

INDIAN AFFAIRS MANUAL

1.1 Purpose. This chapter documents the basic policies, authorities and responsibilities for the management and protection of trust Indian forest lands. Hereafter, all mention of Indian forest lands implies forest lands that are either held in trust or restricted from alienation by the United States.

1.2 Authority. Specific authorizing statutes concerning the management of Indian forest resources and the protection of Indian forest lands are:

A. 25 U.S.C. § 2, 5, 9, & 13. Authorizes the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to manage, issue regulations, and expend appropriations for the benefit, care and assistance of Indians.

B. 25 U.S.C. § 196, Act of February 16, 1889. Permits the President to authorize the sale or disposal of dead and down timber on Indian lands for the sole benefit of Indians residing on the reservation.

C. 25 U.S.C. § 406-407, Act of June 25, 1910. Authorizes the Secretary of the Interior to sell mature living and dead and down timber on both unallotted and allotted lands for the benefit of the Indian owners.

D. 25 U.S.C. § 413, Act of February 14, 1920. Authorizes the collection of fees to cover the cost of timber sales on Indian Reservations.

E. 16 U.S.C. § 594, Act of September 20, 1922. Authorizes the Secretary of the Interior to protect timber on Indian lands from fire, disease, or insects.

F. 25 U.S.C. § 413, Act of February 14, 1920 as amended by the Act of March 1, 1933. Authorizes the Secretary of the Interior to charge a reasonable fee for work performed for Indian tribes or individuals.

G. 25 U.S.C. § 466, Act of June 18, 1934. Directs the Secretary of the Interior to make rules and regulations for the operation and management of Indian forestry units on the principles of sustained-yield management. (While the Act does not apply to reservations where it was not accepted, 25CFR Part 163 requires application of sustained-yield principles to the management of all Indian forest lands).

H. 18 U.S.C. § 1853, 1855 and 1856, Act of June 25, 1948. Provides penalties for unlawfully cutting or wantonly injuring trees, for willfully setting fires, and for leaving fires unextinguished or for allowing fires to spread on Indian lands.

I. 25 U.S.C. § 415, Act of August 9, 1955. Authorizes leases of restricted lands for purposes of the development or utilization of natural resources.

J. 25 U.S.C. § 407d, Act of July 30, 1956. Authorizes the Secretary of the Interior to charge purchasers of Indian timber for special services requested by the purchasers in connection with scaling, marking, or other activities under the timber sale contract.

K. 25 U.S.C. § 406 and 407, Act of June 25, 1910 as amended by the Act of April 30, 1964. Amends the 1910 Act to include principles of sustained yield or conversion of land to more desirable use, and included a provision for the deduction of administrative expenses from timber sold from allotments.

L. 25 U.S.C. § 450, Act of January 4, 1975, PL-93-638. Provides for: a) maximum Indian participation in the government and education of Indian people; b) full participation of Indian tribes in programs and services for Indians conducted by the Federal Government; c) development of Indian human resources; d) educational assistance; e) rights of Indian citizens to control their own resources.

M. 16 U.S.C. § 2101, Act of July 1, 1978. Section 5 of the Act authorizes the Secretary of Agriculture to protect trees and forests, wood products, stored wood, and wood in use from insects and diseases. The Secretary has delegated the responsibility for carrying out the provisions of the Act to the Forest Service. Indian forests are specifically designated to be included in the Act.

N. 25 U.S.C. § 3101-3120, Act of November 28, 1990. Clarifies the Secretary's authority to manage Indian forest lands in concert with beneficial owners and provides appropriation authority for the protection, conservation, utilization, management, and enhancement of Indian forest lands. Includes authority for forest development activities and dealing with trespass.

O. 25 U.S.C. § 458aa, Act of October 25, 1994. Permanently establishes and implements the tribal Self-Governance program in order to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities.

1.3 Guidance. The General Forest Regulations (25 CFR Part 163) are basic procedures to be followed in administering trust Indian forest lands. Department of the Interior, and BIA guidance documents are available from the Division of Forestry, BIA, 1849 C Street NW, Mail Stop 4513, Washington, D.C., 20240.

A. Departmental Manual (DM).

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| (1) | 130 DM 7.4. | The Division of Forestry. |
| (2) | 512 DM 2. | American Indian and Alaska Native Programs. |
| (3) | 586 DM 1. | Timber Management. |
| (4) | 611 DM 1. | Forest Pest Control Program. |
| (5) | 303 DM 2. | Principles for Managing Indian Trust Assets. |
| (6) | 516 DM 6 Apdx. 4 | NEPA Responsibility and Categorical Exclusions (BIA). |
| (7) | 516 DM 2 Apdx. 1 | Categorical Exclusions for Fire Management Activities. |

B. Handbooks.

(1) The *"Indian Forest Management Handbook"* (known hereafter as the Handbook), Volumes 1 through 11, will supplement standard forestry procedures and are cited in the applicable chapters. The Handbook volume numbers correspond to the Manual chapter numbers. A glossary of selected terms within this Manual is contained in Volume 1 of the Handbook.

(2) *"Guidelines for Integrated Resource Management Planning"* contains guidelines for the development of Integrated Resource Management Plans (IRMP's).

(3) "BIA Forestry Collections and Distribution Handbook" contains the procedures for the collection of payments and receipts, and their deposit and distribution.

1.4 Scope. Indian forests are closely linked to the well being of Indian communities. Any plan of forest management must recognize the general needs of the Indian people, and should be coordinated with other social and economic programs. The directives contained in this chapter apply to all Federal agencies and programs participating in the management, accountability, or protection of trust Indian forest resources. Regardless of the means of program execution, the appropriate Federal official shall assure that the standards prescribed herein are met. This Manual deals with the policies, authorities and responsibilities of forestry programs on Indian lands. Compact tribes may not be required (refer to the Tribe's Compact) to abide by the policies contained in this Manual, but may use the Manual as a guiding document. The policies, authorities and responsibilities governing wildland fire management are addressed in 90 IAM.

1.5 Policy. To maintain, protect, enhance, and develop Indian forest resources through the use of sound scientific and economic principles. An essential part of this policy provides for management of Indian forest lands under the principle of sustained yield consistent with the beneficial owners' goals and objectives, whereupon consultation and active participation occurs with and by the Tribes.

1.6 Organization of This Manual Part. Forestry programs are described in the following chapters:

Chapter 1.	Policies, Authorities and Responsibilities
Chapter 2.	Forest Management Planning
Chapter 3.	Contract Sales of Forest Products
Chapter 4.	Permit Sales of Forest Products
Chapter 5.	Forest Development
Chapter 6.	Forest Pest Management
Chapter 7.	Forest Trespass
Chapter 8.	Forest Resources Inventory and Monitoring
Chapter 9.	Silviculture
Chapter 10.	Woodland Management
Chapter 11.	Forest Management Deductions

1.7 Responsibilities.

A. Assistant Secretary - Indian Affairs.

- (1) Assures adequate resources are available to meet trust obligations.
- (2) Approves policies for all aspects of the forestry program.

B. Director, Bureau of Indian Affairs.

- (1) Maintains liaison and promotes agreements with other government agencies.
- (2) Recommends policies for all aspects of the forestry program.
- (3) Approves 53 IAM Forestry Manual.
- (4) Conducts meetings and negotiations with tribes for settlement of conflicting issues.

C. Deputy Bureau Director, Trust Services.

- (1) Evaluates proposed policy.
- (2) Provides overall program direction.
- (3) Coordinates forestry activities with other resource programs.

D. Chief, Division of Forestry.

- (1) Proposes policies, and develops/recommends procedures and standards for all aspects of the forestry program.
- (2) Performs oversight review and evaluation of all forestry functions.
- (3) Reviews, administers and makes recommendations for appeals on all forestry matters.
- (4) Provides technical support and training to BIA and Tribal staff for all forestry programs.
- (5) Review and evaluate Regional forestry programs and recommend corrective actions.
- (6) Annually compiles and submits to Congress the "*Indian Forestry Status Report*", and provides other reports on forestry activities for informational purposes.

E. Regional Director.

- (1) Direct the application of overall policies and implementation of forestry programs in the field.
- (2) Ensure guidance and technical support are available to forestry staff and to tribes in the Region.
- (3) Review and evaluate agency and field forestry programs within their jurisdiction and recommend corrective actions.
- (4) Provide administrative support for litigation dealing with forestry issues.
- (5) Review and approve forestry transactions and perform residual federal functions when the Region provides direct services to tribes and for Self-governance Tribes having no Agency presence.
- (6) Initiate and cooperate in reviews of Regional forestry programs conducted to ensure that recommended corrective actions are implemented and that proper forestry practices are maintained.

F. Agency Superintendent. (Throughout the rest of this document, this term represents any line officer with the same delegated authority as an agency superintendent.)

- (1) Supervise the day-to-day operation of Agency forestry programs.

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- (2) Counsel individual Indians and tribes owning a beneficial interest in trust and/or restricted land in forestry and silviculture, land use planning and development, and conservation.
- (3) Provide technical forestry and planning assistance to individual Indians and tribes.
- (4) Review and approve forestry transactions.
- (5) Initiate and cooperate in reviews of Agency forestry programs conducted to ensure that recommended corrective actions are implemented and that proper forestry practices are maintained.