

QUINAULT INDIAN NATION
QUINAULT DEPARTMENT OF NATURAL RESOURCES

Overall
CEDAR SALVAGE
OPERATIONS
MANUAL

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Quinault Department of Natural Resources

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INTRODUCTION

The Quinault Indian Nation created the Quinault Department of Natural Resources, QDNR, to manage its natural resources found on the Quinault Indian Reservation and within the Nation's Usual & Accustomed Area. The goal of this manual is to promote effective and efficient administration of the Nation's cedar salvage operations on the Nation's *Lower Reservation* ownership.

The Quinault Department of Natural Resources (Department) shall manage the minor forest product resources to meet two purposes: 1) provide and protect the opportunities for the gathering of cultural resources and 2) provide and protect the opportunities for the commercial harvest of minor forest products by tribal members. The Department intends to operate by meeting the following objectives:

Objectives

- . Implement the cedar salvage program in a consistent manner;
- . Provide opportunities for long-term employment to tribal members;
- . Promote cedar salvage entrepreneurship within the tribal membership;
- . Manage the cedar salvage resources in an effective and efficient manner.
- . Reserve cultural use areas for the exclusive use by tribal members.

The Department will be responsible for the development, administration, coordination, and execution of the Nation's cedar salvage program. To meet the Nation's goal, the Department will follow these procedures to insure the spirit and intent are met. The implementation of these procedures will be the responsibility of the Department's Director.

- . Number of approved minor forest products workers,
- . Number of active Operators,
- . Identification of resources harvested (i.e., type of product, plant species, number of cords, number of pounds),
- . Stumpage rates and suggested changes to those rates for the upcoming quarter.
- . Amount of funds collected (i.e., road use fees, performance bonds, FMD \$, stumpage fees, permit fees),
- . Number of Enforcement Action taken (i.e., number of Notice to Complies, Stop Work Orders, infractions),
- . General problems encountered, and
- . Successes of the period.

DISPUTE RESOLUTION

The Department intends to follow the process described in this manual and believes with the implementation of this manual, that disputes should be minor in nature. The Department does believe most disputes can be handled by the Department and should a dispute occur, it shall be addressed through the following dispute resolution process. This process is intended to resolve conflicts at the lowest decision level possible and to resolve them quickly.

When a dispute does occur, the Operator or tribal member should address it with the Officer in Charge. The Officer should be able to resolve most issues, but if the dispute does not get resolved to the Operator's or tribal member's satisfaction, they may raise the issue to the Department's Forest Manager. Again, if the dispute is not resolved to the satisfaction of the Operator or tribal member, they may raise the issue to the Department's Director. The Director's decision will be issued in writing within 10 working days and considered the final Administrative decision of the Department.

Any person directly affected by an order or decision of the Director relating to remedial action may appeal such order or decision to the Quinault Tribal Court. Such an appeal shall be filed with the court, as a civil matter under the Quinault Tribal Code, within 10 days of the decision of the Director. The case shall follow the civil procedures of the Quinault Tribal Code.

Operator License

Minor Forest Products Work Permit

<u>Product</u>	<u>Tribal Member</u>	<u>Non-Member</u>
Cedar Salvage	\$25.00	\$50.00
Firewood (commercial use)	\$25.00	\$50.00

PERSONAL USE PERMIT

The Department encourages the personal use of minor forest products by the Nation's members. Personal use includes the harvest of all forest resources for non-commercial use. The forest resources harvested cannot be sold in their raw form, but following manufacturing into a commercial product, the product can be sold.

The harvest of the following minor forest products requires a *free use* permit:

- . Firewood
- . Ceremonial Cedar logs
- . Cedar blocks, poles, posts
- . Christmas trees

The permits are free to individual tribal members, spouses of tribal members, and Nation's employees, based on the availability of the forest resource. Firewood and cedar products are available only in harvest units released for cultural or subsistence use.

When individuals are hauling five or more cedar products, they are also required to have a hauling permit.

REPORTS

As part of the overall management responsibilities, the Department shall complete quarterly and annual summary reports of all minor forest product activities on the Reservation. These documents will report the following:

- . Number of sales prepared,
- . Number of sale acres prepared,

- 0) If the Operator needs to have more than one copy of the Hauling permit, the Operator must request additional copies. After receiving the request, the Department will make the necessary copies and authorize each one.

Washington State Specialized Minor Forest Products Harvesting Permit Process

- 9) Operator picks up the permit from the Department.
- 9) Operator takes the permit to the Grays Harbor County Sheriff's Office in Montesano, Washington for approval.
- 9) Operator returns to the Department and has the permit stamped and approved by the Department.
- 9) If the Operator needs to have more than one copy of the Hauling permit, the Operator must request additional copies. After receiving the request, the Department will make the necessary copies and authorize each one.
- 9) The department may revoke a hauling permit at any time for contract violations.

MINOR FOREST PRODUCT FEES

The Quinault Indian Nation has determined that the minor forest product operations must supplement the Nation's costs of operating the program. In doing so, the Nation has determined that a permit fee will be charged for the following permits to offset the costs of the fee process. The fees will be charged to the workers on an annual basis and paid as they receive their annual work permit. The permit will be valid for one year and the worker will not have to obtain an additional card if the worker chooses to switch operators or units.

Fee Schedule

Business License

<u>Product</u>	<u>Tribal Member</u>	<u>Non-Member</u>
Operator w/ one cutter	\$17.50	\$30.00
Cutter	\$17.50	\$30.00

MINOR FOREST PRODUCTS HAULING

- (0) The Department has established procedures for the hauling of minor forest products on the Quinault Indian Reservation. These procedures are established to **minimize** the potential for minor forest products to be removed from the Reservation without the permission of the legal owner.
- (0) If the Operator intends to haul cedar products the Operator is required to obtain a Washington State *Specialized Minor Forest Products Harvesting Permit*.

The Operator shall follow these procedures.

General Procedures

- 0) All vehicles being used to haul or transport operators, cutters, or minor forest products shall be registered with the Department.
- 0) A vehicle decal must be in the registered vehicle while operating on the Quinault Indian Nation.
- 0) Upon registration the driver of the vehicle must show:
 - . Proof of Insurance
 - . Vehicle Registration
 - . A valid driver's license
- 0) If the above information is not provided then the vehicle will not be granted access onto the Quinault Indian Reservation.
- 0) Vehicles used for a minor forest product activity that are not registered with the Department will be considered to be trespassing on the Quinault Indian Reservation.
- 0) All vehicles hauling Minor Forest Products shall stop for inspection when passing any scaling or check station on the Reservation.
- 0) The last three numbers of the hauling permit will be visibly displayed on the back of each vehicle hauling minor forest products.

Quinault Indian Nation Minor Forest Products Hauling Permit Procedures

The Operator will fill out the Nation's hauling permit application form and submit it to

0. Product identification (i.e., cedar shake, shingle, flatsaw, poles, rails, brush species)
0. Volume measurements (i.e., cords, pounds)
0. Department employee signature

MINOR FOREST PRODUCTS WORK PERMIT

Any person, who cuts, digs, loads, handles, breaks or other wise harvest cedar salvage products is required to obtain a *Minor Forest Products Work Permit* (MFPWP). Each MFPWP will be stamped with a current year number, followed by sequential number of MFPWP issued for that particular year (i.e., 98-001). MFPWP shall be issued for the calendar year in which the application is made and shall expire on December 31st of the year issued. In order to obtain a MFPWP, each individual will be required to have picture identification, containing at least the individual's birthdate and/or social security number. This permit is obtained from the Department and the following applies to each type of worker.

Operators

- 0) A MFPWP is required prior to conducting any cedar salvage activity.
- 0) Operators may obtain their MFPWP at the time they enter into a contract and/or paid permit with the Nation or as a cutter for another Operator.
- 0) When an Operator changes units, hires new cutters, or releases existing cutters the Operator is required to notify the Department. The Operator should provide a list of the worker's names and MFPWP number and what action is to be taken. Notice shall be in writing, delivered either by fax, mail, and e-mail. There will be no fees charged for deleting or adding cutters.
- 0) A MFPWP shall be in the possession of the Operator at all times. The Operator shall present the card for inspection on demand from any law enforcement officer, Department employee, or Bureau of Indian Affairs enforcement employee.

Cutters

- 0) Each cutter must be identified by an Operator as an employee or contract and/or paid permit for a particular unit(s).
- 0) A MFPWP shall be in the possession of the Cutter at all times. The Cutter shall present the card for inspection on demand from any law enforcement officer, Department employee, or Bureau of Indian Affairs enforcement employee.

- 0) Obtains a vehicle decal for each registered vehicle.
 - 0) Identifies the Designated Agent and all Cutters, and
 - 0) Obtains a Tribal Employment Rights Ordinance (TERO) plan.
- . The Department will administer the contract and/or paid permit, by **making unit inspections, verifying contract compliance. and/or paid permit language.**
 - . The Operator or Designated Agent must be present on the work site 100% of the time.
 - . The Operator shall provide the Department with proper notice **prior to *Fly-outs*, as specified in NRMR 61-26.**
 - . The Department shall provide the Operator with the scaling location to which the Operator is required to bring all loads of products.
 - . The Operator shall assure that all materials removed from the harvest unit are scaled and ticketed at the appropriate scaling location.
 - . The Department shall control the haul route. If the Operator chooses to use an alternate route, he or she must have Department approval in writing prior to hauling.
 - . When the Operator has completed the harvest activities, the Operator will notify the Department and schedule a final unit inspection.
 - . Once all contract and/or paid permit obligations are met, the Department will close the contract and/or paid permit.
 - . Following the closure of the contract and/or paid permit, the Operator is eligible for the next available cedar salvage unit.
 - . A contract may be revoked at any time by the OIC according to contract specifications, permit and plan of operations.

CEDAR SALVAGE PRODUCT SCALING

The Department will establish scaling locations on the Reservation to scale cedar salvage products harvested from the Nation's ownership. These locations will be at different sites around the Reservation as the cedar salvage operations dictate. The OIC will scale and ticket each load before leaving the Reservation and the Department shall provide the operator a copy of the scaling ticket. Each scaling ticket will have the following

STUMPAGE CALCULATIONS

The *Land & Natural Resources Committee* shall establish the minimum value of the Nation's cedar salvage products. The minimum value will be that value, which insures the Nation will receive the stumpage value of the products, all encumbrances and harvest associated costs (i.e., costs of operating in the unit,).

To assist the *Land & Natural Resource Committee* in the establishment of the minimum values, the Department shall estimate the costs of salvaging each unit and will monitor regional resource values on a quarterly basis.

The Director will report the Department's findings on a quarterly basis to the *Land & Natural Resources Committee*, who in turn will determine the stumpage rates for the following quarter. The stumpage rates will be confirmed at the beginning of each quarter (January 1st, April 1st, July 1st, and October 1st).

SALE ADMINISTRATION

Contract and/or Paid Permit Administration

It is the responsibility of the Department to administer the cedar salvage operations by enforcing the terms of the contract and/or paid permit and the Natural Resource Management Act, Title 61. The Department will work with the Operators to assure their understanding of the contract and/or paid permit and regulatory requirements of their contract and/or paid permit prior to their commencing operations to minimize any misunderstandings. Once an Operator has selected a unit, the Department shall complete the following:

- A. The Operator and the Department will complete a *Plan of Operations during the pre-work conference*. The *Plan of Operations* explains the harvest and unit management strategy the Operator and Department agree to. The Plan shall be completed prior to the commencement of the harvest operation.
- B. The Department Director approves the signed contract and/or paid permit.
- C. The QIN approved contract and/or paid permit is submitted to the Bureau of Indian Affairs for approval, if necessary.
- D. The Operator completes the following:

7. ALLOCATION PROCESS

The following process describes how the Department intends to sell the Nation's cedar salvage products. By adhering to the following principles, the Department believes that the Operators interested in working in the cedar salvage industry will have an equal opportunity to the limited resources.

All contract and/or paid permits will be sold only to the Nation's enrolled tribal members.

- A. Operators shall be restricted to one tribal trust and/or one tribal fee cedar salvage paid permit at any one time. Additional units may be authorized by the OIC due to other forest management needs such as, but not limited to: access to planting units, restricted road access due to heavy rain or wash outs and those areas that may be susceptible to unauthorized harvest.
- B. Cedar salvage products removed from the woods shall be sold separately from timber sale contracts. However, this is not meant to exclude the sale of red cedar saw logs in a timber sale contract.
- * C. The Department shall only offer for sale the number of contract and/or paid permits, which they can effectively prepare and administer.
- * D. Minor forest products shall be sold through non-refundable contracts and/or permits. Stumpage sales shall be based on quarterly prices established by the *Land & Natural Resources Committee*.
- E. The Minor Forest Products Work Permit fee structure shall be based on enrolled tribal member and non-tribal member worker status. Each worker shall obtain a work permit prior to the commencement of his or her harvest activities.
- F. Harvest units are sold through contracts and/or paid permits by way of a stumpage or lump sum sale, as determined by QDNR, LNRC, & QLTE...
- G. Operators inspect the units they are interested in and notify the Department of their desire to harvest a unit.
- H. The Department places the unit on the cedar salvage unit list, with the Operator who requested the unit. This placement of units on the cedar salvage unit list is done on first come first served basis and so it is the Operator who must notify the Department. If another Operator wants to salvage the same unit, they will be notified that the unit has been taken and instructed to look at other units.

A harvest unit report is completed summarizing the information gathered from the office and field investigations.

- . The following documents may be completed for each contract that is issued for tribal trust lands, a Finding Of No-Significant Impact (FONSI), Forest Officer's Report (FOR), Contract and/or Paid Permit, Fish & Wildlife Report, Biological Assessment (if required), Forest Practices Application, Hydraulic Project Approval Application Form and project consistency form.

If the proposed harvest operation poses a threat to a listed Threatened & Endangered Species and a Biological Opinion is required from the United States Fish & Wildlife Service (FWS), the Department shall then submit a Biological Assessment to the Bureau of Indian Affairs for processing and approval. It takes approximately 120 days for the Biological Opinion to be issued from the FWS.

- . If the operation is to occur on Tribal-Fee lands, a FONSI and related environmental documents are processed within the Department.
- . The sale contract is completed upon the approval and signature of the Quinault Indian Nation and Bureau of Indian Affairs. The sale contract and/or paid permit document includes:
 - FONSI,
 - Contract and/or Paid Permit,
 - Harvest area and unit map,
 - Identification of the purchaser's responsibilities,
 - Identification of the units' harvest restrictions,
 - Identification of the haul route and scaling station locations as designated by the OIC,
 - Identification of road use fees and maintenance fees.
 - Forest Practices Application/Notification,
 - Hydraulic Project Approval (if required),
 - Quinault Indian Nation MFP hauling permit.
- . Locate and mark the buffer from any allotment corners and boundary lines (this may be a safe distance from any line or corner, but at least one chain, 66 feet. If the allotment corners are missing cutting block boundary not located will be at a safe distance of at least 66 feet or one chain, the Department will research and utilize existing BLM information to relocate the corner prior to releasing the allotment for a cedar salvage harvest operation. The Department's goal is to avoid any potential risk

Cutters

- A. Obtain a Quinault Indian Nation Business License.
- B. Follow all laws of the Quinault Indian Nation.
- C. Obtain a Minor Forest Products Work Permit.
- D. Obtain a Quinault Indian Nation vehicle decal.

HARVEST UNIT PREPARATION

A. Program Coordination

In preparing the Nation's forestlands for future cedar salvage harvest opportunities, the Department will coordinate the development of the harvest units with the Nation's other Departments and the Bureau of Indian Affairs. This coordination will include activities such as participation on interdisciplinary teams, road use planning, road maintenance, and shared enforcement efforts.

II. Harvest Unit Preparation

The Department is responsible to prepare all cedar salvage sales. The tasks that must be completed include all stages of development, including:

- A. An investigation of the potential harvest area and a determination made whether an opportunity exists for a cedar salvage operation.
- B. An office review of the potential harvest area. The office review is completed when all resource files, ownership records, and aerial photographs have been reviewed. Through this process the Department will identify potential unit boundaries, access routes, adjacent land ownership, and any sensitive issues (i.e., cultural areas, Threatened & Endangered Species).
- C. A *reviewing memo* is sent to each division of the Department to seek site information and operational concerns. If no response is provided by each department by the time allotted, it is assumed that the said department has no concerns about the operation, and the department will proceed.

form shall include:

- 0) Name,
 - 0) Address,
 - 0) Phone number,
 - 0) Tribal Affiliation,
 - 0) Enrollment number,
 - 0) Type of Minor Forest Products interested in,
 - 0) Years of experience harvesting the product interested in,
 - 0) Years of experience of managing a small business,
 - 0) List of workers names, addresses, and phone numbers, tribal affiliation, and
 - 0) A copy of their QIN Business License.
- . Obtain a Quinault Indian Nation Business License.
 - . Obtain a Minor Forest Products Work Permit/Cutter Card
 - . Inspect the allotments or units made available for a cedar salvage operation.
 - . Notify the Department of the allotments or units the Operator wants to salvage.
 - . **The operator is responsible for locating all cutting block boundaries.**
 - . The Operator shall identify his/her Designated Agent and Cutters intended to be employed or contracted for each harvest unit.
 - . **Unit Representation: The Operator or the Operator's Designated Agent shall be present on the work site 100% of the time.**
 - . Obtain a Quinault Indian Nation vehicle decal.
 - . Notify Officer in Charge (OIC) if alternate haul routes will be needed. All haul routes must be pre-approved in writing by the OIC.
 - . The operator is responsible for completing all road maintenance or reconstruction that may be necessary to access the proposed harvest unit.
 - . The operator is responsible for complying with all contract obligations and clauses as stated in each signed and approved contract.
 - . Pay any BIA road use/maintenance fees;

The Department's Director is recognized, as the Nation's representative in the management and selling of minor forest products. The Director shall have the authority to sign and execute contract and/or paid permits for sale of minor forest products on QIN forestlands, as authorized by the Quinault Indian Nation.

DEFINITIONS

See the Natural Resource Management Act, Title 61 and the Minor Forest Products Regulations, NRMR 61-26 for a full set of definitions, but the following are key to the implementation of this manual.

Cultural Resources means archaeological and historic sites and artifacts and traditional religious, ceremonial, and social uses and activities of members of the Quinault Indian Nation.

Cutter means any person who cuts, digs, loads, handles, breaks or otherwise harvest minor forest products. An operator may be a cutter.

Cutting Block Boundaries means, those lines that are within the property line boundaries as designated by the Officer in Charge. The cutting block boundaries are to guide the cutters as they harvest minor forest products.

Designated Agent means a person designated in writing by an operator to act as his/her agent and to supervise forest products operations. Designated Agents shall meet the following qualifications:

-) Be able to read, write & speak English
-) Have one year of experience as a cutter,
-) Have a valid Quinault Business License,
-) Have a valid Minor Forest Products Work Permit,
-) Able to maintain contract compliance (i.e., stumpage payments, reconciliation of citations), and
-) Have a working knowledge of and involvement in the operation.

Tribal Fee Lands: Those tribal fee lands recently purchased by the Nation or QLTE, which have not been converted to Trust.

Minor Forest Products includes forest products such as: cedar (block, shake, shingle post, & pole), Christmas trees, firewood, other wood products (excluding timber), salal, huckleberry, scotch broom ferns, cascara bark, seeds, cones, bear grass, mushrooms, seedlings, moss, boughs, and aquatic plants.