



## Bureau of Indian Affairs Fiscal Year 2015 Reserved Treaty Rights Lands Plan

### **Purpose**

Beginning in FY 2015, Fuels Management Funding has been appropriated for the purpose of treating and restoring tribal landscapes within and adjacent to reserved treaty right lands. As stated in the Fiscal Year 2015 Wildland Fire Management Budget Justification, treaties with Native American tribes establish a unique set of rights, benefits, and conditions for Tribes. Like other treaty obligations of the United States, Indian treaties are considered to be “the supreme law of the land,” and are the foundation upon which Federal Indian law and Federal Indian trust relationship are based.

Within the various processes utilized to established tribal and native organizations relationships with the United States government, retention of ancestral rights remains a common recognized connection. Examples include but are not limited to religious and cultural use, hunting, fishing and gathering. For many Tribes, the reserved rights areas fall under the management of other Federal agencies and in some cases Tribes share co-management rights with Federal agencies. Federal agencies may not share the same priorities for landscape restoration as tribes or, may agree with Tribal priorities but not have the funds to manage for Tribal priorities. The Department’s Reserved Treaty Right Lands (RTRL) program enables Tribes to participate in collaborative projects with non-Tribal landowners to enhance the health and resiliency of priority tribal natural resources at high risk to wildland fire.

### **Funding Source**

The RTRL allocation is provided to the Bureau of Indian Affairs (BIA) through the Department’s Wildland Fire Management appropriation. It is made available through the Fuels Management Program, and was described in the Fiscal Year 2015 Wildland Fire Management Budget Justification. As stated earlier, the intent of the RTRL program is to meet DOI trust responsibilities for ancestral areas that are tribal resource management priorities at high risk to Wildland fire. RTRL funding provided to the BIA will be leveraged with other Tribal, federal, state, county, or private sector funds. With an emphasis of restoration of priority Tribal landscapes a significant amount of cooperation, coordination, and collaboration among Tribes and other stakeholders will be required in order to maximize the benefit of cost share agreements.

### **Collaboration**

Because of the unique nature of each Tribal government and the individualized Tribal standings with the United States government, great latitude will be afforded with the development and implementation of collaboration agreements. These may include agreements with other federal agencies to transfer funding from the BIA or Tribe to conduct work within reserved treaty rights lands; cost share



agreements with federal, state, or private lands bordering Tribal trust lands; or complex agreements tied to other federal authorities such as the Tribal Forest Protection Act. Collaborative agreement's intent is to facilitate comprehensive land management treatments that are designed to positively affect reserved treaty rights resources while moving Tribal priority landscapes to desired future conditions and long term ecologic resilience to wildland fire.

### **Program Initiation**

RTRL is a new program within the BIA's Fuels Management Program. Initial RTRL activities will focus on establishment of need and the development of plans and agreements with collaborators that will guide project requirements. In addition to fiscal and approval planning, project requirements will include obtaining fuels inventories and assessments; ensuring regulatory compliance; preparing sites for treatment; implementing treatments; and monitoring and evaluating completed treatments.

### **Allocation Method**

The Branch of Wildland Fire Management has established a Risk Based allocation methodology to determine regional allocations of RTRL funding. The allocation method includes an assessment of risk using Wildland Fire Potential (WFP), while considering the region's capacity to develop RTRL projects.

Regions will work with tribes and agencies to identify WFP high and very high areas and acres on Reserve Treaty Rights Lands. Regions will also work with tribes and agencies to determine a units' capacity to develop concepts, plan and conduct projects. Additionally, Tribes and agencies will develop an annual prioritized POW for RTRL.

Capacity will be included by evaluating those tribes and agencies that have previously demonstrated fuels management project implementation abilities. WFP and tribal/agency capacity will be the basis to determine the Regional workload capacity. Regional RTRL project requests including projected funding will be summarized and forwarded to BIA Branch of Wildland Fire, which will evaluate and summarize all regional submission into a BIA Program of Work (POW).

Regional funding allocations will be based on data received from regions and results from the BIA risk based funding allocation model for RTRL. Final distributions are subject to national management considerations to meet Planning, Implementation and Monitoring performance measures.

Alaska was not rated in the WFP, other Bureau defined wildland fire risk elements and management considerations will be utilized to determine their distribution. Regions will be notified by the Branch of Wildland Fire of final regional allocations.



## Business Rules

- The BIA Fuels Management Handbook serves as guidance for managing RTRL projects with the exception of the following: All RTRL projects must have least one collaborator that utilizes non Wildland Fire Management funds. Projects must reside in high and very high areas as defined by WFP.
- Projects which include Trust acreage are authorized when:
  1. Project consists of fragmented trust land and,
  2. Project involves collaboration with other land owners and all collaborators agree that due to project design and economy of scale, it is to the benefit of all that fragmented trust lands are treated and,
  3. Regional Offices verify that items 1 and 2 are met.
- An authorized tribal official must sign the project plan; signifying project is a tribal priority.

All planning activities required to develop and implement projects are considered appropriate use of funding. Additional staff may be hired but must meet following criteria:

- All positions must be Temporary or Term, including
  - Seasonal positions,
  - Shared funding positions,
  - Term positions.
- Regions will:
  - Develop a regional prioritized project portfolio.
  - Regions must submit an annual summary report of progress.
- Regions may:
  - Develop regional interagency agreement(s) to plan and implement RTRL projects.



## **Project Accounting**

All Fuels Management Program (FMP) funding is allocated utilizing the Federal Business Management System (FBMS). FBMS will separately track the use of regular FMP and RTRL funds by use of functional areas and work breakdown structures (WBS). WBS's will be created to allocate and monitor positions, projects, tribal contract support costs, and community assistance funds provided to individual tribes and Agencies.

## **Tracking and Reporting**

All RTRL funded projects will be entered into National Fire Plan Operations and Reporting System (NFPORS) with a unique alphanumeric code specific to a local unit and region. Only treatments and activities funded with RTRL funds are permitted within a RTRL project code.

Tribes and agencies will seek collaborator support to implement treatments and activities. This support may be funding and/or in-kind service(s) and must be reported as contributed funding and/or labor from other internal or external sources in NFPORS.

## **Performance Measure**

**From:** United States Department of the Interior Strategic Plan for Fiscal Years 2014 – 2018

MISSION AREA 2 STRENGTHENING TRIBAL NATIONS AND INSULAR COMMUNITIES GOAL #1 Meet Our Trust, Treaty, and Other Responsibilities to American Indians and Alaska Natives

**STRATEGY #1** Protect reserved Indian treaty and subsistence rights.

Performance measure 1: Number of Tribal priority objectives initiated and obtained that enhance ecosystem resilience within High or Very High Wildland fire risk areas.