.

²²⁴*Ibid*, Guzman interview.

²²⁵DeGroot interview, April 7, 2000; *Forests of the Nez Perce*, pp. 8-29 and 8-30.

²²⁶Report to the Nez Perce Tribal General Council, September 29-30, 1999, p. 19.

²²⁷Report to the Nez Perce Tribal General Council, May 1-2, 1999, p. 74.

²²⁸*Forests of the Nez Perce*, p. 8-31.

employees duplicating functions performed by the Forestry Program and of the emergence of new enterprises, such as the Nez Perce casinos and Express Stores, which now provide new sources of revenue and employment and an opportunity to reduce pressure on the forest for these monies.²²⁹

During the 1990s, the Enterprise, in the eyes of the Forestry staff, had some operational problems. These included "rushed starts," which involved the Enterprise starting timber sales before pre-harvest requirements (logging plans, pre-work meetings, TERO requirements, skid trail layout before the commencement of logging, etc.) had been met. Of particular concern to the Forestry Program was the inadequacy of logging plans that did not contain the information required in the contract and contained numerous errors. Skid trail layout was often not completed on time, causing delays in production and misunderstandings when corrections were needed, often resulting in unnecessary damage to the resource.²³⁰

During the same period, the Enterprise had difficulty completing timber sales on schedule, including slash disposal, due in part to problems it had inherited, and to staffing deficiencies. The Forestry Program expressed concern that these delays affected other programs such as Forest Development because tardy application of erosion-control measures caused environmental damage. The Enterprise's shortcomings also put the Forestry Department in an awkward position when attempting to administer contracts with other purchasers. Forestry alleged that from an internal and external relations impact, the delays cast a negative light on the Enterprise and the Tribe as a whole.²³¹

The structure of the Tribal Enterprise Administration and the Enterprise Board are currently being evaluated. A new management structure is being considered to move the enterprises into their own management system under the direction of a position as Chief Executive Officer. Also, overhead and operational costs are being forecasted to help evaluate a separate management system to oversee tribal enterprises.²³²

7.5 FOREST MANAGEMENT CONCERNS

NPTEC members generally express satisfaction with the direction and achievements of the tribal Forestry Program. The program is recognized for strengthening tribal government infrastructure by driving the establishment of other natural resource initiatives through the NEPA process. Furthermore, leadership supports the shift in forest management plans toward prioritizing non-timber values over mere revenue generation. This approach is bolstered by the development of non-timber economic programs, which reduce pressure on Forestry to produce revenue, allowing for a greater focus on achieving tribal cultural

²²⁹Guzman interview.

²³⁰Dave Bubser, Timber Sale Forester, to Mike Penney, Manager, NPFPE, August 1, 1995; Dave Bubser, Timber Sale Forester, to Mike Penney, Manager, NPFPE, July 24, 1996. File: Nez Perce Forest Products Enterprise, Nez Perce Forestry Program.

²³¹Dave Overcast, Idaho Department of State Lands to Dave Bubser, Nez Perce Tribe, January 23, 1996; Dave Bubser, Timber Sale Forester, to Scott Gasperin, Director of Forestry December 27, 1993. File: Nez Perce Forest Products Enterprise, Nez Perce Forestry Program.

²³²Report to the Nez Perce Tribal General Council, September 24-25, 1999, p. 23.

and natural resource objectives. Additionally, tribal leadership and department directors appreciate the Forestry Program's collaborative approach to achieving shared goals.²³³

The tribal leadership generally has no major overall concerns about the direction of the Forestry Program. They see forestry planning as a key component to its success and are generally pleased with the most recent forest management plan. However, there is concern that some form of comprehensive natural resource management planning be developed so that the Tribe has an integrated plan that systematically considers a range of management options balancing the goals and objective of all natural and cultural resource programs.²³⁴ Tribal leaders also see an increasing need for the Tribe to become involved with forestry-related issues within the ceded lands.²³⁵

Most concerns about the Forestry Program are less directed toward its role in the overall scheme of natural resource management than they are toward more immediate and specific issues such as the relationship between Forestry, the Forest Products Enterprise, TERO, tribal employment, access to logging sites, and trespass. The "Summary Results of the Nez Perce Tribe Priorities for the Forest Management Survey" prepared in 1995 identified several concerns to both tribal employees and tribal members about forestry-related issues. Tribal members identified trespassing, employment, water quality, and overall forest management as their chief areas of concern. Trespassing was by far the most important area of concern, especially the use of tribal lands for hunting and firewood gathering by non-tribal members. Tribal members called for the use of more signs, more patrols, the use of conservation officers, and the locking of gates and fences.

Tribal members also called for hiring more tribal members and fewer non-Tribal, more training, creating more job opportunities, using more innovative ways of recruiting tribal members, and providing work to those other than relatives. For water quality, the tribal members recommended better communication and more monitoring, the need for NPTEC to consider water quality standards for enforcement and expressed concern about logging too close to streams. On the issue of overall forestry management, tribal members also expressed the need for a land use plan and an integrated natural resources management plan and increased funding for non-natural resource programs. There was also a wish expressed for changing "broad brush" silvicultural prescriptions and for reducing the acres in one prescription. Tribal members also believed that non-Tribal managing the Forestry program should have a better understanding of how the Nez Perce tribal members felt about their lands.²³⁶

Tribal employees working in natural resource programs identified trespassing, road access, wildlife, and water quality as those areas most needing improvement. Regarding trespassing, tribal employees expressed a need to close areas off with gates, stricter enforcement against trespassers (including non-tribals cutting Christmas trees), and funding for a conservation officer. Employees felt a need to develop a road policy, develop a better road layout, and to either maintain or close roads. There was a need to evaluate the cost effectiveness of some timber sale roads. Employees were also concerned about the loss of wildlife habitat, saw the need for a wildlife management plan, and the need for some tribal on-the-

²³³Personal communication with James Holt, Chairman of NPTEC Natural Resource Committee, to author, October 15, 1999. Penney, White interviews.

²³⁴Bell interview.

²³⁵James Holt interview.

²³⁶"Summary Results," pp. 19-22.

ground projects. The employees expressed the need to protect riparian areas, establish larger, no-cut buffers, and have the Water Resources staff spend more time in the field with the Forestry staff.²³⁷

7.6 ENVIRONMENTAL TRENDS

By 1999, the primary goal of the Forestry Program of producing revenue for the Tribe had clearly given away to that of protection of non-timber forest resources on the reservation and on treaty lands. The establishment of tribal natural resource departments and their expansion under the umbrella of federal environmental laws legislation resulted in Forestry being just one rather than the prime player in managing natural and cultural resources on the reservation. The mandates of federal environmental laws, grants from federal agencies and foundations, and the numerous court decisions providing the Nez Perce and other Northwest tribes with on and off-reservation awards for deprivation of and damages to natural and cultural resources belonging to the Tribe under reserved treaty rights have significantly bolstered non-timber natural and cultural resource programs, which are now significant revenue producers, sources of tribal employment, and embodiments of tribal values.

Thus far, these programs have operated mostly on their own, despite the existence of the Nez Perce Natural Resource Department. The department has only a small staff, and the main source of coordination among departments and programs is through NPTEC subcommittees and through the Interdisciplinary Team process in NEPA-related projects. Except for Forestry, the departments and programs do not have comprehensive plans of their own (the Water Resources Division recently submitted a draft management plan to NPTEC for review). The Tribe recently prepared a strategic plan, but the Nez Perce Tribe does not have a comprehensive land use plan or an integrated natural resource management plan (IRMP). The strategic plan listed treaty rights and the land base as the Tribe's two most important values and called for the establishment of a comprehensive planning department and for the protection and enhancement of its natural resources. The latter would require "crosscutting strategies" involving multiple departments and divisions of the Nez Perce Tribe and overlap into the cultural and educational strategies of the Strategic Plan.²³⁸ The Tribe also prepared in April 1999, a proposal for IRMP development for Nez Perce Country, which stated that the lack of a long-term or comprehensive plan had meant "lost opportunities for enhancement of tribal assets, diminished growth potential and even loss of resources relied on to sustain both culture and economy."²³⁹

The Water Resources Division and Forestry Program collaborate within the NEPA Interdisciplinary Team to assess how forestry plans—particularly timber sale road placement—impact water quality and volume. Both programs participate in a Ford Foundation grant for sustainable forestry development. Additionally, they are partnering on an Idaho 319-funded road obliteration project to reduce stream sediment. Together with the tribal Forest Manager, they recently completed an EPA 106/GAP-funded TMDL analysis of Winchester Lake. Funds were issued by the U.S. Bureau of Reclamation. Beyond shared vehicle resources, Forestry supports Water Resources with GPS work. Finally, the Water Resources Division

²³⁷*Ibid.*

²³⁸"Nez Perce Strategic Plan," 1998, p. 12.

²³⁹Nez Perce Tribe, "Building the IRMP for Nez Perce Country: A Proposal for IRMP Development," April 19, 1999. File: Bureau of Indian Affairs, Branch of Forestry, Northwest Regional Office.

monitors pollutants to secure the reservation as a permanent homeland and is finalizing a comprehensive Water Quality Management Plan for NPTEC review.²⁴⁰

Wildlife Management collaborates with Forestry through the Interdisciplinary (ID) Team to evaluate actions that may affect local wildlife. While a comprehensive plan for the reservation does not yet exist, the program has established policy guidelines shared with Forestry. Due to a lack of funding in 1998, the ID Team—rather than the Wildlife Program—developed the forest management goals.²⁴¹ These goals focus on habitat conservation, protecting flora and fauna, and ensuring sufficient snag and woody debris for native species. Additional priorities include maintaining deer and elk cover and recovering rare or culturally significant habitats.²⁴²

In addition, Wildlife Management collaborates with Forestry to evaluate Tribe-acquired lands, funded by the BPA to mitigate wildlife impacts from Dworshak and the Lower Snake River dam constructions in Northeast Oregon and Southeast Washington. Through BPA contracts, the Tribe secures land acquisition funding by developing comprehensive wildlife mitigation plans. Additionally, the Tribe participates in developing Habitat Evaluation Procedures (HEP) for these mitigation efforts. Wildlife Management also meets with Forestry to evaluate lands that the Tribe has acquired through BPA funding as part of mitigating the effects on wildlife pertaining to the construction of Dworshak Dam and the dams on the Lower Snake River in Northeast Oregon and the southeast corner of Washington. The Tribe is setting up contracts with the BPA for funding of land acquisition in exchange for the assurance that the Tribe will develop a wildlife mitigation plan. The Tribe also is participating in the development of fish and wildlife Habitat Evaluation Procedures (HEP) as part of the mitigation process.²⁴³

The Wildlife and Forestry staff are surveying lands acquired for wildlife protection and timber resource value. Forestry is developing a set of values that would be considered in a timber appraisal pertaining to commercial value, although the Tribe is restrained from taking any action that would adversely affect wildlife. Forestry actions primarily involve insect and disease control. Much of the land acquired is old growth timber on land that is too difficult to access and apply forest management treatments.²⁴⁴

The Cultural Resource Program is in the process of preparing a cultural resource management plan. The 1998 Forest Management Plan calls for the management of forest lands to ensure the active preservation of the cultural, historical, and archeological resources of the Nez Perce Tribe in a manner "congruent" with the thoughts, beliefs, and lifestyles of the Nez Perce people. Delineation, protection, and preservation of resource utilization areas, including fish, roots, and wild game, as well as ancestral living sites are considered of special importance for future generations of the Nez Perce. Furthermore, the 1998 Forest Management Plan also calls for the use of oral history documentation to identify cultural plants and the protection of areas vital to cultural plant habitats, protecting significant religious sites deeply

²⁴⁰Carter interview.

²⁴¹Lawrence interview.

²⁴²"Forest Management Plan," 1988, p. 2-5.

²⁴³Lawrence interview.

²⁴⁴*Ibid.*

connected to the natural landscape, and maintaining updated records on areas of cultural importance to the Nez Perce Tribe.²⁴⁵

Forestry operations primarily coordinate with the Cultural Resource Program through the NEPA ID Team process to ensure compliance with the National Historic Preservation Act and related protective regulations. Since 1994, the Cultural Resources Program has conducted intensive inventories rather than reconnaissance level reviews for forestry actions, and the department remains responsive to these regulations. A primary concern is the protection of cambium-peeled trees, particularly following a recent accidental cutting. While many old-growth and peeled trees exist in the Talmaks area, most spiritual sites are located off-reservation. Sites located on-reservation are located outside of current Nez Perce tribal landholdings. Protecting traditional sites, such as root-gathering areas, presents challenges due to confidentiality regarding their locations.²⁴⁶

The Watershed-Habitat Division, of the Department of Fisheries Resource Management Department, facilitates collaboration with the Forestry Program. Under the 20-year Fisheries Management Plan, NPT fisheries professional provides critical feedback on forest land issues across tribal, state, and federal planning and management levels to ensure fish habitat protection. Large federal landholdings are located within the 1855 Nez Perce Treaty Territory and are held under stewardship and trust responsibility mandating tribal participation in the implementation of forest plans, timber sales, hydroelectric permits, stream alteration permits, environmental impact issues, Endangered Species Act coordination, and critical habitat review.²⁴⁷

On the reservation, the Department of Fisheries Resource Management evaluates proposed Forestry Program actions such as forest management plans or specific actions like timber sales through the NEPA Interdisciplinary Team process. The Forestry Program is responsive to watershed and fisheries management goals and to their concerns regarding specific forestry actions. The two programs have worked together to deal with complicated issues such as stream buffers. In addition, the Fisheries Department comments on forestry plans and actions proposed in the treaty territorial area and is especially involved with the U.S. Forest Service as a land manager within the NPT Fisheries' 20-year management planning geographic extent. NPT Fisheries staff provide feedback on forestry-related issues, such as harvesting timber on side slopes, clearcuts, and mitigation for timber sales within and near riparian zones. Feedback is also prepared for grazing allotments, small hydroelectric projects, and other issues on the nine national forests in a four-state area, especially on the Clearwater and the Nez Perce National Forests.²⁴⁸

The Land Service Program manages agricultural and grazing land leases, often collaborating with the Forestry Program on timber harvesting, reforestation, or afforestation efforts within these areas. Assessments have been conducted to compare the value of mixed grazing/forestry vs. single-use land management. Assessments have also been conducted with agricultural transition to forest land use.²⁴⁹

²⁴⁵"Forest Management Plan," 1998, p. 2-6.

²⁴⁶Lyon interview.

²⁴⁷Nez Perce Tribe, Report to the Nez Perce General Tribal Council, May 6 & 7, 1994, p. 63.

²⁴⁸Kucera and McGowen interviews.

²⁴⁹Bell interview.

8 SUMMARY

When the Nez Perce Tribe took over the Forestry Program in 1987, it marked a significant move toward self-governance in natural resource management. This transition fundamentally redefined the program, moving beyond simple timber harvesting to prioritize the protection of non-timber resources and broader ecological values.

The Nez Perce Tribe advocated for forest management that prioritized both revenue and non-timber values, aligning with a national movement for tribal self-determination in forestry. This shift aimed to reduce BIA oversight in favor of tribal control. A key milestone was the 1990 National Indian Forest Resource Management Act (NIFRMA), passed largely due to Intertribal Timber Council (ITC) lobbying. Along with the IFMAT's 1993 report titled "An Assessment of Indian Forests and Forest Management in the United States", the ITC further advanced this vision by emphasizing a unique management style for Tribal forests—one that integrates natural and cultural resource values and interrelationships.

During the 1980s and 1990s, the Nez Perce Tribe developed and expanded several natural resource initiatives, including Fisheries, Water Resources, Wildlife, Land Services, Cultural Resources, and Environmental Restoration.

Working with subcommittees of the Nez Perce Tribal Executive Committee, these programs enforced protections for reservation and ceded lands as required by federal laws like NEPA, the Endangered Species Act, and the Clean Water Act. Funding and support from agencies such as the Bonneville Power Administration and the EPA fueled significant growth, particularly in the Fisheries program. Consequently, while Forestry was once the primary lead for resource protection, it transitioned into one of several specialized management programs by the end of the 1990s.

During the 1990s, forestry and fire planning on the Nez Perce Reservation shifted toward more holistic tribal management, mirroring broader national trends. This evolution is captured in the differences between two key plans:

- The 1992 Consolidated Forest Management Plan: While it adopted some national standards from NIFRMA and IFMA, it was primarily developed by the Forestry Program with only limited outside feedback. Its main goal was generating tribal revenue through an annual harvest of 8.4 million board feet of timber.
- The 1998 Forest Management Plan: This version marked a move toward collaboration, utilizing a dedicated planning coordinator and an Interdisciplinary (ID) Team that included full participation from various natural resource departments, NPTEC, and Nez Perce Tribal members. This plan reduced the annual allowable cut to 4.8 million board feet due to past overcutting, mortality, decline in growth rates, and, more significantly, due to the Tribe's shift towards a holistic forest management approach including non-timber resources and cultural protection.

Over the decade following the 1997 Lower Ford's Creek Sale, the Tribe transitioned from a lump-sum payment system—which relied on mills for log scaling—to a more transparent log-scale accounting method managed by the U.S. Forest Service and third-party agencies.

Key events and procedures during this period included:

- **Access Challenges:** The 1996 Upriver Timber Sale highlighted the logistical hurdles of securing timber access when rights-of-way crossed private property.
- **Management Debates:** The Tramway Fire Sale exposed internal disagreements between Forestry and Land Services regarding post-fire recovery, specifically whether to prioritize reforestation or native grass seeding.
- **Allotment Oversight:** In handling allotment sales, the Forestry department manages reforestation deposits and collaborates with allottees on various land-use strategies.
- **Professional Recognition:** Between 1989 and 1999, the BIA Northwest Regional Office conducted sub-program reviews that praised the Tribal Forestry team for their highly competent and professional forest management.

By the late 1990s, the Forest Development program had evolved to prioritize forest thinning verses reforestation. Despite this growth, an average annual budget of just \$100,000 (1993–1998) led to major operational backlogs. Due to a lack of involvement with the Nez Perce Forest Products Enterprise, work was outsourced; however, a shortage of TERO-certified contractors often hindered progress.

As the Tribe reshaped its natural resource strategy, it reevaluated the balance between tribal self-determination and BIA's trust responsibility. Seeking greater autonomy without fully severing federal ties, the Tribe faced administrative confusion as these two authorities overlapped. While assuming program control increased financial flexibility, it also transferred the burden of funding and management to the Tribe. Consequently, Forestry shifted toward a diversified funding model, utilizing allotment deductions and external grants in coordination with other resource programs.

The Tribe pursued increased self-determination through the Nez Perce Forest Products Enterprise and TERO to support timber management, land purchasing, and tribal employment. While these efforts faced setbacks due to operational issues and a lack of qualified tribal personnel, the Tribe views these programs as vital long-term investments and is currently reforming them for better success.

The Tribe commends the Forestry Program for embracing holistic management and collaborating with natural and cultural resource departments to meet tribal objectives. Leaders emphasize the urgency of an integrated management plan and reforms for TERO and the Forest Products Enterprise. However, significant challenges remain regarding the high costs and logistical difficulties of accessing timber across private lands. Key tribal priorities include road maintenance, water quality, and the protection of wildlife habitats and sacred sites.

Environmental management on the reservation is increasingly defined by interdisciplinary collaboration. The Forestry department now works closely with other natural resource programs through "ID teams" or interdepartmental collaboration to plan timber sales and long-term management strategies (i.e., Forest Management Plans). Driven by tribal initiatives, federal laws, and court rulings, other resource departments have gained significant influence in protecting tribal land and heritage within the reservation and ceded territory. This cooperation is especially vital for fisheries and water quality protection, as well as forest inventory and management strategies on mitigation lands acquired after dam construction (e.g.,

Dworshak Dam and dams of the Lower Snake River). Furthermore, a new Forest Service Liaison role has been created to uphold Nez Perce treaty rights regarding water, wildlife, and cultural sites on federal lands.

The Forestry Program has successfully managed various protection efforts, including road maintenance, fire prevention, disease control, and land surveying. Rather than following a fixed reservation-wide policy, the program handles road construction and closures through specific guidelines and case-by-case evaluations by an interdisciplinary team or specific interdepartmental collaboration.

Since the Tribe took control of the Fire Management Program in 1994, it has operated through partnerships with federal, state, and private agencies, supported by BIA funding. This collaborative strategy has been effective in implementing prevention, suppression, and prescribed burning. To enhance its capabilities, the program has:

- Developed contingency plans to address various fire scenarios.
- Trained firefighters for responses both on and off the reservation.
- Upgraded infrastructure by building a new office and warehouse and adding two fire engines.

Over the past ten years, reservation fires have remained relatively minor, with the 1992 Tramway Fire being the only significant exception.

To manage forest health, the Forestry department traditionally relies on aerial monitoring, ground staff, and selective harvesting. However, a recent Tribal ban on pesticides—prompted by concerns over chemical "drift"—has raised alarms regarding future protection efforts. Additionally, long-standing trespass issues rooted in flawed surveys from the 1880s and 1930s persist, despite resurvey attempts in the late 20th century. While BIA funding remains limited, a 1997 Memorandum of Agreement between the Tribe, BIA, and BLM established a new cadastral survey office in Lapwai to address Tribal trust parcel boundary inaccuracies.

9 BIBLIOGRAPHY

This forest management history is based almost entirely on unpublished materials located at the Nez Perce Tribal Forest Program Office in Lapwai, Idaho, and at the BIA Branch of Forestry, Northwest Regional Office in Portland, Oregon. In addition to the documents listed below, this history report relied on letters, memoranda, unpublished manuscripts, annual reports to the BIA, timber sale contracts, cooperative agreements, memoranda of agreement, and other archival materials.

9.1 PUBLISHED DOCUMENTS

Babcock, William, et.al. *Forests of the Nez Perce: Forest Resource Management on the Nez Perce Reservation, 1985-1988*. Prepared by Heritage Research Center, Ltd., for the Nez Perce Tribe of Idaho. Missoula, Montana, 1991.

King, Thomas F. *Cultural Resource Laws and Practice: An Introductory Guide*. Walnut Creek: Altamira Press. 1998.

9.2 UNPUBLISHED DOCUMENTS

Bell, Jack H, et.al. "Rehabilitation Plan for the Marker 62 Fire (Tramway Fire), Nez Perce Reservation," August 19, 1992.

Department of the Interior, Bureau of Indian Affairs, Nez Perce Tribe. "Fire Management Action and Mobilization Plan," 1999.

Chance, David H. "Investigations into the Archaeological Potential of the Timbered Tracts Owned by the Nez Perce Tribe of Idaho." prepared for the Nez Perce Forest Resource Department, 1989.

Eldridge, Neil. "Nez Perce Reservation Timber Sales Activity Review, October 3-6," 1989.

Eldridge, Neil. "Nez Perce Exit Meeting," handwritten manuscript, September 3, 1992.

Eldridge, Neil and Arnie Browning. "Field Visit, Nez Perce Reservation," September 2, 1999.

DeGroot, John R. "Consolidated Forest Management Plan: Nez Perce Forest Resources, Idaho," January 1992.

DeGroot, John. "Inventory Analysis and Annual Allowable Cut Calculations for Consolidate Management of the Nez Perce Tribal Forest Lands." no date.

DeGroot, John. "Nez Perce Reservation: Forest Inventory Analysis." May 1991.

Gibson, Kenneth E. "Trip Report, Nez Perce Reservation," March 1, 1988.

Gibson, Kenneth E. "Service Trip, Nez Perce Indian Reservation," July 5, 1990.

Intertribal Timber Council. "An Assessment of Indian Forests & Forest Management in the United States." November 1993. Portland Oregon.

Kaufman and Associates, Inc. "Nez Perce Strategic Plan 1998." Prepared under contract with the Nez Perce Tribe, Office of Self Governance, 1998.

Meyers, Renee. Land Services Program, Nez Perce Tribe, "Building the IRMP for Nez Perce Country: A Proposal for IRMP Development," April 1999.

Newell, Alan S. "Draft in Progress" to revise *Forest in Trust: Three Quarters of a Century of Indian Forestry, 1910-1986* prepared by Alan S. Newell, Richard L. Clow, and Richard Ellis. Missoula: Historical Research Associates, under contract to Litigation Support Services, Washington, D.C., for the U.S. Department of the Interior, Bureau of Indian Affairs, Division of Forestry, Washington, D.C. July 30, 1986.

Nez Perce Tribe, Department of Natural Resources, Forestry Program. "Forest Management Plan," 1998.

Nez Perce Tribe, Department of Natural Resources, Forestry Program. "Forest Management Plan Environmental Assessment," 1998.

Nez Perce Tribe, Department of Natural Resources, Forestry Program. "Summary Results of the 1995 Nez Perce Tribe Priorities for Forest Management Survey," November 1995.

Nez Perce Tribe. "Nez Perce Forest Products Enterprise Business Plan, 10/1/1993 to 9/30/1994."

Nez Perce Tribe. Reports to the Nez Perce Tribal General Council, 1989-1999.

Sessions, J. "Indian Forest Management Assessment Team Observations on Forestry planning, Roads and Harvesting, Nez Perce Site Visit," July 20-21, 1993.

Tschannen, Lester, "Environmental Assessment: Nez Perce Reservation," September 1989.

9.3 LEGAL DOCUMENTS

Endangered Species Act, Public Law, Public Law 93-205.

Indian Self-Determination and Education Assistance Act of 1975, Public Law, 93-638.

National Environmental Policy Act, Public Law 91-190.

National Historic Preservation Act of 1966, Public Law 89-665.

National Indian Forest Resources Management Act of 1990, Public Law 101-630.

9.4 PERSONAL COMMUNICATIONS

Bell, Jack, Acting Manager of Nez Perce Department of Natural Resources and Director of Nez Perce Land Services Program, to author, October 6, 1999, Lapwai, Idaho.

Carter, Gwen, Director, Nez Perce Water Resource Division, to author, October 14, 1999, Lapwai, Idaho.

DeGroot, John, Director of Nez Perce Forest Management Program, to author, October 6, 1999, and April 7, 2000, Lapwai, Idaho.

Guzman, Richard, Operations Manager, Nez Perce Forest Products Enterprise to author, October 8, 1999, Lapwai, Idaho.

Holt, James, Chairman, Nez Perce Executive Committee, Natural Resource Subcommittee, to author, October 15, 1999, Lapwai, Idaho.

Holt, Sandy, Assistant Fire Management Officer, Nez Perce Forestry Program to author, October 8, 1999, Lapwai, Idaho.

Kucera, Paul, Director of Biological Services, Nez Perce Department of Fisheries Resource Management, to author, October 14, 1999, Lapwai, Idaho.

Kummet, Brian, Forest Development Forester, Nez Perce Forestry Program, to author, March 3, 2000, Lapwai, Idaho.

Lawrence, Keith, Director, Nez Perce Wildlife Management Program, to author, October 7, 1999, Lapwai, Idaho.

Lyon, Jason, Acting Director, Nez Perce Cultural Resource Program, to author, October 7, 1999, Lapwai, Idaho.

McGowan, Felix, Watershed Coordinator, Nez Perce Department of Fisheries Resource Management, to author, October 14, 1999, Lapwai, Idaho.

Penney, Michael J., Executive Director, Nez Perce Tribal Executive Committee, to author, October 15, 1999, Lapwai, Idaho.

Pinkham, Allen, U.S. Forest Service Liaison with Nez Perce Tribe, to author, October 15, 1999, Lapwai, Idaho.

Teasley, Jr. Howard, Allotment Forester, Nez Perce Forestry Program to author, October 15, 1999. Lapwai, Idaho.

White, Del, Assistant Secretary-Treasurer, Nez Perce Tribal Executive Committee to author, October 8, 1999, Lapwai, Idaho.

9.5 TRIBAL RESOLUTIONS CITED

NP 79-167. Nez Perce Tribe Creates Nez Perce Tribal Employment Rights Office, December 19, 1978; Amended July 25, 1995. p. 89.

NP 87-35. Nez Perce Tribe Creates Indian Preference Review Board, p. 89.

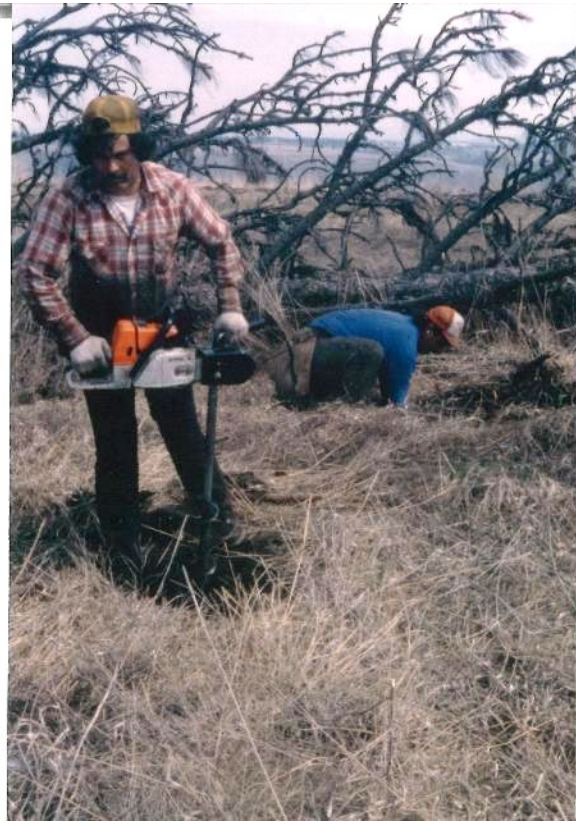
NP 90-255. Nez Perce Tribe Approves Camas Prairie Timber Sale, July 12-13, 1990, p. 56.

NP 93-005. Nez Perce Tribe Authorizes Tramway Fire Salvage Timber Sale, October 19, 1992. p. 59.

NP 97-486. Nez Perce Tribe Authorizes Lower Ford's Creek Timber Sale, May 27, 1997. p. 57.

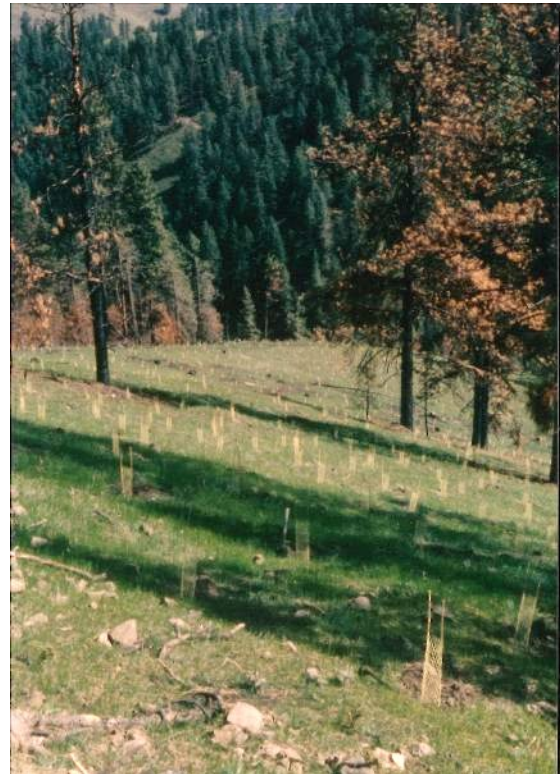
NP 98-339. Nez Perce Tribe Adopts 1998 Forest Management Plan, July 14, 1998, p. 47.

10 PHOTO ESSAY



Above: Auger Planting. Tramway Reserve, 1994.

Big game protection tubes are installed to minimize elk & deer damage. NPT forestry typically install 4" diameter by 24" tall tubes with one or two bamboo stakes to hold in place. These biodegradable tubes remain in place for three years and then removed for free to grow conditions. The Tramway Fire was ignited by a lightning storm on August 19, 1992.



Right: Spring 1993. Post Tramway Fire reforestation.



Left: Post Wildfire Tramway Reserve. Spring 1993.

Below: Skyline harvest system used to salvage burnt and dying trees on steep terrain. Tramway salvage, 1998.





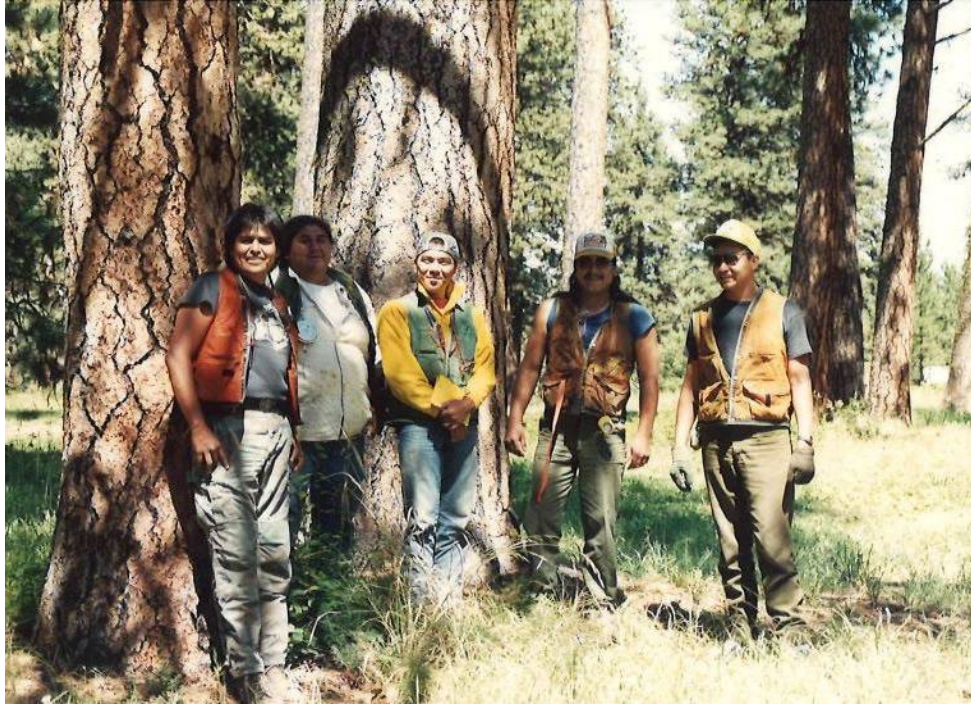
Culdesac Allotments (679, 681, 682A, 682B, & 685) reforestation after salvaging insect killed trees stemming from a Black pineleaf scale (*Dynaspidiotus californicus*) outbreak, 1994.



Mechanical Site preparation to encourage natural regeneration. Cold Springs reserve, summer 1995.



Spot herbicide application Tramway reserve to reduce competing vegetation; thereby, improving tree seedling survival potential.



L to R: Nim McAtty, Richard Broncheau, Jerrod Rickman, Willis Greene, Aaron Miles Sr.

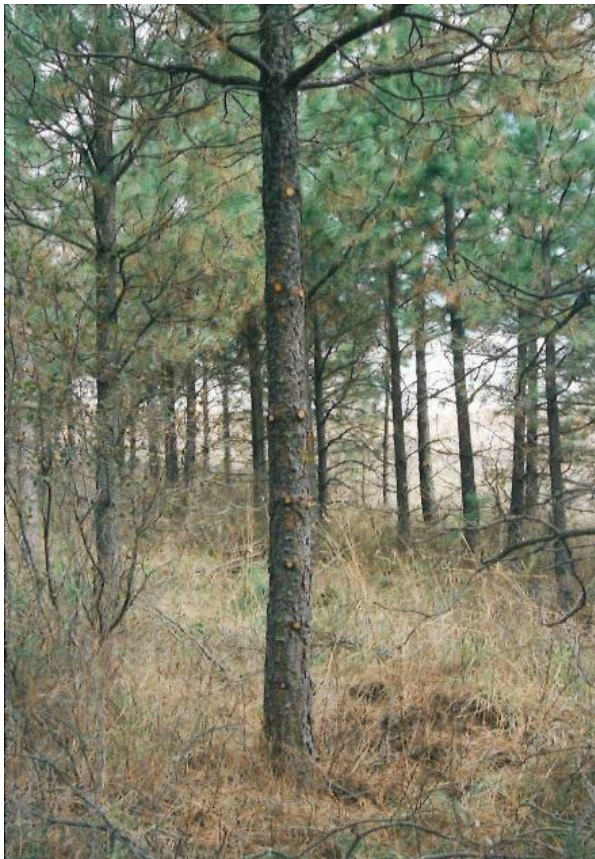


Marking timber in West Winchester reserve to improve forest health (winter 1997).

L to R: Mark Chitt (Forestry Tech), Scott Gasperin (Forestry Director), Dave Bubser (Forester), Maynard Ellenwood (Forestry Tech).



Ponderosa pine seedlings (1-0 plugs) are the primary species planted by Nez Perce Tribal Forestry, with lesser amounts of western white pine, western larch, lodgepole, and Douglas-fir. Spot application of Pronone 25-g herbicide is applied around ponderosa pine seedlings to reduce grass and brush competition. L to R: Maynard Ellenwood, Mark Chuit, Aldo Garcia, unknown (spring 1998).



Pruned tree (9 feet from ground line) in Lookout Reserve (fall 1998). Pruning young trees enhances tree health and disease prevention, reduces wildfire risk, and promotes desired growth (shape and size).



Cone collection in Riverside Reserve. Summer 1992. L to R: Sam George & Scott Moffett. The Forestry & Fire Management division maintains ponderosa pine and Douglas-fir seed stocking for varying elevations. These seeds are stored offsite and grown when needed for reforestation and afforestation projects.



Seed Tree / Shelterwood Treatment in Allotments 807 & 808 east of Talmaks Reserve (fall 1998).



Shelterwood treatment and reforestation site prep. Allotment 1442 (1999).



Allotment 1156 Timber Cutting Permit (1998). L to R: Mike Deyo (contractor) & Howard Teasley Jr. (sale administrator).



Planted hybrid poplar & ponderosa pine on Allotment 1029, spring of 1998. Unfortunately, meadow voles caused 100% mortality. This is the first on only occasion where hybrid poplar was planted on Tribal property.

Above, L to R: Denon Hildreth (Inventory Tech), Dave Bubser (Forester), Aldo Garcia (Forestry Tech), John DeGroot (Inventory Forester), Reggie James (Allotment Owner), Tim Droegmiller (Fuels Tech), Greg Eneas (Forestry Tech), Maynard Ellenwood (Forestry Tech), Jeff Cronic (Forestry Tech Lead), Mark Chuit (Forestry Tech).

Left – Reggie James (allotment owner) pointing at a hybrid poplar pole.



Allotment 965 & 966 timber sale (Ferdinand, ID). L to R: Bill and Carl Frei (contractors) and Horace Axtell (allotment owner). 1998



Allotment 965 & 966 planting ponderosa to extend tree cover, 1998.



Dworshak timber cutting permit (Cavendish Reserve) with sale administrator, Howard Teasley, Nez Perce Tribal Forestry. The Douglas-fir density was 220 sq.ft. basal area and had an average diameter of 11 inches. This stand was commercially thinned to a basal area of 80 sq.ft./acre to release tree crowns on at least three sides thereby improving growth and health, 1998.



Measuring tree taper on a Continuous Forest Inventory Plot (CFI) at 17 feet above high ground during the 1993-1994 CFI project. This information supports modeling efforts related to growth and volume estimations.



Designated wildlife trees were tagged during silvicultural treatments.



Bearing tree with inscribed survey information defining public land survey locations.



This culturally significant tree is referred to as a 'peeled' tree. The Nez Perce removed bark on mature ponderosa pine trees to access the inner cambium layer for food and medicinal purposes.



Participating in an audit tour of the West Winchester timber sale. (fall 1998).

L to R: Greg Eneas (Forestry Tech), Howard Teasley (Sale Administrator), Sheila Simmons (Forestry Tech), Tim Droegmiller (Forestry Tech Lead), Sylvia Harris (Forestry Tech), Mark Chuitt (Forestry Tech).



L to R: Larry Geffre, Sylvia Harris, Brian Kummet, Greg Eneas, Mark Chuitt.

On standby, watching prescribed fire activities during a helicopter ignition operation within the Mission Creek Reserve (fall, 1998). A helicopter may be used for prescribed burning on inaccessible terrain to reduce hazardous fuels and to support reforestation preparations. The Mission Creek Reserve prescribed fire project contracted a helicopter that dispensed chemical-filled ping pong balls as an ignition source.



The image below demonstrates the use of a torch system (helitorch) in the Alpine Reserve, 1983. Helicopters are rarely used on Nez Perce lands due to high operational expenses.





Excessive slash resulting from varying silvicultural treatments are typically piled and burned, mulched, or lopped & scattered.



The Forestry Crew is ready to assess and prep a silvicultural prescription.

L to R: Dan Lawyer (Forestry Tech), Jake Whiteplume (Forestry Tech), Lee Whiteplume (Forestry Tech), Brad Mitchell (Forestry Tech). 1995



Sandy Holt spraying game repellent on a planted tree. This process deters big game (deer and elk) from eating the tree. Cedar shade cards were also used to protect the tree from sun exposure, (Tramway, 1992).





Survival transects are defined and measured to determine seedling survival rates after the first year of establishment.

The Nez Perce Tribe's Forestry and Fire Management division partnered with the USDA Rocky Mountain Research Station, Moscow Idaho and the Spokane Tribe in 1997 to review varying pre-commercial thinning treatments in the Reubens and Cold Springs Reserve.

<https://doi.org/10.2737/RMRS-RP-88>



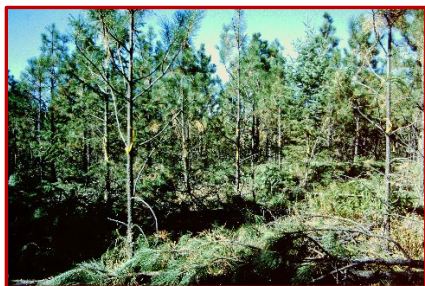
Control



5 feet x 5 feet spacing



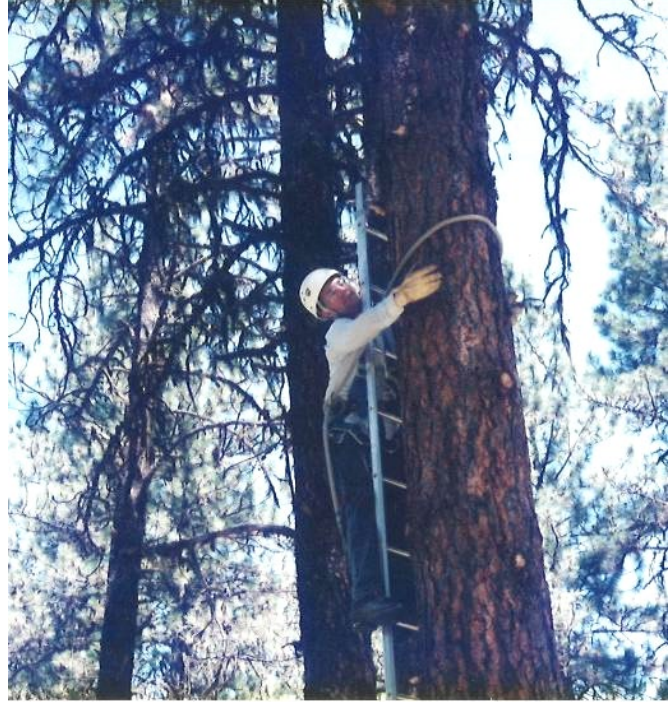
7 feet x 7 feet spacing



10 feet x 10 feet spacing



14 feet x 14 feet spacing



Tree climbing school. Top Left: Larry Geffre (Reforestation Tech); Top Right Brian Kummet (Forester); and Bottom: Instructor with Sam George (Reforestation Crew Member).



Pine engraver beetle (*Ips. Pini*) infestation in a ponderosa pine stand (Talmaks, TU14). These beetles require attention as they can produce multiple generations in one season, often killing trees within 4 to 6 weeks of attack. They generally prefer the thin bark of seedlings to pole sized pine trees or tops of mature trees where the bark is easier to penetrate. Fresh green pine slash should be avoided from January to September.



Douglas-fir dwarf mistletoe (*Arceuthobium douglasii*) is a destructive, native parasitic plant, causing significant growth loss and mortality by pulling water and nutrients from the tree. It causes "witches' brooms" (dense branch clusters). NPT Forestry doesn't suggest leaving these trees during a silvicultural treatment event as this parasite can spread to other trees, stunt tree height, reduce stem diameter, wood deformation, and increase susceptibility to insects and disease.



Moderate to severe Douglas-fir beetle (*Dendroctonus pseudotsugae*) infestation in an overstocked Douglas-fir stand. Increased tree densities will increase tree stress due to increased nutrient competition. (Allotment 802)



Varying equipment is used to implement silvicultural treatments. Right: This Valmet harvester is used to treat the project area. Slash mats are used in conjunction with tracks to minimize or prevent soil compaction and rutting.



Above: Processor slide boom delimber used to fell trees, delimb, and cut into desired length. (North Winchester, 1995).



L to R Above: Shovel Logging is a low-impact timber harvesting method where a tracked log loader picks up and swings logs from the felling site to the landing (Five Mile Reserve, 1995). A rubber-tired skidder is an articulated machine used to transport felled trees to a landing area (Mudsprings Reserve, 1996).



Helicopter logging is a practice rarely used due to its high cost (~\$10,000 per hour). It is usually most viable for harvesting high-valued timber on steep terrain. There have been two helicopter harvest operations on Tribal lands during the 1990s: Mission Creek Reserve (1996) and Kooskia Reserve (1997 pictured).



Nez Perce Tribal Forestry and Fire Management personnel foster a healthy forested environment. However, Nez Perce Tribal lands have been historically shaped by fire. Dry summer conditions and dry lightning are oftentimes detrimental to achieving desired conditions.

11 APPENDIX A: NPT EXECUTIVE COMMITTEE AND NR SUBCOMMITTEE

Year	Nez Perce Tribal Executive Committee Members	Natural Resources Sub-Committee Members
1989	Allen V. Pinkham, Chairman Del T. White, Vice-Chairman Brenda White, Secretary Julia A. Davis, Treasurer Albert Pinkham, Jr., Asst. Sec/Tres. Charles H. Hayes, Chaplin Samuel N. Penney Virgil D. Holt Gordon Higheagle Bill Picard	Del T. White, Chairman Albert Pinkham, Jr. Virgil Holt Brenda L. White
1990	Charles H. Hayes, Chairman Samuel N. Penney, Vice-Chairman Julia A. Davis, Secretary Virgil D. Holt, Treasurer Brenda L. White, Asst. Sec/Tres. Allen P. Slickpoo, Sr., Chaplain Del T. White Brenda L. White Bill Picard	Allen P. Slickpoo, Sr., Chairman Brenda L. White Wilfred A. Scott Del T. White

1991	Charles H. Hayes, Chairman Samuel N. Penney, Vice-Chairman Julia A. Davis, Secretary Virgil D. Holt, Treasurer Wilfred A. Scott, Asst. Sec/Tres. Allen P. Slickpoo, Sr., Chaplain Del T. White Brenda L. White Bill Picard	Allen P. Slickpoo, Sr., Chairman Brenda L. White Wilfred A. Scott Del T. White
1992	Samuel N. Penney, Chairman Charles H. Hayes, Vice-Chairman Julia A. Davis, Secretary Barry Moffet, Treasurer Bill Picard, Asst. Sec/Tres Robert Kipp, Chaplain Del T. White Allen P. Slickpoo, Sr. Levi Holt	Del T. White, Chairman Robert Kipp Charles H. Hayes Allen P. Slickpoo, Sr.
1993	Samuel N. Penney, Chairman Julia A. Davis, Vice-Chairman Brenda L. White, Secretary Barry Moffett, Treasurer Bill Picard, Asst. Sec/Tres Del T. White Levi Holt Robert Kipp	Bill Picard, Chairman Del T. White Brenda White Levi Holt Robert Kipp

1994	Charles H. Hayes, Chairman Samuel N. Penney, Vice-Chairman Brenda L. White, Secretary Julia A. Davis, Treasurer Bill Picard, Asst. Sec/Tres Della Wheeler, Chaplain Del T. White Levi Holt Barrett J. Moffet	Del T. White, Chairman Bill Picard Barrett J. Moffett Brenda L. White Levi J. Holt
1995	Samuel N. Penney, Chairman Charles H. Hayes, Chairman Brenda L. White, Secretary Julia A. Davis, Treasurer Del T. White Bill Picard Della Wheeler Tony Garcia	Tony Garcia, Chairperson Del T. White Wilfred A. Scott Della Wheeler
1996	Samuel N. Penney, Chairman Wilfred A. Scott, Vice Chairman Tony Garcia, Secretary Jaime A. Pinkham, Treasurer Arthur M. Taylor, Jr. Asst. Sec/Teas. Carla Higheagle, Chaplain Julia A. Davis Del T. White Della Cree	Del T. White, Chairman Carla Higheagle Arthur M. Taylor, Jr. Wilfred A. Scott Tony Garcia Jaime Pinkham

1997	Samuel N. Penney, Chairman Wilfred A. Scott Carla Higheagle Jaime A. Pinkham M. Simone Wilson Arthur M. Taylor, Jr. Julia A. Davis Del T. White Tony Garcia	Tony Garcia, Chairperson Del T. White Arthur M. Taylor, Jr. Jaime A. Pinkham M. Simon Wilson Wilfred A. Scott
1998	Samuel N. Penney, Chairman Wilfred A. Scott, Vice Chairman Carla Higheagle, Secretary Jaime A. Pinkham, Treasurer Julia A. Davis, Asst. Sec/Tres. M. Simone Wilson, Chaplain Arthur M. Taylor, Jr. Del T. White James L. Holt	Carla Higheagle, Chairperson Arthur M. Taylor, Jr. M. Simone Wilson Jaime A. Pinkham Del T. White James L. Holt Julia A. Davis Wilfred A. Scott
1999	Samuel N. Penney, Chairman Wilfred A. Scott, Vice Chairman Julia A. Davis, Secretary Jaime A. Pinkham, Treasurer Del T. White, Asst. Sec/Tres. M. Simone Wilson, Chaplain Arthur M. Taylor, Jr. James L. Holt Anthony D. Johnson	James L. Holt, Chairman Arthur M. Taylor, Jr. Julia A. Davis Jaime A. Pinkham Wilfred A. Scott M. Simone Wilson

12 APPENDIX B: BUREAU OF INDIAN AFFAIRS AND TRIBAL PERSONNEL

12.1 BUREAU OF INDIAN AFFAIRS

Assistant Secretary of Indian Affairs

Eddie F. Brown,	1989-1993	(Appointed by: George Bush)
Ada Deer,	1993-1997	(Appointed by: Bill Clinton)
Kevin Gover,	1997-present	(Appointed by: Bill Clinton)

Chief, Division of Forestry

Marshall Cutsforth,	1984-1992
Terrance Virden,	1992-1993
James Howe,	1993-1995
Arch Wells,	1995-present

Directors, Northwest Regional Office

Stanley Speaks,	1989-present
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Regional Foresters, Northwest Regional Office

George Smith,	1989-1994
Clarence Holford,	1994-present

Superintendents, Northern Idaho Agency

Gordon Cannon,	1986-1991
Karole D. Overberg,	1992-1995
Elliot L. Moffet,	1997-present

12.2 NEZ PERCE TRIBAL STAFF

DNR Managers

Roger Van Houten,	1987-1989
Jaime Pinkham,	1990-1994
Keith Lawrence & Jack Bell,	1995-1998 (Interim)
Aaron Miles Sr.	1999-present

Directors, NPT Forest Management Program

John DeGroot,	1988-1990 (Interim)
Scott Gasperin,	1991-1998
John DeGroot,	1998-present

13 APPENDIX C: FIRE CAUSES (1989-1999)

Year	Fire Name	Cause	Fire ID	Acres
1989	Tramway	Natural	442705	0.1
1990	Sweetwater	Human	442714	230
	Beaver Grade	Human	442715	365
	Tahoe	Human	442716	0.1
	Tom Beall	Natural	442717	100
1991	Talmaks	Human	442723	0.1
	Housing	Human	442725	2
	Thunder Hill	Human	442726	1
	Domebo	Human	442727	3
1992	Marker 62	Natural	442761	1,654
1993	Bear Bait	Human	442763	1.1
	Weyer	Human	442764	0.5
1994	Stevens	Human	442769	4
	Sweetwater	Human	442777	40
	Whitebird	Human	442780	100
	Paul Fire	Human	442789	1
	Pinkham	Human	442795	10
	Reubens	Human	442798	10
	Watters	Human	442804	0.5
	Reserve	Natural	442809	0.1
	Tahoe	Natural	442810	0.1
	Star Cedar	Human	442811	0.1

1995	Lapwai Creek	Human	442812	5
	Sweetwater	Human	442814	0.4
	Reuben	Human	442820	1
	Soldiers	Human	442821	80
	Old Grade	Natural	442823	0.1
	Sweetwater	Human	442824	40
	Lapwai	Human	442825	0.9
1996	Domeboone	Human	442828	0.2
	Tom Beall	Human	442831	0.5
	Hill Fire	Human	442833	150
	Dunn Fire	Human	442842	0.5
	Ellenwood	Human	442845	0.5
	Sharris	Natural	442850	15
	Sharris	Natural	442851	0.2
	Upper Fords	Human	442852	20
	Mohler	Human	442853	8
	Allot 780	Human	442854	40
1997	Weigh Station	Human	442858	0.1
	Webb Dump	Human	442861	1
	Lapwai	Human	442863	0.2
	Grainery	Human	442864	0.2
	Sweat	Human	442865	0.1
	Dumbo	Human	442866	0.1
	Webb	Human	442867	0.1

1998	Lapwai	Human	442876	0.1
	Sweet	Human	442880	0.1
	Old Road	Human	442885	0.4
	Dumpster	Human	442888	0.1
	Ash	Human	442889	0.2
	Rail	Human	442893	5
	Beardy	Human	442896	500
	Spalding	Human	442898	2
	Lightning	Natural	442901	0.5
	Reflector	Natural	442902	0.2
	Old 62	Natural	442903	16
	Watershed	Human	442904	1
	Cottonwood	Human	442912	3
1999	Lot	Human	442923	0.1
	Thunder	Human	442924	0.1
	Ash	Human	442925	0.1
	Alva	Human	442926	0.1
	LoneFir	Human	442927	10
	Antell	Human	442928	1.5
	LoneFir2	Human	442929	5
	Stump	Human	442930	0.1
	WebbSmoke	Human	442935	0.2
	Boyer	Human	442936	2
	MM295	Human	442938	1
	Eagle Creek	Human	442940	1
	Ezekiel	Human	442943	2

1999	Obrien Rd	Human	442944	1.7
	Winona	Natural	442945	0.1
Total				3,440

14 APPENDIX D: GLOSSARY²⁵⁰

Add-On Funds: Special funds appropriated annually used to fund specific projects or activities.

Afforestation: Activities performed with the goal of establishing a stand of trees in an area that had not been previously stocked by trees.

Age Class: A group of trees according to their age, usually in broad categories.

Annual Allowable Cut: Quantity of timber scheduled to be removed in a year.

Bark Beetle: Small, cylindrical beetle of the family Scolytidae, the adult of which bores into and beneath the bark of various trees to lay eggs.

Basal Area: The cross-section area of a tree expressed in square feet measured at breast high.

Board Feet: A plank of wood that is one inch thick and 12 inches square containing 144 cubic inches of wood.

Bole: A tree stem that has grown to a substantial thickness capable of yielding sawtimber, veneer logs, or large poles.

Buffer Strip or Buffer Zone: Strip of uncut timber of undisturbed area left between cutting units or adjacent to other another resource. Also known as a green strip or streamside management zone.

Clear Cut: Silvicultural system where all merchantable trees are cut and removed.

Commercial Forest Land: Forest land that is producing or capable of producing crops of industrial wood and is administratively available for intensive forest management and sustained timber production without irreparable damage to site productivity.

Congressional Add-Ons: Special funds appropriated by Congress which have parameters and are used to fund special projects.

Containerized Seedlings: A group or class of seedlings that are grown in individual pots, usually in greenhouses and that are lifted or extracted from their containers and planted with a plug of potting mixture and roots.

Continuous Forest Inventory CFI: Installation and periodic measurement of permanent sample plots to quantify growth, volume, mortality, and other trends.

Cutting Budget: A list, generally listing compartment priority, of the areas and volumes to be cut annually or periodically.

Cutting Cycle: For a crop or stand, the planned, recurring lapse of time between successive cuttings.

Diameter Breast High (DBH): Diameter breast high on a tree and measured at a point 4.5 feet above the ground level on the uphill side of the tree on normally formed trees.

Diameter Inside Bark (DIB): Diameter measurement of a standing tree or log in which the estimated or actual thickness of the bark is discounted.

²⁵⁰ Based on glossary in the Nez Perce "Forest Management Plan", 1998. n.p.

Even-aged Forest: A forest crop or stand composed of trees having no or relatively small difference in age. The maximum difference in age permitted in an even-aged stand is generally 10 to 20 years, although where the stand will not be harvested until it is over 100 years old, differences up to 30 percent of the rotation age may be allowed.

Fixed Area Plots: Sample plots used for cruising timber in which all plots have a specified size. All trees which fall within the area of the plot are sampled.

Forest Land: Land at least 16.7 stocked by trees of any size or formerly having such tree cover and not currently developed for non-forest use.

Forest Resources: 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.

Forest Stand: A community of trees possessing sufficient uniformity as regard to composition, age, arrangement, or condition to be distinguishable from adjacent communities. Currently forest stands are mapped and inventoried as operational units which will receive uniform silvicultural treatment at a single point in time.

Forest Trespass: The act of illegally removing forest products from or illegally damaging forest products on forest lands.

Forest Types: A classification of forest lands based upon species or a combination of species forming most of the live tree stocking.

Habitat Type: The aggregate of all areas which support or can support the same vegetative climax community.

Leave Trees: Trees left standing after timber has been felled in a cutting unit.

Log Scale: Measure of volume of wood in a log or logs, usually expressed in board feet and based on various log scaling rules.

Management Unit: An area stratification of the inventory unit based on defined boundaries that comply logically with management planning, e.g. for timber sale planning purposes, cultural operations, etc.

Marking: Selecting and indicating, by paint spot, the trees to be cut or left in a timber cutting operation. Different color paints are used to indicate cut trees and leave trees.

Mature Timber: Stand of trees that have attained an age or size that satisfies the primary economic goal for which it is managed.

MBF: Thousand board feet.

Measured Growth: Growth that has been measured either by extraction of increment cores or by remeasurement of trees on permanently established plots.

Merchantable: Logs exceeding a minimum size and minimum usable volume that are suitable for sale.

Mortality: Number or sound-wood volume of live trees dying from natural causes during growth measurement period; includes trees cut by man and not used for specified purposes.

Noncommercial Forest Land: Forest land that is available for extensive management but is not capable of producing industrial wood.

Timber Land: Forest land stocked or capable of being stocked with tree species that are regionally used for lumber and veneer products.

Multiple Use Forestry: Concept of forest management that combines two or more objectives, such as production of wood or wood-derivative products, forage, and browse for domestic livestock, proper environmental conditions for wildlife, landscape effects, protection against floods and erosion, recreation, and protection of water supplies.

Multiple-Use Management: Management of land resources with the objective of achieving optimum yields of products and services from a given area without impairing the productive capacity of the site for other uses.

Natural Regeneration: Renewal of the forest achieved either by natural seeding or from the vegetative reproduction of plants at the site.

Overmature: Point at which timber has begun to lessen in commercial value because of size, age, decay, or other factors.

Overstory: Layer of foliage in a forest canopy including the trees in a timber stand. Tall mature trees that rise above the shorter, immature understory trees.

Phototype: Category of forest or other land use defined primarily by its vegetative composition as determined through aerial photointerpretation.

Pre-commercial Thinning: Cutting of trees from a young stand so that the remaining trees will have more room to grow to marketable size. Trees cut in pre-commercial thinning have no commercial value and normally none of the trees are removed for utilization.

Prescribed Burning: Deliberate use of fire conditions where the area to be burned is predetermined and the intensity of the fire is controlled.

Pulp: Mechanically ground and chemically digested wood used in manufacturing paper and allied products.

Reforestation: Activities performed with the goal of establishing a new stand of trees in areas that have previously been stocked with trees but were removed entirely or partially, due to logging activities, wildfire, insects and disease, or other disasters.

Regeneration: Renewal of tree crops, either by natural or artificial means. Young tree crop.

Regulated Forest: A forest under sustained yield management with regular cuttings governed by the growth of the forest.

Right-of-Way: Strip of land on which a road is to be constructed.

Root Rot: Disease that destroys tree roots, often killing the tree.

Rotation: Period of years between establishment of a timber stand and the time when it is considered ready for final harvest and regeneration.

Salvage Logging: The exploitation of trees that are dead, dying, or deteriorating before the timber becomes worthless.

Sanitation Operations: Activities designed to reduce or remove dead, damaged, or those species susceptible to attack, for the purpose of reducing the risk and spread of insects and disease.

Scale: To measure the weight or volume of a log or a load of logs.

Scaling: Determination of the gross and net volume of logs using the customary volumetric unit for the products involved.

Scribner Rule: The common board feet log rule used in determining volume of sawtimber in the Western States.

Second Growth: Trees that come up naturally after the first growth of timber has been cut or destroyed by fire.

Seed Tree: Tree that produces seeds. Usually, a superior tree left standing at the time of cutting to produce seeds for natural reforestation.

Selection Cutting: Cutting only a portion of the trees in the stand, usually those marked or designated by a forester.

Shelterwood System: Even-aged silvicultural system in which a new stand is established under the protection of a partial canopy of trees. The mature stand is usually removed in a series of two or more cuts, the last of which occurs when the new even-aged stand is established.

Silviculture: Generally, the science of growing and tending forests based on the knowledge of silvics, the study of life history and general characteristics of forests and forest stands.

Site: Refers to an area considered in terms of its environment, particularly as this determines the type and quality of vegetation the area can carry; can be classified quantitatively into site classes by their potential to produce primary wood products.

Site Preparation: Removal or deadening of unwanted vegetation prior to planting trees; includes prescribed burning, use of herbicides, disking and other mechanical means of removing vegetative cover.

Slash: Residue from logging activities from natural breakup of stand caused by insects, disease, weather, etc. Slash includes logs, stems, heavier branch wood, stumps, etc.

Snag: Standing dead tree from which the leaves and most of the branches have fallen.

Soil Compaction: Increased soil density resulting from the packing effect of machines moving over the soil. Compaction disturbs the soil structure and can cause decreased tree growth, increased water runoff, and soil erosion.

Stand Improvement: Measures such activities as thinning, pruning, fertilization, release cutting, girdling, weeding, or poisoning of unwanted trees to improve growing conditions for desired trees.

Stocking: The relative degrees of occupancy of land by trees measured by basal area or the number of trees in a stand, by size or age and spacing, compared to the basal area or number of trees required to fully utilize the growth potential of the land.

Stumpage: Standing timber as viewed by the exploiter. Stumpage is the value of timber as it stands uncut.

Succession: The gradual replacement of one group of plants by another.

Sustained Yield: The forest products a forest can produce continuously at a given intensity of management.

Ten Percent Money/Funds: Ten percent of the stumpage receipts received from the sale of timber that are available to the Forestry Program for the management and administration of those lands as authorized in CFR 163.25.

Thinning: Cuttings made in immature stands to stimulate the growth of trees that remain and to increase the total yield of useful material from the stand.

Timber Stand Improvement (TSI): Intermediate treatments of a forest stand prior to reaching mature rotation age, generally for the purpose of improving growing conditions or controlling stand condition.

Understory: Foliage layer of forest trees beneath the forest canopy.

Uneven-aged Forest: A forest crop or stand composed of intermingled trees of all ages and sizes.

Uneven-aged Management: Silvicultural system in which the individual trees originate at different times and results in a forest with trees of all ages and sizes. Harvest cuts are on an individual tree selection basis.

Utilization Standards: Minimum size specifications of marketable forest products established by harvest and production technology of forest industry.

Volume: The board feet (Scribner) or cubic content in a tree's bole from stump height to a specified top diameter exclusive of bark.

Water Bar: Shallow channel laid diagonally across the surface of a road to lead water off the road and prevent soil erosion.

Yard: Place where logs are accumulated.

Yield: Estimate of the amount of wood that may be harvested from a particular type of forest stand by species, site, stocking, and management regime at various stages.

15 APPENDIX E: TIMBER SALES AND PERMITS (1989-1999)

Year	Sale Name	Value	Volume (MBF)	Parcel Type	Harvest Type
1989	Cavendish I	\$103,504.00	2,476.0	Tribal	Timber Sale
1989	Tram Insect Salv.	\$48,250.28	646.4	Tribal	Timber Sale
1989	Woodland	\$216,830.52	3,150.4	Tribal	Timber Sale
1989	TU 46 & 47	\$35,022.00	943.0	Tribal	Timber Sale
1990	Cavendish II	\$232,196.29	3,499.0	Tribal	Timber Sale
1990	Northern Tramway Salvage	\$100,743.19	2,777.8	Tribal	Timber Sale
1990	Camas Prairie Allotments T.S.	\$65,371.92	645.3	Allotment	Timber Sale
1990	TU 49 Powerline TCP	\$1,860.00	28.0	Tribal	TCP
1990	Allot. 1901 Powerline TCP	\$1,515.00	25.0	Allotment	TCP
1990	Allot. 863 ROW TCP	\$136.97	1,724.0	Allotment	TCP
1990	Allot 1743 Insect Salvage TCP	\$1,950.00	60.0	Allotment	TCP
1990	TU 49 Insect Salvage TCP	\$1,200.00	40.0	Allotment	TCP
1990	Allot 1750 Salvage TCP	\$1,427.00	50.0	Allotment	TCP
1990	Allot 1867A TCP	\$4,231.05	64.0	Allotment	TCP
1990	Allot 3005 TCP	\$5,708.00	200.0	Allotment	TCP

1990	Allot 1874/1875 Insect Salv. TCP	\$5,046.10	239.0	Allotment	TCP
1991	Camas Prairie T.S.	\$1,188,219.65	18,004.0	Tribal	Timber Sale
1991	Cavendish Blowdown Salvage TCP	\$2,100.00	42.0	Tribal	TCP
1991	Allot. 1736/1737 Insect Salv. TCP	\$1,620.00	26.0	Allotment	TCP
1991	Allot 862 TCP	\$7,701.50	73.0	Allotment	TCP
1991	Allot 1836/1739 Insect Salv. TCP	\$40.00	8.0	Allotment	TCP
1991	Allot 1866 Insect Salvage TCP	\$2,260.00	58.0	Allotment	TCP
1991	Allot 1729 Blowdown TCP	\$640.00	17.0	Allotment	TCP
1991	Allot 1862/1852 Insect Salv. TCP	\$340.00	17.0	Allotment	TCP
1991	Allot 1759 Blowdown TCP	\$300.00	12.0	Allotment	TCP
1991	Allot 1861B Insect Salvage TCP	\$460.00	23.0	Allotment	TCP
1991	Allot 1835 Blowdown Salv TCP	\$750.00	15.0	Allotment	TCP
1991	Allot 1747	\$525.00	10.0	Allotment	TCP
1991	Allot 1744 Insect Salvage TCP	\$4,500.00	96.0	Allotment	TCP
1991	Allot 1874/1875	\$6,078.80	81.0	Allotment	TCP
1992	West Winchester (Health) TCP	\$130.00	1.3	Tribal	TCP
1992	Cavendish Allots TCP	\$10,863.70	107.6	Allotment	TCP

1992	East Kamiah T.S.	\$141,260.70	870.5	Tribal	Timber Sale
1992	Ferdinand Allots. T.S.	\$106,120.00	761.0	Allotment	Timber Sale
1992	Allot 1267 T.S.	\$58,259.40	365.0	Allotment	Timber Sale
1993	Cold Springs ROW TCP	\$282.50	32.5	Tribal	TCP
1993	Hazard Removal-Allot 38 TCP	\$594.87	6.0	Allotment	TCP
1993	Tramway Reserve-ROW TCP	\$2,418.45	16.9	Tribal	TCP
1993	TU27 SW/OSR TCP	\$16,770.00	258.0	Tribal	TCP
1993	TU 43 (Ponozo) TCP	\$10,909.65	40.9	Tribal	TCP
1993	North Winchester T.S.	\$519,023.26	1,884.6	Tribal	Timber Sale
1993	Tramway Fire Salvage T.S.	\$514,346.59	4,283.2	Tribal	Timber Sale
1993	Tramway Fire Salvage T.S.	\$25,102.22	91.6	Allotment	Timber Sale
1993	Cottonwood Creek Allot. T.S.	\$99,207.43	353.5	Allotment	Timber Sale
1993	Riverside South	\$187,496.60	1,271.0	Tribal	Timber Sale
1994	Talmaks Campground TCP	\$26,262.86	166.0	Tribal	TCP
1994	Allot 808 TCP	\$3,600.00	10.2	Allotment	TCP
1994	Cold Springs Salvage TCP	\$5,415.00	34.0	Tribal	TCP
1994	Cold Springs Salvage TCP	\$1,901.11	13.0	Allotment	TCP

1994	Peck Burn Salvage TCP	\$4,571.00	44.0	Tribal	TCP
1994	Allot 1744 TCP	\$11,147.45	58.3	Allotment	TCP
1994	Allot 3005 TCP	\$11,578.90	59.6	Allotment	TCP
1994	North Winchester Cone Coll. TCP	\$15,741.31	56.7	Tribal	TCP
1994	TU 43 TCP	\$1,485.00	3.6	Tribal	TCP
1994	Greer Grade Allot. T.S.	\$82,426.80	237.1	Allotment	Timber Sale
1994	Black Pine Cabin T.S.	\$42,704.62	263.0	Fee	Timber Sale
1994	Gilbert Grade III	\$546,782.27	3,797.4	Tribal	Timber Sale
1994	Sweetwater Burn Pile TCP	\$559.52	15.4	Fee	TCP
1995	Amos Bench Salvage TCP	\$3,801.80	58.6	Allotment	TCP
1995	TU 321 Salvage TCP	\$900.00	6.8	Tribal	TCP
1995	Peck Blowdown TCP	\$3,983.00	37.8	Tribal	TCP
1995	Black Pine Cabin Salvage	\$7,691.10	37.6	Fee	TCP
1995	TU 20 Salvage TCP	\$217.02	8.9	Tribal	TCP
1995	Reubens Reserve Salvage TCP	\$12,570.52	178.0	Tribal	TCP
1995	Cold Springs West Blowdown TCP	\$4,663.16	40.8	Tribal	TCP
1995	Isaac Bonaparte	\$5,474.26	60.4	Allotment	TCP

1995	TU 31 Salvage TCP	\$4,190.54	32.0	Tribal	TCP
1995	TU 25 Salvage TCP	\$4,009.92	24.6	Tribal	TCP
1995	Allot 1455 TCP	\$13,931.16	41.8	Allotment	TCP
1995	Limestone Quarry T.S.	\$20,553.73	88.0	Tribal	Timber Sale
1995	Winchester East Tribal T.S.	\$188,874.16	836.0	Tribal	Timber Sale
1995	Allot 1701A & 1702	\$63,531.32	31.2	Allotment	Timber Sale
1995	Allot 3071 SATCP	\$2,584.61	98.8	Allotment	TCP
1995	3183 SATCP	\$859.04	17.4	Allotment	TCP
1995	Box Canyon	\$585,611.78	3,330.8	Tribal	Timber Sale
1995	Cold Springs East Blowdown	\$12,616.69	145.9	Tribal	TCP
1995	Croson-Rawls	\$7,861.07	443.0	Fee	Timber Sale
1995	Tramway Blowdown	\$9,079.27	88.0	Tribal	TCP
1995	Woodland Blowdown TCP	\$20,395.88	127.9	Tribal	TCP
1996	Greer Grade Salvage TCP	\$3,749.97	21.0	Allotment	TCP
1996	Allot. 1447 Blowdown TCP	\$280.00	2.8	Allotment	TCP
1996	Powerline TCP	\$2,621.00	10.1	Allotment	TCP
1996	1852 Salvage TCP	\$1,200.00	20.0	Allotment	TCP

1996	Allot 1765 T.S.	\$44,501.91	316.2	Allotment	Timber Sale
1996	Allot 1852 Salvage	\$1,362.00	22.7	Allotment	TCP
1996	Alpine/Five Mile	\$627,611.64	4,285.6	Tribal	Timber Sale
1996	East Kamiah Salvage	\$3,343.90	32.3	Tribal	TCP
1996	Flat Iron TCP	\$14,210.96	137.7	Fee	TCP
1996	Kidder Ridge	\$236,802.43	1,403.9	Tribal	Timber Sale
1996	Mission Creek	\$242,771.98	2,247.5	Tribal	Timber Sale
1996	Mud Springs/Talmaks	\$1,146,732.33	6,700.1	Tribal	Timber Sale
1996	Reubens Blowdown II	\$21,919.59	112.9	Tribal	TCP
1996	Upriver	\$287,093.10	1,971.5	Tribal	Timber Sale
1997	Allot 1447/1448	\$59,342.18	191.6	Allotment	Timber Sale
1997	Allot 1378	\$10,009.41	64.8	Allotment	TCP
1997	Allot 1442 Timber Sale	\$40,600.35	145.0	Allotment	Timber Sale
1997	Allot 1638A SATCP	\$4,454.66	36.0	Allotment	TCP
1997	Allot 1664 & 1666	\$12,592.57	58.1	Allotment	TCP
1997	Allot 1729 Salvage	\$2,231.45	13.6	Allotment	TCP
1997	Allot 1838 Salvage	\$9,524.00	81.6	Allotment	TCP

1997	Allot 1856 Salvage	\$7,565.07	51.0	Allotment	TCP
1997	Allot 1866 OSR	\$23,595.00	72.4	Allotment	TCP
1997	Allot 1902 Salvage	\$9,951.70	58.7	Allotment	TCP
1997	Allot 1591, 1552, 1593	\$68,683.18	251.7	Allotment	Timber Sale
1997	Allot 1889A SATCP	\$5,474.26	60.4	Allotment	TCP
1997	Lower Fords Creek	\$867,512.33	4,310.3	Tribal	Timber Sale
1997	Reubens Blowdown III North	\$13,005.59	64.0	Tribal	TCP
1997	Reubens Blowdown III South	\$24,397.43	182.0	Tribal	TCP
1997	Seven Mile Allotments	\$63,959.58	204.8	Allotment	Timber Sale
1997	Storr TCP	\$326.59	1.6	Tribal	TCP
1997	TU 9 Salvage	\$870.24	7.8	Tribal	TCP
1997	Waha Fee Tresspass	\$666.23	3.0	Fee	Timber Sale
1997	Waha Lake TCP	\$4,230.28	24.6	Fee	TCP
1997	Winchester East Allot Salvage	\$2,180.04	19.6	Allotment	TCP
1997	Winchester East Allot	\$189,048.88	670.1	Allotment	Timber Sale
1998	Allot 1638A TCP	\$2,303.76	15.0	Allotment	TCP
1998	Allot 1156	\$7,482.48	46.9	Allotment	TCP

1998	Allot 1737 Blowdown	\$996.00	5.0	Allotment	TCP
1998	Allot 1862B & 1862	\$8,479.65	39.3	Allotment	TCP
1998	Allot 807 & 808	\$60,325.70	208.5	Allotment	Timber Sale
1998	Allot 965 & 966	\$36,200.53	276.2	Allotment	Timber Sale
1998	Allot 1638A SATCP 04-98	\$777.37	191.0	Allotment	TCP
1998	Dworshak TCP	\$6,416.34	41.3	Tribal	TCP
1998	Gilbert Grade ROW TCP	\$2,341.37	8.8	Tribal	TCP
1998	Maloney Cr. Trespass	\$50.00	0.5	Fee	Trespass
1998	Reubens Twin TCP	\$26,287.66	95.9	Tribal	TCP
1998	Talmaks Blowdown TCP	\$10,897.74	57.7	Tribal	TCP
1998	Upper Riverside Blowdown TCP	\$6,657.09	44.2	Tribal	TCP
1998	WWP Powerline TCP	\$1,894.10	8.3	Tribal	TCP
1998	Waha # 5 Timber Sale	\$172,800.41	1,232.8	Fee	Timber Sale
1999	Allot. 1665 Salvage TCP	\$2,003.03	27.3	Allotment	TCP
1999	Lower Fords Creek TCP	\$4,515.72	19.0	Tribal	TCP
1999	Allot 1276 & 1277 TCP Tribal	\$19,597.20	101.2	Tribal	TCP
1999	Allot 1665 Salvage	\$2,003.03	27.3	Allotment	TCP

1999	Allot 1736 TCP ROW	\$1,152.00	3.6	Allotment	TCP
1999	Allot 1836 Salvage TCP	\$68.49	0.4	Allotment	TCP
1999	Allot 1861A TCP	\$6,023.88	43.5	Allotment	TCP
1999	Allot 1890	\$19,611.42	100.1	Allotment	TCP
1999	Allot 3178	\$77.93	30.3	Allotment	TCP
1999	Amos Bench	\$28,658.12	179.5	Allotment	Timber Sale
1999	Big Canyon TCP	\$9,095.97	134.1	Allotment	TCP
1999	Lower Fords Creek TCP	\$3,531.92	19.0	Tribal	TCP
1999	Upper Tramway Salvage	\$12,045.34	44.5	Tribal	TCP
1999	Craig Mountain T.S.	\$86,272.64	593.2	Fee	Timber Sale
1999	Crockett Bench Salvage TCP	\$6,002.30	19.3	Tribal	TCP