

(5) limit the application of any State or Federal law pertaining to theft or stolen property.
(Pub. L. 101-601, § 11, Nov. 16, 1990, 104 Stat. 3057.)

§ 3010. Special relationship between Federal Government and Indian tribes and Native Hawaiian organizations

This chapter reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

(Pub. L. 101-601, § 12, Nov. 16, 1990, 104 Stat. 3058.)

§ 3011. Regulations

The Secretary shall promulgate regulations to carry out this chapter within 12 months of November 16, 1990.

(Pub. L. 101-601, § 13, Nov. 16, 1990, 104 Stat. 3058.)

§ 3012. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 101-601, § 14, Nov. 16, 1990, 104 Stat. 3058.)

§ 3013. Enforcement

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this chapter and shall have the authority to issue such orders as may be necessary to enforce the provisions of this chapter.

(Pub. L. 101-601, § 15, Nov. 16, 1990, 104 Stat. 3058.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3006 of this title.

CHAPTER 33—NATIONAL INDIAN FOREST RESOURCES MANAGEMENT

Sec.	
3101.	Findings.
3102.	Purposes.
3103.	Definitions.
3104.	Management of Indian forest land. (a) Management activities. (b) Management objectives.
3105.	Forest management deduction. (a) Withholding of deduction. (b) Amount of deduction. (c) Use of deduction. (d) Limitations.
3106.	Forest trespass. (a) Civil penalties; regulations. (b) Treatment of proceeds. (c) Concurrent jurisdiction.
3107.	Direct payment of forest products receipts. (a) Regulations. (b) Payment into a bank depository.
3108.	Secretarial recognition of tribal laws.
3109.	Indian forest land assistance account. (a) Establishment. (b) Deposits and expenditures. (c) Audits.
3110.	Tribal forestry programs. (a) Establishment. (b) Support allocation formula; criteria.
3111.	Assessment of Indian forest land and management programs.

Sec.

	(a) Initial assessment. (b) Periodic assessments. (c) Status report to Congress. (d) Assistance from Secretary of Agriculture.
3112.	Alaska Native technical assistance program. (a) Establishment. (b) Indian Self-Determination Act.
3113.	Establishment of Indian and Alaska Native forestry education assistance. (a) Forester intern program. (b) Cooperative education program. (c) Scholarship program. (d) Forestry education outreach. (e) Adequacy of programs.
3114.	Postgraduation recruitment, education and training programs. (a) Postgraduation recruitment. (b) Postgraduate intergovernmental internships. (c) Continuing education and training.
3115.	Cooperative agreement between Department of the Interior and Indian tribes. (a) Cooperative agreements. (b) Supervision. (c) Savings provision.
3116.	Obligated service; breach of contract. (a) Obligated service. (b) Breach of contract; repayment.
3117.	Authorization of appropriations.
3118.	Regulations.
3119.	Severability.
3120.	Trust responsibility.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 715c of this title.

§ 3101. Findings

The Congress finds and declares that—

(1) the forest lands of Indians are among their most valuable resources and Indian forest lands—

(A) encompass more than 15,990,000 acres, including more than 5,700,000 acres of commercial forest land and 8,700,000 acres of woodland,

(B) are a perpetually renewable and manageable resource,

(C) provide economic benefits, including income, employment, and subsistence, and

(D) provide natural benefits, including ecological, cultural, and esthetic values;

(2) the United States has a trust responsibility toward Indian forest lands;

(3) existing Federal laws do not sufficiently assure the adequate and necessary trust management of Indian forest lands;

(4) the Federal investment in, and the management of, Indian forest land is significantly below the level of investment in, and management of, National Forest Service forest land, Bureau of Land Management forest land, or private forest land;

(5) tribal governments make substantial contributions to the overall management of Indian forest land; and

(6) there is a serious threat to Indian forest lands arising from trespass and unauthorized harvesting of Indian forest land resources.

(Pub. L. 101-630, title III, § 302, Nov. 28, 1990, 104 Stat. 4532.)

SHORT TITLE

Section 301 of title III of Pub. L. 101-630 provided that: "This title [enacting this chapter] may be cited

as the ‘National Indian Forest Resources Management Act’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3108 of this title.

§ 3102. Purposes

The purposes of this chapter are to—

(1) allow the Secretary of the Interior to take part in the management of Indian forest lands, with the participation of the lands’ beneficial owners, in a manner consistent with the Secretary’s trust responsibility and with the objectives of the beneficial owners;

(2) clarify the authority of the Secretary to make deductions from the proceeds of sale of Indian forest products, assure the use of such deductions on the reservation from which they are derived solely for use in forest land management activities, and assure that no other deductions shall be collected;

(3) increase the number of professional Indian foresters and related staff in forestry programs on Indian forest land; and

(4) provide for the authorization of necessary appropriations to carry out this chapter for the protection, conservation, utilization, management, and enhancement of Indian forest lands.

(Pub. L. 101-630, title III, § 303, Nov. 28, 1990, 104 Stat. 4532.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3108 of this title.

§ 3103. Definitions

For the purposes of this chapter, the term—

(1) “Alaska Native” means Native as defined in section 1602(b) of title 43;

(2) “forest” means an ecosystem of at least one acre in size, including timberland and woodland, which—

(A) is characterized by a more or less dense and extensive tree cover,

(B) contains, or once contained, at least ten percent tree crown cover, and

(C) is not developed or planned for exclusive nonforest use;

(3) “Indian forest land” means Indian lands, including commercial and non-commercial timberland and woodland, that are considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover, regardless whether a formal inspection and land classification action has been taken;

(4) “forest land management activities” means all activities performed in the management of Indian forest lands, including—

(A) all aspects of program administration and executive direction such as—

(i) development and maintenance of policy and operational procedures, program oversight, and evaluation,

(ii) securing of legal assistance and handling of legal matters,

(iii) budget, finance, and personnel management, and

(iv) development and maintenance of necessary data bases and program reports;

(B) all aspects of the development, preparation and revision of forest inventory and management plans, including aerial photography, mapping, field management inventories and re-inventories, inventory analysis, growth studies, allowable annual cut calculations, environmental assessment, and forest history, consistent with and reflective of tribal integrated resource management plans;

(C) forest land development, including forestation, thinning, tree improvement activities, and the use of silvicultural treatments to restore or increase growth and yield to the full productive capacity of the forest environment;

(D) protection against losses from wildfire, including acquisition and maintenance of fire fighting equipment and fire detection systems, construction of firebreaks, hazard reduction, prescribed burning, and the development of cooperative wildfire management agreements;

(E) protection against insects and disease, including—

(i) all aspects of detection and evaluation,

(ii) preparation of project proposals containing project description, environmental assessments and statements, and cost-benefit analyses necessary to secure funding,

(iii) field suppression operations, and

(iv) reporting;

(F) assessment of damage caused by forest trespass, infestation or fire, including field examination and survey, damage appraisal, investigation assistance, and report, demand letter, and testimony preparation;

(G) all aspects of the preparation, administration, and supervision of timber sale contracts, paid and free use permits, and other Indian forest product harvest sale documents including—

(i) cruising, product marking, silvicultural prescription, appraisal and harvest supervision,

(ii) forest product marketing assistance, including evaluation of marketing and development opportunities related to Indian forest products and consultation and advice to tribes, tribal and Indian enterprises on maximization of return on forest products,

(iii) archeological, historical, environmental and other land management reviews, clearances, and analyses,

(iv) advertising, executing, and supervising contracts,

(v) marking and scaling of timber, and

(vi) collecting, recording and distributing receipts from sales;

(H) provision of financial assistance for the education of Indians enrolled in accredited programs of postsecondary and postgraduate forestry and forestry-related fields of study, including the provision of scholarships, internships, relocation assistance, and other forms of assistance to cover educational expenses;

(I) participation in the development and implementation of tribal integrated resource

management plans, including activities to coordinate current and future multiple uses of Indian forest lands;

(J) improvement and maintenance of extended season primary and secondary Indian forest land road systems; and

(K) research activities to improve the basis for determining appropriate management measures to apply to Indian forest lands;

(5) “forest management plan” means the principal document, approved by the Secretary, reflecting and consistent with a tribal integrated resource management plan, which provides for the regulation of the detailed, multiple-use operation of Indian forest land by methods assuring that such lands remain in a continuously productive state while meeting the objectives of the tribe and which shall include—

(A) standards setting forth the funding and staffing requirements necessary to carry out each management plan, with a report of current forestry funding and staffing levels; and

(B) standards providing quantitative criteria to evaluate performance against the objectives set forth in the plan;

(6) “forest product” means—

(A) timber,

(B) a timber product, including lumber, lath, crating, ties, bolts, logs, pulpwood, fuelwood, posts, poles and split products,

(C) bark,

(D) Christmas trees, stays, branches, firewood, berries, mosses, pinyon nuts, roots, acorns, syrups, wild rice, and herbs,

(E) other marketable material, and

(F) gravel which is extracted from, and utilized on, Indian forest lands;

(7) “forest resources” means all the benefits derived from Indian forest lands, including forest products, soil productivity, water, fisheries, wildlife, recreation, and aesthetic or other traditional values of Indian forest lands;

(8) “forest trespass” means the act of illegally removing forest products from, or illegally damaging forest products on, forest lands;

(9) “Indian” means a member of an Indian tribe;

(10) “Indian land” means land title to which is held by—

(A) the United States in trust for an Indian, an individual of Indian or Alaska Native ancestry who is not a member of a federally-recognized Indian tribe, or an Indian tribe, or

(B) an Indian, an individual of Indian or Alaska Native ancestry who is not a member of a federally recognized tribe, or an Indian tribe subject to a restriction by the United States against alienation;

(11) “Indian tribe” or “tribe” means any Indian tribe, band, nation, Pueblo or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and shall mean, where appropriate, the recognized tribal government of such tribe’s reservation;

(12) “reservation” includes Indian reservations established pursuant to treaties, Acts of Congress or Executive orders, public domain Indian allotments, and former Indian reservations in Oklahoma;

(13) “Secretary” means the Secretary of the Interior;

(14) “sustained yield” means the yield of forest products that a forest can produce continuously at a given intensity of management; and

(15) “tribal integrated resource management plan” means a document, approved by an Indian tribe and the Secretary, which provides coordination for the comprehensive management of such tribe’s natural resources.

(Pub. L. 101-630, title III, § 304, Nov. 28, 1990, 104 Stat. 4533.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3703 of this title.

§ 3104. Management of Indian forest land

(a) Management activities

The Secretary shall undertake forest land management activities on Indian forest land, either directly or through contracts, cooperative agreements, or grants under the Indian Self-Determination Act [25 U.S.C. 450f et seq.].

(b) Management objectives

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, of forest 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 a 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 forest land 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