

Huckleberry Management US Forest Service

US Forest Service Policy Goals

- Manage huckleberries within the limitations of ecosystems sustainability for people to pursue their economic, social and cultural well being
- Forest Service policies and plans are consistent with laws, and treaties that influence huckleberries
- Inventory, monitoring and research to provide information needed to manage huckleberries
- Educate, train and technology transfer is provided to partners and stakeholders

New National Draft Code of Federal Regulations (CFR) for Special Forest Products (SFP)

- Give specific direction for all SFP to field
- Very specific to Tribes for management
- Gives legal understanding of Tribes vs. general public
- Allows forest to keep dollars generated by sale of SFP
- The Confederated Tribes of the Warm Springs have sent in a comment
- Timeline for implementation(?)

New CFR's for Tribal Guidance

- 223.240 Indian Tribes and Treaty Reserved Gathering Rights
- 223.241 Disposal of Seized SFP.
- 223.279 Personal Use Harvest Levels and Waiver of Fees

CFR impacts to the Tribe

- Signed treaties trump CFR's. Any treaty right takes precedent over CFR's. These rights must be clear that are being requested from the Tribe.
- We now have a CFR that distinguishes the difference between tribal and the general public for free use
- Important to note under the botanical CFR's we can grant free use to federally recognized Tribe for cultural, ceremonial and traditional purposes.
- All harvesting for tribal rights or general public must be resource driven.
- We deal with only the federally recognized Tribes whether they have a ratified treaty or not.

CFR impacts to the Tribe

- This new free use to Tribes is currently for botanical products not the convertible tree type products
- Commercial venture requests by Tribes will be treated the same as the general public with the exception that if the product has always traditionally been used as a barter or commercial venture then free use may be granted
- For products that have been illegally seized the Regional Forester may make the seized products available for free use to individuals from federally recognized Tribes.
- The dollar amounts for traditional, cultural and convertible free use to Tribes is tied to the current 36 CFR 223.8 authorities: Forest Officer = \$200/fiscal year/individual, Forest Supervisor \$5,000/fy/individual and Regional Forester \$10,000/fy/individual

Other laws

- State of Washington HB 2779, 6/12/2008
- Farm Bill – Title VIII – Forestry, May 2008

Specific Forest Agreements Suggestions

- Work with individual Forests for; area, product, amounts, etc.
- Permit or no permit
- Tribe should manage the day to day individual harvest
- Law Officers concern
- When there is a shortage of a product in demand we the USFS will establish wildlife and Tribal use as priority over commercial ventures

Quote

Native peoples traditions are not made up by counter-culturalists or academic-theorists, they are long standing human ways that speak to the relationship to the natural world and can form the core of a realistic discussion among broad sectors of the population. Native traditional knowledge is sometimes abused or trivialized, but it is now widely accepted as a base on which to develop a true environmental philosophy.