At the Third National Timber Symposium

Tribes and Bureau agree that cooperation vital in timber management improvement

Timbered tribes and their trustees brought their frustrations to the Third Annual National Indian Timber Symposium in Phoenix April 10-12 and left with a commitment to explore solutions to their timber management problems together.

Both tribal and Bureau of Indian Affairs representatives struggled with such issues as the meaning of the government's trust responsibility, the extent and manner in which tribes can exercise self-determination in the management of their timber, and how to make a multi-billion dollar asset even more productive.

Solutions were not easily found and many agreed that the "human element" of communication was at the center of any efforts to improve management. The clear communication of tribal objectives to the Bureau, both locally and nationally, will go a long way toward involving the tribes more in the control of their timber and helping the Bureau do a better job of fulfilling its trust responsibility, participants seemed to agree.

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Four workshops brought participants with varying perspectives together to discuss the topics of forestry development funds, increasing interest income on timber receipts, forest management inventory and planning, and self-determination in the management of Indian forests. Ongoing task forces grew out of the work sessions to ensure that recommendations would be pursued and perhaps implemented before the next symposium.

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Symposium steering committee member Ken Smith of Warm Springs feels that the creation of the Intertribal Timber Council is crucial to successful follow-through. Although not officially formed at the symposium, as had been originally hoped, thirteen tribes agreed to meet in Seattle on June 28 to formalize the organization to elect officers. Invitations will be sent to the many other timber tribes nationwide to join the council, which will serve as an advocate, ensure that resolutions and recommendations do not die of neglect, and plan and secure funding for the annual symposium.

Workshops identified problems, solutions

Many recommendations flowed from the combined energies of tribal and Bureau representatives and their consultants. In the area of **forestry development funds**, workshop chairman Tom Loder of the Coeur d'Alene Tribe pledged that his group would address the problem areas of red tape, communication and inventory planning. Specifically they recommended that the agency superintendent have the authority to sign contracts, modify budget line items and hire up to the GS-7 level, that the central office solicit input from Tribal and Bureau personnel to improve reporting communications, and that inventory methods be refined to include intensive information for planning the use of forestry development funds.

One of the most heated discussions arose in the workshop addressing **timber money management** and ways to increase the income from interest on Bureau holding accounts. Led by Doug McClelland from Warm Springs, the workshop resulted in four recommendations:

1. Transfer of the 10 per cent administrative fees derived from timber sales for forest development directly into the tribal treasury. For a forest worth $14 million, this would mean an additional $50,000 income in interest. Plans for use of the fees could be implemented as the trees are cut.

2. Direct transfer of contractors' advance deposits to the tribal treasury (additional income of $260,000).

3. Transfer of funds by current banking methods. Electronic transfer would be faster than the mail and yield $6,000 more in interest income.

4. Examination of the IMPL (Indian Monies, Proceeds of Labor) funds, which derive from the interest on BIA holding accounts and are managed at the discretion of reservation superintendents. IMPL funds for timbered tribes have increased appreciably in recent years, particularly since the 10 per cent fee was instituted in 1972, and Tribes would like to be more involved in decisions concerning the funds. The Workshop also recommended that these changes be implemented by October 1, 1979.

A third workshop on **forest management inventory and planning** focused on certain perceived deficiencies in current inventory and planning, such as insufficient data, lack of management alternatives, and poor comunication. Workshop leader Earle Wilcox, a Portland consultant, suggested that the Bureau perform an overall assessment of its inventory needs in the next year and approach Congress for appropriations. Support was offered for the proposed Forestry Development Center in Denver (see George Smith's report elsewhere in this story) and for the Intertribal Timber Council.

The workshop that had the most difficulty coming up with concrete proposals was Gary Morishima's **self-determination and the trust responsibility.** The subject proved to be an emotional one that dominated discussion in the general sessions and was elusive in terms of easy solutions. It caused Morishima to deliver an impassioned speech about the failure of both the Bureau and the tribes to face up to their responsibilities in timber management. The Bureau in its "advanced state of incapacity" and the tribes with their habit of "wringing their hands and seeking solace in convenient truisms" are letting the potentials of P.L. 93-638 fall by the wayside while the forests continue to deteriorate, said Morishima.

COUNCIL IN THE MAKING - Timber Symposium coordinator Ken Smith was joined by representatives of other timber tribes for a special meeting to form an Intertribal Timber Council. Though the council was not officially formed at the Phoenix symposium April 10-12, it is expected to be born at a meeting in Seattle June 28.

Spilyay Tymoo Photo by CDS

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It was recommended by the self-determination workshop that tribes be able to waive Indian preference in order to fill key forestry positions, that the mechanics of contracting become familiar and well-utilized, and that tribes' management objectives for their timber be clarified. Morishima personally felt that all Bureau forestry budgets should be reviewed by tribes.

Trust responsibility interpreted variously

Throughout the timber symposium the recurring topic was the nature and extent of the government's responsibility for the thousands of acres of timbered land it holds in trust for Indians. A panel of legal experts led by Warm Springs tribal attorney Owen Panner offered a broad and varied interpretation of the trust.

The development of the trust responsibility for Indian timber has not been carefully planned but has primarily been the result of court decisions. said George Ahlmann, attorney for the Navajo Tribe, and it has wavered between preservation and economic exploitation. Exercise of the trust should be broader than the goal of financial gain, he suggested. The government is not there to protect Indians from themselves and their supposed incompetence but to prevent the infringement of states in the areas of taxation and jurisdiction. "Spendthrift trusts" smack of termination, he said.

In a later panel, Yakima councilman Russell Jim called for the Bureau to be sensitive to tribal values and to manage resources as if they were their own. Since reservation land is private and tribes are sovereign bodies, management need not be patterned after public land management or private industry, reminded attorney Robert Pirtle of Seattle.

On the other side of the timber management coin from the trust is tribal self-determination which some fear to be masked termination. Attorney Dick Baenen of Washington, D.C. viewed the increased control of timber by the tribes as a bulwark against termination since it makes tribes the "masters of their own fate." Self-management requires a great deal of preparation in the design of objectives and the understanding of the political and legal climate. Baenen suggested that "bureaucracies are not suited to business management" and that the Bureau might better offer technical assistance for tribal managers.

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"The trust responsibility is not a contractable item," said David Harrison, acting director of trust responsibility for the Bureau. Thus no matter how much control is assumed by the tribes, the Bureau is ultimately responsible for the resource.

Good news from the central office.

While the Bureau representatives staggered under expressions of tribal frustration and discussions of mismanagement suits, some good news came in from the central forestry office in D.C. Chief forester George Smith described the Bureau forestry budget as changing from an expansion mode to maintenance, in the wake of sizable add-ons in 1977 and 1978. But plans are formulating for enhanced inventory and management planning and the establishment of a forestry development center in Denver.

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Such an office would centralize forestry expertise and make technical assistance available to existing and developing reservation programs, also providing educational and training opportunities for tribal and Bureau foresters. While some funds and positions already exist, further appropriations will be sought, with a possible implementation date of late 1979, said Smith.

In the meantime, a Bureau-wide assessment of inventory and planning needs is being completed and has already indicated that sufficient data for effective management is lacking in many locations.

Smith left the symposium with some clear messages from the participants and he plans to work with the task forces to prioritize recommendations, "putting the most effort into the ones we can win, rather than spinning our wheels." Policy changes in the area of personnel and spending can be accomplished at the national level, he said, but communication and cooperation are best improved at the local level, a sentiment echoed by other symposium participants.