

Attachment K. Legal Constraints Matrix.

The matrix below documents all the possible legal constraints affecting forest management in the project boundary.

Rule/Regulation	Description	Notes
National Indian Forest Resources Act of 1990: Code of Federal Regulations (CFR) Title 25 Part 163 – General Forestry Regulation. Section 163.11 – Forest Management Planning and Sustained Yield Management	Provides guidance for the management of forests on Tribal land. Most importantly, directs Indian Tribes with significant forest resources to develop Forest Management Plans and Integrated Resource Management Plans that describe how the Tribe's forests will be managed under the principals of sustained yield management.	The Spokane Tribe of Indians is currently operating under the 2009 Forest Management Plan, which is considered to be 'non-expiring'. However, the Tribe has decided that the plan is no longer current as the plan no longer represents the tribal goals or forest management policy, or the state or condition of forest/timber resources. This decision was based on 2 main considerations: 1) Recent wildfires and 2) Completion of a CFI remeasurement and analysis. The Tribe is in the process of finalizing an update to the Forest Management Plan that includes a scheduled review set to occur in 2024 coinciding with the completion of the 4th harvest rotation and completion of another CFI remeasurement. Through the FMP, sustained yield management is demonstrated through the Tribe's stated <u>Annual Allowable Cut (AAC) of 12,275,000 board feet (12 MMbf on Trust Lands + 275 Mbf on Wildlife Mitigation Lands)</u>. <u>Baseline Model Considerations:</u> The baseline model constrains total harvest volume at a level less than or equal to 61,375,000 board feet (12,275,000 board feet X 5), or an average of 12,275 MBF per year, during the first 5 years of the model, through 2023. After the effective expiration date of the current FMP through comprehensive review set to occur sometime in 2024, harvest levels are allowed to ramp up through time, starting in 2024, consistent with the productive capacity of the forest. We model a maximum sustained yield on the tribal lands of averaging approximately 23 MMBF per year after 2024. Board foot inventory at the end of the 100-year baseline planning horizon is projected to be 94% of the beginning (year-end 2018) inventory.
National Indian Forest Resources Act of 1990: Code of Federal Regulations (CFR) Title 25 Part 163 – General Forestry Regulation. Section 163.12 – Harvesting Restrictions	Sets forth restrictions on harvesting on commercial forest land to ensure proper reforestation occurs as well as permitting clearcutting if it's based on ecological sound principals.	In the baseline model, thinning and regeneration harvests in the baseline have been designed and scheduled to ensure acceptable regeneration of acceptable tree species.
National Indian Forest Resources Act of 1990: Code of Federal Regulations (CFR) Title 25 Part 163 – General Forestry Regulation. Section 163.34 – Harvesting Restrictions	Ensures that actions taken by the Tribe comply with the National Environmental Policy Act of 1969, applicable Council on Environmental Quality Regulations, and tribal laws and regulations.	The baseline model has been developed in compliance with federal natural resource law, including the Clean Water Act and the Threatened and Endangered Species Act. The baseline model also complies with all tribal laws and regulations.
2009 Forest Management Plan for the Spokane Indian Reservation	<u>Forest Reserves:</u> Acres that have been withdrawn from timber harvesting because the Tribe has determined the area includes non-timber resources which need complete protection, or the area is of special cultural or aesthetic value.	<u>Baseline Model Considerations:</u> The baseline model considers the management guidelines of the FMP by applying no-harvest (grow only) regimes to acres within the project area identified in the GIS as falling within Forest Reserves. In addition to ensuring the integrity of the Forest Reserves with no-harvest regimes, these areas are also intended to serve as a source of live trees, snags, and dead wood for wildlife throughout the planning horizon of the baseline model.

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2009 Forest Management Plan for the Spokane Indian Reservation	<u>Wildlife Emphasis Areas:</u> There are 3 Wildlife Emphasis Areas that have been identified to habitat for a variety of wildlife species, especially big game. These areas are: 1) Wellpinit Mountain – Turtle Lake, 2) West End, and 3) Sand Flats. The primary management objective in these areas is to promote mature stands for winter deer and elk habitat. Harvesting in these areas is allowed under the FMP outside of seasonal restrictions for calving/fawning and winter range.	<u>Baseline Model Considerations:</u> The baseline model considers the guidelines of the FMP by applying 90% uneven-aged silvicultural regimes (thin only) and 10% even-age (seed tree regimes) to acres within the project area identified in the GIS as falling within Wildlife Emphasis Areas to produce a variety of habitat conditions. These silvicultural regimes have been designed to ensure the wildlife management objectives will be met throughout the planning horizon of the baseline model.
2009 Forest Management Plan for the Spokane Indian Reservation	<u>Wildlife Mitigation Lands:</u> Since 2006, the Bonneville Power Administration (BPA) and Avista Corp. (WWP) have provided funding to the Tribe for land purchases to mitigate for habitat losses caused by the entities' hydro-electric dams. All these areas have been converted to Tribal trust lands and are managed for the same wildlife objectives as the Wildlife Emphasis Areas. Harvesting in these areas is allowed under the FMP outside of seasonal restrictions for calving/fawning and winter range.	<u>Baseline Model Considerations:</u> The baseline model considers the guidelines of the FMP by applying 90% uneven-aged silvicultural regimes (thin only) and 10% even-age (seed tree regimes) to acres within the project area identified in the GIS as falling within Wildlife Mitigation Areas to produce a variety of habitat conditions. These silvicultural regimes have been designed to ensure the wildlife management objectives will be met throughout the planning horizon of the baseline model.
2009 Forest Management Plan for the Spokane Indian Reservation	<u>Riverbreaks Management Zone:</u> The Riverbreaks Management Zone is a scenic corridor where the overriding objective is to maintain a forest with high scenic value. The FMP outlines several specific management objectives for this management zone: 1) Maintain well-spaced and healthy trees, 2) Promote the development of mature forests with old-growth characteristics, 3) Minimize signs of human disturbances visible from roads, and 4) Control build up of hazard fuels. The creation of open park-like stands of large-diameter trees through periodic thinning of second growth would serve the objectives of both aesthetics and forest health.	<u>Baseline Model Considerations:</u> The baseline model considers the guidelines of the FMP by applying 95% uneven-aged (thin only) silvicultural regimes to acres within the project area identified in the GIS as falling within the Riverbreaks Management Zone. A small amount (5%) of these acres will receive even-age (seed tree) treatments to acknowledge operational needs to improve small pockets of high mortality and mistletoe. These silvicultural regimes have been designed to ensure the objectives of this management zone will be met throughout the planning horizon of the baseline model.
2009 Forest Management Plan for the Spokane Indian Reservation	<u>Riparian Management Zones:</u> Riparian Management Zones have been established by the Tribe in accordance to the FMP's harvest policies and are spatially defined in GIS. The FMP's harvest policy regarding riparian zones is to protect perennial and intermittent streams with riparian vegetation with a 100-foot buffer on each side. If an existing haul road is within 100 feet of the stream, the buffer extends only to the road. The general policy is to restrict harvesting within these riparian management zones.	<u>Baseline Model Considerations:</u> The baseline model considers the management guidelines of the FMP by applying no-harvest (grow only) regimes to acres within the project area identified in the GIS as falling within Riparian Management Zones. In addition to ensuring the integrity of the Riparian Management Zones with no-harvest regimes, these areas are also intended to serve as a source of live trees, snags, and dead wood for wildlife throughout the planning horizon of the baseline model.
Endangered Species Act (ESA)	The Endangered Species Act (ESA) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing ESA are the U.S. Fish and Wildlife Service (FWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The FWS maintains a worldwide list of endangered species. Species include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees.	There are no known endangered species identified within the Project Area. The baseline assumes that during harvest operations, if an endangered species is identified with the project area, a harvest protection plan will be developed.
Local Ordinances	n/a	There are no local ordinances or regulations other than those set forth by the Spokane Tribe of Indians (listed above.)