



**FOREST SERVICE MANUAL
PACIFIC SOUTHWEST REGION (REGION 5)
VALLEJO, CA**

FSM 1500 - EXTERNAL RELATIONS

**CHAPTER 1560 - STATE TRIBAL, COUNTY, AND LOCAL AGENCIES;
PUBLIC AND PRIVATE ORGANIZATIONS**

Amendment No.: 1500-2007-1

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Approved: BERNARD WEINGARDT
Regional Forester

Date Approved: 07/25/2007

Posting Instructions: Supplements are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last supplement to this title was 1500-2003-2 to 1580.

New Document	1560	4 Pages
Superseded Document(s) by Issuance Number and Effective Date	None	

Digest:

1563 - Sets out Regional direction on California State Director and Pacific Southwest Regional Forester Traditional Gathering policy to promote consistency between the Forest Service and Bureau of Land Management and collaboration with tribal communities.

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1563 - AMERICAN INDIAN AND ALASKA NATIVE RELATIONS

Traditional Gathering Policy. An interdisciplinary team composed of representatives from the California Indian Basketweavers Association, the California Indian Forest and Fire Management Council, and regional and field offices of United States Department of the Interior Bureau of Land Management (USDI/BLM) and the United States Department of Agriculture Forest Service (USDA/FS) developed the Traditional Gathering Policy. This policy ensures that traditional practitioners have access to plants and that such plants are managed in a manner that promotes ecosystem health for the lands managed by the USDA/BLM and USDA/FS. The policy also emphasizes local collaboration, implementation and issue resolution.

1563.01 - Authority

See FSM 1563.01 parent text for applicable authorities relevant to Forest Service relationships with Tribes. Additional authorities used in this regional supplement include:

The Endangered Species Act of 1973, as amended, directs agencies to conserve endangered or threatened species.

The Noxious Weed Act of 1974, as amended, requires cooperation with State, local, and other Federal agencies in the application and enforcement of all laws and regulations relating to management and control of noxious weeds.

The Plant Protection Act of 2000 provides for the reduction of plant pests.

1563.02 - Objectives

The objective of this interagency policy between the USDI/BLM, California Bureau of Land Management and the USDA/FS Pacific Southwest Region (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 nonfederally 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.

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This 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. Given the cultural and biological complexity related to traditional gathering, successful implementation is developed through local collaboration

Cooperate with Bureau of Land Management and tribal communities to:

5. Define a consistent policy for the Bureau of Land Management (BLM) and Forest Service to support native traditional gathering and management of culturally important plants;
6. 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
7. Foster good working relationships with Tribes, tribal communities, tribal organizations and native traditional practitioners.

1563.03 - Policy

13. 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.
14. Local units shall consider prioritizing local traditional native gathering in land management plans and should consider prioritizing in other management documents.
15. Free use, without permit, of culturally important plants may be granted for traditional native cultural gathering. Local agreements are encouraged to support such gathering.
16. Local units will address decisions and issues regarding identification of traditional native cultural gatherers or gathering, access, sustainability and other concerns associated with implementation of this policy in consultation with traditional practitioners, Tribes and tribal communities.
17. Local managers shall work in collaboration with Tribes, tribal communities, tribal organizations, and traditional practitioners to identify, restore, and enhance traditionally important plant resources.
18. Local managers, in consultation with Tribes, tribal communities and native traditional practitioners, will identify opportunities and tribal partnerships to incorporate

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tribal traditional management practices to restore, enhance and promote ecosystem health.

19. Monitor through consultation and coordination with native traditional practitioners, Tribes and others to ensure policy effectiveness and issue resolution.

1563.04 - Responsibility

1563.04g - Forest Supervisors

Forest Supervisors have the responsibility to:

1. Establish effective relationships and partnerships with Tribes, tribal communities and native traditional cultural practitioners that have rights and interests on the Forest and for whom lands within the administrative boundaries of the unit have traditional, cultural and/or spiritual importance.
2. Implement and monitor the effectiveness of this policy.

1563.05 - Definitions

Commercial Use. Collecting plants for sale to an entity for further processing and resale.

Culturally Utilized Plants. As used here includes a variety of flora, such as mosses, fungi and vascular, nontimber plants, including, but not limited to: sedge, willow, hazel, redbud, agave, yucca, and sumac.

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.

Personal Use or Non Commercial Use. This use of culturally utilized plants is 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.

Traditional Management Techniques. These methods may include, but are not limited to burning, pruning, coppicing.