



## JOINT Policy Statement:

### **Intertribal Timber Council & Western Forestry Leadership Coalition**



#### **Cross-Boundary Authorities and Opportunities**

##### **Policy Statement:**

The position of the Western Forestry Leadership Coalition (WFLC) and the Intertribal Timber Council (ITC) is to support and promote the use of cross-boundary authorizations and other opportunities for work to be successfully completed at a landscape-scale level in the Western U.S. This includes the use of existing authorities, new tools and opportunities as well as new and increased funding sources.

##### **Summary:**

As land ownership in the West, and in the rest of the United States, becomes more diverse, fragmented and parcelized, the need for tools and opportunities to undertake work across ownership boundaries has become more important. The forest management toolbox contains several federal authorities that can be confusing due to the different applications and rules for each authority. This position statement is meant to shed light on those tools and communicate the importance of such to the public, the media, stakeholders and decision makers as public policy debates unfold on forest management. To follow is a sample of existing and evolving cross-boundary tools that allow us to address forest health threats on a landscape scale.

##### **Cross-Boundary Toolbox Authorities:**

###### Wyden Amendment (Watershed Restoration and Enhancement Agreements)

The Wyden Amendment was approved via a Senate Appropriations bill in 1998 by Senator Ron Wyden (D-OR). The amendment allows for Forest Service money (National Forest System funds, not State & Private Forestry funds) to be spent on non-federal lands through cooperative agreements with willing participants if the projects benefit the fish, wildlife and other resources on National Forest lands within an affected watershed. The law allows the USFS to partner with other groups on projects that benefit resources on both public and private land with the goal of restoring and enhancing watersheds, such as in-stream restoration work and clearing of fire-prone brush and trees adjacent to National Forests lands. Agreements can either be made directly with the landowner or indirectly through agreement with a State, local or tribal government, other public entity, educational institution or private nonprofit organization.

There was no specific appropriation attached to this amendment so the funds for projects must be available within existing appropriations and there is no matching requirement. The authority to use appropriations in this manner will expire in 2011.

###### Good Neighbor Authority

The Good Neighbor Authority (GNA) allows for the state agencies to act as an agent for the federal agencies to complete similar or complimentary treatments across state,

**WFLC / ITC Policy Statement**  
**Cross-Boundary Authorities and Opportunities**  
**Page 2**

federal and private boundaries. Work under this authority helps to leverage limited resources for the betterment of healthy forests as well as decrease fire danger. These activities include: forest, rangeland and watershed restoration and protection; services activities including insect treatment, hazardous fuels activities, watershed restoration including fish and wildlife habitats and build upon other opportunities where local interest and support exists.

The GNA was originally authorized via language in the 2000 Interior Appropriations Act as a pilot program in the State of Colorado through the year 2004. The 2005 Interior Appropriations Act extended the pilot until 2009 and expanded it to include all BLM lands and the State of Utah as a pilot state through September 2008. This authority allows for the state agencies to act as an agent for the federal agencies, and does not include nonprofits or other entities to take part in the agreement.

The GNA requires that similar or complimentary treatments happen on non-federal and federal lands and the work can include project design, layout, marking and selling of timber, service contracts, project administration or other opportunities where local interest and support exists. The state agencies have typically taken the lead on GNA and the agreements are oftentimes driven by projects on state, local and private lands, not the federal lands. The pilot project authority for GNA in CO is set to expire in September 2009 and the recently approved Continuing Resolution extended GNA for UT until March 2009. There are many proponents to expanding this authority for the rest of the Country, notably members of Congress from Wyoming, Colorado and Virginia, and the introduction of GNA legislation in the 111<sup>th</sup> Congress is expected (similar to the legislation introduced in the 110<sup>th</sup>).

Community Wildfire Protection Funds (Stevens' Money)

In fiscal year 2002, Senator Steven's championed the addition of earmarked hazardous fuels funds. These funds are often called 'Steven's Money' and are to be spent towards hazardous fuels treatments on non-federal lands that are adjacent to National Forest lands where hazardous fuels work is being conducted or where other work is being conducted that increases the threat to the adjacent lands. The key is the increased risk resulting from work being planned on the National Forest. The authorization allows for up to \$15 million to be spent to 'protect communities when hazard reduction activities are planned on adjacent national forest lands'.

This authorization allows for work on Federal and non-Federal lands to complement each other and provides flexibility for the forest service to use the money where it will provide the most benefit. This provision has been added to the interior appropriations bill every year since fiscal year 2002. With Senator Steven's loss in the recent election, a new champion to advocate for the inclusion of this authorization and funding in future appropriations cycles will be necessary.

**WFLC / ITC Policy Statement**  
**Cross-Boundary Authorities and Opportunities**  
**Page 3**

Stewardship End Result Contracting

While not inherently cross-boundary and landscape scale, it is discussed here as a complimentary tool within the toolbox. The stewardship end result contracting authority for the USFS and the DOI was received via the 2002 Interior Appropriations package and is set to expire in 2013. The goal of the contracts is to improve forestland and rangeland health through development of sustainable rural communities, restore and maintain healthy forest ecosystems, and provide a continuing source of local income and employment. Stewardship contracting allows for the exchange of goods for services and facilitates land restoration and enhancement efforts by using value of traded goods to complete and complement important work on the ground and across boundaries.

The USFS and DOI can contract for pre-commercial thinning, trail maintenance and fuel reduction work by offsetting the costs through the value of the vegetative material removed in the course of the work and excess receipts can be used for future contracts. The contracts must be awarded based on 'best value' and the contracts can last up to 10 years to help contractors qualify for loans and equipment opportunities and to allow local communities to respond to contract proposals. Stewardship contracting can reduce management costs through goods for services exchange and engages local organizations through a collaborative process to create jobs and improve environmental conditions.

Tribal Forest Protection Act of 2004

The Tribal Forest Protection Act (TFPA), P.L. 108-278, signed July 22, 2004, H.R. 3846, 108<sup>th</sup> Congress, authorizes the U.S. Forest Service and the Bureau of Land Management to give priority consideration to tribal proposals to conduct wildfire and other threat reduction land management activities on USFS or BLM lands adjoining or adjacent Indian trust land to reduce fire and other threats (i.e., disease, infestation) posed by those USFS or BLM lands to Indian trust resources, such as forests or grasslands, or tribal communities. The authority also applies to land restoration activities, such as post-fire rehabilitation. After a federally-recognized tribe proposes a project in writing to the USFS or BLM, the agency should respond within 120 days and will either proceed toward a project agreement or decline the proposal. If declined, the agency should state why, what might be done to overcome and/or rectify the denial, and enter discussions with the tribe on reducing the threat. The Act anticipates that most tribes conducting threat reduction activities on adjoining or adjacent USFS or BLM land will be conducted under stewardship contracts, but any other eligible authorities are also available. The Act does not have an expiration date. No appropriations are authorized, and it is anticipated that projects would be funded primarily by the USFS or BLM, or through stewardship contracting revenues.

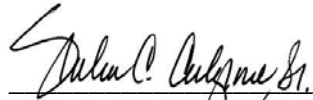
**Conclusion:**

Cross-boundary authorities are especially important in the western United States due to the scale of the forest health threats we face, our significant number of forest-dependent

**WFLC / ITC Policy Statement**  
**Cross-Boundary Authorities and Opportunities**  
**Page 4**

communities and the large amount of intermingled public and private forest lands. Having the ability to work across boundaries will become even more important as forestland continues to fragment ([www.fs.fed.us/openspace/fote/fote-6-9-05.pdf](http://www.fs.fed.us/openspace/fote/fote-6-9-05.pdf)), land development in the Wildland-Urban Interface increases ([www.centerwest.org/publications/pdf/futures.pdf](http://www.centerwest.org/publications/pdf/futures.pdf)) and climate change continues. Further, fire, insects and diseases do not stop at jurisdictional boundaries, nor should our forest management treatments. Collaboration across land ownerships, government agencies and communities is the key to success on the ground. And the authorities, such as the ones discussed in this policy statement, are prime examples of collaboration in action with proven successes on the ground. As decision makers look beyond 2008 and mull the next steps in addressing our western forest health and forest restoration needs, we hope that the above existing tools and authorities are considered, applied and adjusted as needed to achieve our forest management goals.

The WFLC and ITC support the use of cross-boundary authorities and other opportunities for work to be successfully completed at a landscape-scale level in the Western U.S. This includes the use of existing authorities, new tools and opportunities as well as new and increased funding sources.



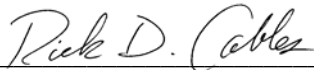
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**Nolan Colegrove, [Hoopa Valley Tribe]**  
**PRESIDENT, INTERTRIBAL TIMBER COUNCIL**



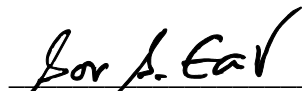
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**Pete Anderson, Nevada State Forester**  
**CHAIR, COUNCIL OF WESTERN STATE FORESTERS**



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**Rick D. Cables, USFS Rocky Mountain Region Regional Forester**  
**REGIONAL FORESTER LEAD**



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**Bob B. Eav, USFS Pacific Northwest Research Station Director**  
**RESEARCH STATION DIRECTOR LEAD**

**Date Signed:** 01/07/2009

**Expiration Date:** Two years from signing