

Collaboration for a Successful Indian Plant Gathering Policy

Last year, we embarked on the development of an interagency policy for traditional gathering of culturally important plants on lands managed by the Bureau of Land Management, State of California Office (BLM) and the Pacific Southwest Region of the Forest Service (FS). A copy of the policy document is enclosed for your use. An interdisciplinary team composed of representatives from the California Indian Basketweavers Association (CIBA), the California Indian Forest and Fire Management Council (CIFFMC), and regional and field offices of BLM and the FS was chartered to develop a policy. Six listening sessions with tribal governments and communities were held to hear views throughout the state. Additionally, we formally consulted with tribal governments, organizations and communities. The draft policy documents also benefited from extensive field and line officer review by our two agencies. This new policy ensures that traditional practitioners have access to plants and such plants are managed in a manner that promotes ecosystem health for the lands managed by the BLM and FS. The policy also emphasizes local collaboration, implementation and issue resolution. Our two agencies will be incorporating this direction into our respective manuals.



Purpose:

The purpose of this interagency policy between the USDI Bureau of Land Management, California (BLM) and the USDA Forest Service, Pacific Southwest Region (FS) (collectively referred to as the agencies) is to promote consistency between the agencies and collaboration with Tribes, tribal communities and traditional practitioners regarding support of native traditional gathering and management of culturally utilized plants on approximately 35 million acres of land administered by the two agencies. Traditional native practitioners, affiliated with over 200 federally and non-federally recognized Tribes rely on public and National Forest system lands managed by the agencies to sustain their traditions and meet their cultural needs. Furthermore, the agencies acknowledge that traditional native gathering and management practices in these lands are sustainable, benefit forest health and are part of our multiple use mandates. The policy ensures that native traditional practitioners have access to plant and fungal materials and such materials are managed in a manner that promotes ecosystem health and utilizes traditional management practices where appropriate. In general, personal use should have preference over commercial use. We anticipate that given the cultural and biological complexity related to traditional gathering, successful implementation will be developed through local collaboration.

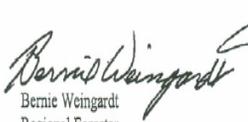
Objectives:

The objectives of this policy are to:

1. Define a consistent policy for the BLM and FS to support native traditional gathering and management of culturally important plants;
2. Ensure that consultation, collaboration and cooperation between the agencies and Tribes, tribal communities, tribal organizations and native traditional practitioners occurs in the management of culturally significant plants and fungi; and
3. Foster good working relationships with Tribes, tribal communities, tribal organizations and native traditional practitioners; Authorities: Legislation, Executive Orders and other legal authorities are common to the federal agencies.

Definitions:

Native traditional practitioners: This term derives from the American Indian Religious Freedom Act of 1978, as amended, that supports native traditional cultural beliefs and practices. The term here includes Native American usual and customary values, observances, ceremonies, management, practices, and other traditional actions. Native traditional practitioners could be members of recognized or non-recognized Tribes or tribal communities. Culturally utilized plants: as used here includes a variety of flora, such as mosses, fungi and vascular, non-timber plants, including, but not limited to: sedge, willow, hazel, redbud, agave, yucca, and sumac. Traditional Management techniques: These methods may include, but are not limited to burning, pruning, coppicing. Personal use or non commercial use of culturally utilized plants is defined as the; amount and type that would be used by an individual or a group for their own use. If their use results in making baskets or other items that might be available for later sale, this would still be considered personal use. Commercial use can be described as collecting plants for sale to an entity for further processing and resale.


Bernie Weingardt
Regional Forester
Pacific Southwest Region, Forest Service

November 29, 2006


Mike Pool
California State Director
Bureau of Land Management

November 29, 2006

Policy:

It shall be the policy of the agencies to support traditional native cultural practitioners in gathering culturally utilized plants for personal, community or other non-commercial traditional use on lands administered by the agencies, consistent with applicable laws, regulations, and policy. Gatherers shall have access for traditional practices to lands managed by the agencies. Local units shall consider prioritizing local traditional native gathering in land management plans and should consider prioritization in other management documents. Free use, without permit, of culturally important plants may be granted for traditional native cultural gathering. Local agreements are encouraged to support such gathering. Decisions and issues regarding identification of traditional native cultural gatherers or gathering, access, sustainability and other concerns associated with implementation of this policy will be addressed by local units in consultation with traditional practitioners, Tribes and tribal communities. Local managers of the agencies shall work in collaboration with Tribes, tribal communities, tribal organizations, and traditional practitioners to identify, restore, and enhance traditionally important plant resources. Local FS units can utilize exemptions (FSH 1909.15,31.12 [8c]) and BLM units can rely on other processes (BLM Manual 5500). Local managers of the agencies, in consultation with Tribes, tribal communities and native traditional practitioners, will identify opportunities and tribal partnerships to incorporate tribal traditional management practices to restore, enhance and promote ecosystem health. This policy will be monitored through consultation and coordination with native traditional practitioners, Tribes and others to ensure policy effectiveness and issue resolution.

PLEASE CLARIFY WITH THE APPROPRIATE FIELD OFFICE: THE DEFINITION OF “TIMBER” OR “TIMBER PRODUCTS” IN YOUR LOCAL GATHERING AREA PRIOR TO HARVESTING ANY “TREE PRODUCT”

KEEP THIS BROCHURE WITH YOU WHILE HARVESTING ON PUBLIC LANDS MANAGED BY FOREST SERVICE OR THE BUREAU OF LAND MANAGEMENT IN CALIFORNIA



California State Office
Bureau of Land Management
2800 Cottage Way
Sacramento, CA 95825
Tribal Liaison: Ken Wilson
(916) 978-4648



Pacific Southwest Region
U.S. Forest Service
1332 Club Drive
Vallejo, CA 94952
Tribal Liaison: Sonya Tamez
(707) 562-8919



Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825
Reg. Timber Sales Officer:
John Baskette
(916) 978-6080



State of California Indian Free Use Policy

Harvesting Without Permit, “Non-Timber” Plants & Indian Involvement In Managing Public Trust Lands

