Dear Mr. Raymond:

Thank you for your informal request of April 8, 2010, concerning the issuance of a letter granting the Yurok Tribe (Tribe) sustainable forest management status. Many private landowners utilize the services of the Forest Stewardship Council (FSC) to provide a certification system that provides a "trademark assurance" for those forests is managed responsibly. FSC was not developed to insure that lands held in the federal trust were managed sustainably. The Yurok Tribe manages its forest resources held in federal trust in a sustainable and responsible manner.

On April 18, 2003, the Deputy Commissioner of Indian Affairs, provided guidance on forestry sustainability "a federal government trademark assurance" verification. A set of criteria was developed to provide Indian beneficial owners this verification. The Yurok Tribe's forestry program meets all of the guidance requirements provided by the Deputy Commissioner. Our Office serves as the principal federal trustee for the Yurok Tribe and is responsible for the oversight related to the development and protection of forest resources held in Indian trust.

The guidance provided by the Commissioner of Indian Affairs insured that the following requirements were met:

Sustainably managed forest and forestry programs shall meet the following criteria:

The Program must be operating in compliance with the National Indian Forest Resources Management Act of 1990, 25 U.S.C. §3101 et.seq. with particular emphasis on Section 305(b) of the Act, which states:

Indian forest land management activities undertaken by the Secretary shall be designed to achieve the following objectives –
(1) the development, maintenance, and enhancement of Indian forest land in a perpetually productive state in accordance with the principles of sustained yield and with the standards and objectives set forth in forest management plans by providing effective management and protection through the application of sound silvicultural and economic principles to -
   (A) the harvesting of forest products,
   (B) forestation,
(C) timber stand improvement, and
(D) other forestry practices;
(2) the regulation of Indian forest lands through the development and implementation, with the full and active consultation and participation of the appropriate Indian tribe, afforestation management plans which are supported by written tribal objectives and forest marketing programs;
(3) the regulation of Indian forest lands in a manner that will ensure the use of good method and order in harvesting so as to make possible, on a sustained yield basis, continuous productivity and perpetual forest business;
(4) the development of Indian forest lands and associated value-added industries by Indians and Indian tribes to promote self-sustaining communities, so that Indians may receive from their Indian forest land not only stumpage value, but also the benefit of all the labor and profit that such Indian forestland is capable of yielding;
(5) the retention of Indian forest land in its natural state when an Indian tribe determines that the recreational, cultural, aesthetic, or traditional values of the Indian forest land represents the highest and best use of the land;
(6) the management and protection of forest resource’s to retain the beneficial effects to Indian forest lands of regulating water run-off and minimizing soil erosion; and
(7) the maintenance and improvement of timber productivity, grazing, wildlife, fisheries, recreation, aesthetic, cultural and other traditional values.

Further the Program must be operating in compliance with 25 CFR Part 163, with particular emphasis on section 163.11(c), which states,

*The harvest of forest products from Indian forest land will be accomplished under the principles of sustained yield management and will not be authorized until practical methods of harvest based on sound economic and silvicultural and other forest management principles have been prescribed harvest schedules will be prepared for a specified period of time and updated annually. Such schedules shall support the objectives of the beneficial land owners and the Secretary and shall be directed toward achieving an approximate balance between net growth and harvest at the earliest practical time.*

The forestry program is operated as a tribally compacted program under Public Law 93-638, and follows existing laws and regulations and has similar policies as the BIA.

The Yurok Tribe currently has a land management plan that meets Integrated Resource Management Plan and Forest Management Plan standards approved May 16, 1996. The Tribe has adhered to this Plan during the course of their forestry operations

The Program operates in compliance with federal statutes and Tribal laws and ordinances.
Our evaluation has concluded that the Forestry Program all of the above criteria are satisfied. This letter serves as our statement of verification that the forest on Yurok administered Indian Trust lands are being managed sustainably in accordance with criteria established by federal law. The Tribe is currently working on an update to its land management plans. The Tribe has discussed adding its Tribal Fee lands under its Indian Trust land management planning document. The management of fee lands with Indian Trust lands was allowed under the “Sustained Yield Unit Act” (58 Stat. 132-135; 16 U.S.C. 583 through 583(i)). We believe that it would be helpful to the Tribe to manage its land sustainably under one set of laws, regulations, and policies. The Tribe’s forestry staff and our forestry staff believes that the ideals set forth in the Sustained Yield Unit Act are sound. Sustained yield management on a landscape scale on Tribal managed trust and Tribal managed fee is important. We would support the Tribe in its efforts to implement this law on its fee and trust parcels.

If you have any questions, please call Gerald Jones, Assistant Regional Forester, at (916) 978-6076, or Ron Recker, Acting Regional Forester, at (916) 978-6065.

Sincerely,

Acting Regional Director