

## TITLE 10 - NATURAL RESOURCES AND THE ENVIRONMENT

### CHAPTER 10-2 TRIBAL FOREST RESOURCES MANAGEMENT CODE

#### 10-2-1 Authority, Purpose and Repeal of Inconsistent Legislation

##### (a) Authorization

The Constitution of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians was adopted by the Tribe in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, as amended) and approved by the Assistant Secretary – Indian Affairs on June 23, 1987. The Constitution established the Tribal government and Tribal Council with authority to exercise all legislative and executive authority of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians except that specifically vested in the general council by the Constitution. The authority for this Code is set forth in Article VI, Section 2 of the Tribal Constitution.

Pursuant to the National Indian Forest Resources Management Act (“NIFRMA”) (25 U.S.C. § 3108) and unless otherwise prohibited by Federal statutory law, the Secretary of the Interior shall comply with tribal laws pertaining to Indian forest lands, including laws regulating the environment or historic or cultural preservation, and shall cooperate with the enforcement of such laws on Indian forest lands.

##### (b) Purpose

In accordance with the foregoing Tribal and Federal authorities and the Tribe’s retention of the full spectrum of sovereign powers, the Tribal Council has the authority, desires to and does hereby establish this Tribal Forest Resources Management Code ([TFRMC](#)) for the following purpose:

- (1) To establish formal Tribal government direction, standards and procedures for management of Tribal trust forest lands;
- (2) To strengthen Tribal sovereignty and advance the principles of self-governance in carrying out forest management activities; and
- (3) To fully exercise Tribal authority in carrying out forest management activities as authorized by Tribal law and provided for in the Indian Trust Asset Reform Act (“ITARA”) (P.L. 114-178), the NIFRMA, the Indian Self-Determination and Education Assistance Act (“ISDEA”) (P.L. 93-638) and other applicable Federal law.

This Tribal Forest Resources Management Code establishes Tribal law for carrying out forest management activities under the authority and provisions of the Indian Trust Asset Reform Act ([ITARA](#)) and an Indian Trust Asset Management Plan ([ITAMP](#)).

##### (c) Repeal of Inconsistent Legislation

Any prior Tribal regulations, resolutions, orders, motions, legislation, Codes or other Tribal law which are inconsistent with the purpose and procedures established by this Title 10-2 are hereby repealed to the extent of any such inconsistency.

#### 10-2-2 Title

This Code shall be known and may be cited as the Tribal Forest Resources Management Code ("TFRMC").

#### 10-2-3 Applicability

This Code shall apply to all Tribal forest lands held in trust by the Federal Government for the exclusive and beneficial use of the Tribe.

#### 10-2-4 Definitions

For the purposes of this TFRMC:

- (a) "Tribal trust land" means those lands for which the United States Government, as trustee, holds legal title for the Tribe, as beneficiary;
- (b) "Forest" means an ecosystem of at least one acre in size, including timberland and woodland, which:
  - (1) is characterized by a more or less dense and extensive tree cover,
  - (2) contains, or once contained, at least ten percent tree crown cover, and
  - (3) is not developed or planned for exclusive non-forest use.
- (c) "Tribal forest land" means Tribal trust 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 inventory and/or land classification action has been completed;
- (d) "Forest land management activities" means all functions performed in the management of Tribal forest lands principally described, but not limited to, those activities listed in the NIFRMA § 3103(4);
- (e) "Forest Management Plan" (FMP) means the principal document which provides for the regulation of the detailed, multiple-use operation of Tribal 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, but not be limited to, content described in the NIFRMA § 31 (5);
- (f) "Forest product" means:
  - (1) Timber or a timber product, including lumber, lath, crating, ties, bolts, logs, pulpwood, fuelwood, posts, poles, split products, and bark;

- (2) Christmas trees, stays, branches, firewood, berries, mosses, pinyon nuts, roots, acorns, syrups, wild rice, and herbs;
  - (3) Other marketable material harvested from Tribal forest land and ~~free use non-~~ **marketable** material gathered by Tribal members for subsistence and cultural uses; and
  - (4) Gravel which is extracted from, and utilized on, Tribal forest lands.
- (g) “Forest resources” means all the benefits derived from Tribal forest lands, including forest products, soil productivity, water, fisheries, wildlife, recreation, aesthetic and other traditional and cultural values;
  - (h) “Forest trespass” means the removal of forest products from, or damaging forest products on, Tribal forest land, except when authorized by Tribal law and applicable Tribal regulations. Trespass can include any damage to forest resources on Tribal forest land resulting from activities under contracts, permits or from fire;
  - (i) “Secretary” means the Secretary of the Department of the Interior;
  - (j) “Tribe” means the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (“CTCLUSI”);
  - (k) “Tribal Council” or “Council” means the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council;
  - (l) “Tribal Chair” means the Chairman of the Tribal Council; and
  - (m) “Tribal Member” means a person who is enrolled as a member of the Tribe.

#### 10-2-5 Management of Forest Land Held in Trust for the CTCLUSI

##### (a) Performance of Management Activities

The Tribe shall undertake forest land management activities through a Compact of Self-Governance entered into under Title IV of the ISDA and/or ITARA. The performance of forest management activities shall be in accordance with authorities and provisions of NIFRMA, ITARA, and the Western Oregon Tribal Fairness Act (P.L. 115-103).

##### (b) Forest Management Decisions

All management decisions and activities involving or affecting forest lands must:

- (1) Be consistent with the guiding principles and management objectives and guidelines set forth in a Forest Management Plan (FMP) approved by the Tribal Council;
- (2) Be made within reasonable timeframes; and
- (3) Be preceded by meaningful and adequate review in conformity with Tribal law.

##### (c) Guiding Principles and Management Objectives and Guidelines

Forest land management activities undertaken by the Tribe shall be designed and carried out in accordance with the following guiding principles and management objectives and guidelines. In addition, such activities shall be consistent with Federal objectives set forth in an approved FMP.

(1) Guiding Principles

- (A) The people are a part of the ecosystem, rather than apart from it. The Tribe has managed these forests since time immemorial and will continue to do so using a combination of traditional and contemporary active management techniques.
- (B) Forest management will include active management across the entire forest and across all age classes.
- (C) Active management will be used to increase and enhance habitat conditions that are underrepresented on the Tribal Forest.
- (D) Forest management activities will follow a holistic approach, managing for a variety of benefits and values beyond timber production including clean water, biological and structural forest diversity, healthy fish and wildlife populations, aesthetics, cultural restoration, and spiritual wellbeing.
- (E) Harvest prescriptions and schedules will be developed with the intent of providing a balanced mix of early, mid, and late-serial forest conditions that meets the needs of the Tribe while also creating a diverse mix of stand ages and conditions to provide habitat for all of the species with whom the Tribe shares the forest.
- (F) Forest management will provide for a diversity of the attributes that the Tribal Membership values including hunting opportunities, gathering opportunities, clean air and water, healthy fish runs, and opportunities for Tribal Members to connect with and learn from the Tribal Forest.
- (G) Older forests will be sustainably managed and harvested in a way that maintains or increases the extent of older age classes across the Tribal Forest over time. This will be accomplished by managing long rotation intervals, retention of legacy components during harvest, and a focus on managing for biological and structural diversity.
- (H) Regeneration harvest prescriptions and timelines will focus on creating complex early-serial conditions that provide a diverse bounty of culturally important species such as deer, elk, edible plants and berries, and medicinal plants.

- (I) The Tribal Forest will be managed under the principle of sustained yield, to produce a continuous and steady supply of timber revenue to support crucial Tribal services.
- (J) The Tribal Forest will serve as an example for the general public as well as non-tribal forest managers, blending traditional and contemporary ecological knowledge to demonstrate a balanced approach to forest management that includes all ecosystem components.
- (K) There will be an emphasis on educating and engaging Tribal youth, as well as providing young people with opportunities to pursue educations and careers in Tribal natural resources management.

## (2) Federal Objectives

Federal management objectives are set forth in NIFRMA §3104(b):

- (A) 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 an FMP by providing effective management and protection through the application of sound silvicultural and economic principles to: the harvesting of forest products, forestation, timber stand improvement and other forestry practices.
- (B) The regulation of Indian forest land through the development and implementation, with the full and active consultation and participation of the Tribe, of an FMP which is supported by written Tribal objectives and forest marketing strategies.
- (C) The regulation of Indian forest land 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.
- (D) The development of Indian forest land and associated value-added industries to promote self-sustaining communities, so that the Tribe may receive from their 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.
- (E) 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.
- (F) The management and protection of forest resources to retain the beneficial effects to Indian forest land of regulating water run-off and minimizing soil erosion.
- (G) The maintenance and improvement of timber productivity, grazing, wildlife, fisheries, recreation, aesthetic, cultural and other traditional values.

### (3) Detailed Objectives and Guidelines

Detailed forest management objectives and guidelines shall flow directly from the overarching guiding principles and shall be fully described in the FMP.

#### 10-2-6 Compliance with Federal Law

In carrying out forest management activities under the ITAMP and authorities of ITARA, the Tribe shall comply with all applicable federal laws pertaining to the management of Indian trust forest lands.

#### 10-2-7 Harvesting and Sale of Forest Products

Consistent with Tribal guiding principles, management objectives and guidelines and Federal objectives set forth in an approved FMP, sales of forest products from Tribal trust forestlands may be authorized by the Tribal Council. Such sales shall comply with Tribal forestry regulations promulgated for the implementation of this Code.

#### 10-2-8 Timber and Minor Forest Products Harvesting Under Permit Authority

Harvesting forest products from Tribal trust forestlands under permit authority or free-use without permits shall comply with requirements and procedures set forth in a Forest Products Use Policy Statement ("Policy Statement") approved by the Tribal Council. The Policy Statement provides authority and procedures for the harvesting and subsequent removal of all forest products not conducted under formal timber contract. Such Policy Statement shall comply with the provisions of Article II of the Tribal Constitution.

#### 10-2-9 Administration and Disbursement of Forest Products Receipts

Procedures shall be set forth in regulations promulgated for implementation of this Code which provide for the receipts from the sale of forest products, less any amounts segregated as forest management deductions, and other revenues derived from sale of use of forest resources to be paid into a bank depository account designated by the Tribe. Such procedures shall establish efficient and accountable requirements for the administration and disbursement of forest products receipts while allowing the Secretary to maintain trust responsibility that all required deposits, payments and disbursements have been properly made.

#### 10-2-10 Protection and Management of Non-Timber Forest Land Resources and Values

Forest land management activities under this Code shall be accomplished in a manner which considers all resource values including, but are not limited to, soils, water, botanical species, fish and wildlife, cultural resources, aesthetics and recreation. Implementation of forest management actions shall address non-timber values at the site level and holistically across the landscape. Provisions shall be included in the FMP and project level implementation plans which establish design features, best management practices and mitigation measures when appropriate to protect and manage non-timber forest land resources consistent with Tribal goals and Federal objectives.

## 10-2-11 Compliance with Environmental and Cultural Resource Laws

All forest management activities shall be implemented consistent with Tribal environmental and cultural resources laws and regulations.

## 10-2-12 Tribal Environmental Review Report Protocol

The Tribal Environmental Review Report (“TERR”) protocol establishes formal Tribal government procedures to evaluate the environmental impacts related to forest management activities.

### (a) Definitions

The following definitions apply to the TERR Protocol:

- (1) “Public” for purposes of commenting on a Tribal Environmental Review Report means an enrolled member of the Tribe;
- (2) “Chief Executive Officer” or “CEO” means the Tribe’s senior executive officer or his/her designee;
- (3) “Comprehensive Plan” means the Tribe’s Comprehensive Land Use Plan which currently exists or may be developed in the future and as amended from time-to-time;
- (4) “Cultural Resource” means:
  - (A) Any product of human activity or any object or place given significance by human action or belief, and in the case of this Code, actions and beliefs related to the Tribe, its ancestors and its members;
  - (B) Any archaeological materials or objects, including human remains, of cultural or historic significance obtained from cultural or historic sites; or
  - (C) Any protected archaeological, cultural, or historical site.
- (5) “Culturally Sensitive Area” means an area with that designation, if any, in the Comprehensive Plan;
- (6) “Environmentally Sensitive Area” means an area with that designation, if any, in the Comprehensive Plan.
- (7) “Mitigation” means any one or more of the following concerning environmental impacts:
  - (A) Avoiding impacts altogether by not taking a certain action or parts of an action;

- (B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
  - (C) Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
  - (D) Reducing or eliminating the impacts over time by preservation and maintenance operations during the life of the action; or
  - (E) Compensating for impacts by replacing or providing substitute resources or environments.
- (8) “National Environmental Policy Act” and “NEPA” means the federal act (42 U.S.C. §§ 4321 et seq.) that requires federal agencies to consider the environmental impacts of proposed federal projects and actions;
  - (9) “Non-project Actions” involves land use and other management plans that govern the development or management of land;
  - (10) “Person” means any individual; association of individuals; partnership; private, public, Tribal or municipal corporation, LLC or enterprise, or any county, Tribal, federal, state or local government, or any governmental entity;
  - (11) “Proposed Action” and “Action” means a forest management action under consideration for approval;
  - (12) “Significant Impact” means substantial, or potentially substantial, adverse change in the environment, including air, water, mineral, flora, fauna, ambient noise, cultural areas and objects of historic, cultural or aesthetic significance;
  - (13) “TERR Protocol” means the provisions of CTCLUSI Tribal Code Section 10-2-12.
  - (14) “Tribal Council” or “Council” means the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribal Council;
  - (15) “Tribal Environmental Review Report” ([TERR](#)) means a report prepared in accordance with the TERR Protocol.

(b) Applicability

- (1) This TERR Protocol applies to forest management actions or proposed actions that may have a significant impact on the environment.
- (2) This TERR Protocol shall not apply to all prior approved or on-going forest management actions in existence on the date that the CTCLUSI Tribal Code Chapter 10-2 was adopted.

- (3) By determination of the Tribal Council, this TERR Protocol shall not apply an emergency situation has been declared under Tribal authority to protect public health, safety, property, infrastructure, lands and natural resources. Such emergency situation may also be declared to recover trust asset values at high risk of loss if immediate recovery action is not taken.

( c ) Regulations, Policies and Procedures

The CEO may issue regulations, policies and procedures to implement this TERR Protocol which may include, but not be limited to:

- (1) Provisions for interpreting and implementing this TERR Protocol and for providing uniform guidelines to Tribal programs; and
- (2) All other reasonable guidance as may be required to fulfill the intent of this TERR Protocol.

(d) Consultation Requirements

The CEO will consult with other Tribal departments during the TERR process commensurate with the potential impacts of the proposed action. Consulted departments have a responsibility to respond in a timely and specific manner to requests for comments.

To the fullest extent practicable, the environmental review process will be conducted concurrently with any other impact analyses and related surveys and studies required by other applicable Tribal or Federal laws.

(e) Environmental Review Process

- (1) The CEO shall cause to be prepared a Tribal Environmental Review Report analyzing the significant impacts of the proposed action; provided, however, that information or data which is relevant to such a Tribal Environmental Review Report and is a matter of public record or is generally available to the public need not be repeated in its entirety in the Tribal Environmental Review Report. Such public information may be specifically cited as the source for conclusions stated therein; and provided further that such information or data shall be briefly described, that its relationship to the Tribal Environmental Review Report shall be indicated, and that the source of such information will be reasonably available for inspection by Tribal members at a location on Tribal Trust lands that is open during regular business hours. The Tribal Environmental Review Report shall provide detailed information about the potential impacts for the proposed action, and shall include a detailed statement setting forth all the following:

- (A) A description of the proposed action and purpose and need for action;

- (B) Consistency with approved management direction and existing FMP;
  - (D) Affected environment and environmental consequences of proposed action, including:
    - (i) Vegetation;
    - (ii) Terrestrial species, habitats and upland resources;
    - (iii) Aquatic species, habitats and water resources;
    - (iv) Soils;
    - (v) Climate;
    - (vi) Cultural resources; and
    - (vii) Tribal economy and economic conditions of nearby communities.
  - (E) Cumulative actions considered; and
  - (F) Mitigation measures recommended or required.
- (2) In the Tribal Environmental Review Report, the significant impact on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.
- (3) Within no less than thirty (30) days following the completion of the draft Tribal Environmental Review Report, the CEO shall post a Notice of Completion (“NOC”) and a copy of the draft Tribal Environmental Review Report on the Tribe’s website in a publicly accessible format and /or provide to Tribal members by direct mail. Postings of the NOC may also be made on information bulletin boards within Tribal offices. The NOC shall include all of the following information:
- (A) a brief description of the proposed action;
  - (B) The location of the proposed action;
  - (C) A location where copies of the draft Tribal Environmental Review Report are available to the public;
  - (D) Notice of a period of thirty (30) days during which the Tribe will receive comments on the draft Tribal Environmental Review Report and information for submission of comments; and
  - (E) The definition of “Public” as used in this Code.

- (4) The public may submit comments in accordance with the following procedures:
- (A) Comments must be in writing and sent to the CEO by postal service or email as described in the NOC to be received on or before the comment closing date;
  - (B) Only substantive comments will be considered. A substantive comment provides new information about the proposed action or an alternative to the proposed action; or identifies a different way to meet the proposed purpose and need; points out a specific flaw in the analysis; recommends alternative analysis methods and the reason(s) they should be used; makes factual corrections to the analysis; or identifies a different source of credible research which, if used in the analysis, would result in a different effects determination; ~~and~~ Non- substantive comments may also be submitted, such as grammatical changes as suggestions. Changes are required for non-substantive comments; and
  - (C) Comments must include commenter's name, address, and if applicable the commenter's Tribal enrollment number.
- (5) After the thirty (30) day comment period has ended, the CEO will review all comments received from the public. Prior to the approval and execution of the proposed action, the CEO will provide written responses to relevant and substantive public comments, if any, concerning the proposed action and describe recommended mitigation measures addressing any significant impacts. The CEO's written responses will be posted or otherwise made available in a publicly accessible format on the Tribal website. Such responses may also be provided to Tribal members by direct mail and/or posted on information bulletin boards in the offices of the Tribe.
- (6) Following completion of the environmental review process, the CEO shall make one of the follow determinations:
- (A) "Determination of No Significant Impact" means that the CEO upon complying with all requirements of the TERR protocol has determined that the proposed action will not result in significant adverse environmental impacts; or
  - (B) "Determination of Mitigated Significant Impact" means the CEO upon complying with all requirements of the TERR protocol requires mitigation measures to reduce the action below the threshold of significant adverse environmental impacts; or
  - (C) "Determination of Significant Impact" means that the CEO has identified one or more of the following conditions in the process of environmental review:

- (i) Absent or insufficient information to perform a complete analysis of the potential environmental impacts;
- (ii) Failure to comply with applicable federal laws and/or with applicable Tribal laws, regulations or policies;
- (iii) The potential for significant adverse environmental impacts cannot be mitigated unless the project design and/or activities to occur under the proposed action are modified.

In the event the CEO identifies a “Significant Impact,” it is imperative to engage in further efforts directed toward minimizing the magnitude of the impact to the maximum extent practicable before proceeding with the proposed action. These efforts may involve presenting new information, adjusting the proposed course of action, exploring alternative options, or incorporating new project design features or best management practices.

- (7) Any significant change to a proposed action subsequent to completion of the TERR protocol and issuance of a Determination shall be evaluated to determine if a new or updated TERR analysis is required.

#### 10-2-13 Tribal Conservation and Management Plans for Special Status Species

##### (a) Definition

“Tribal Special Status Species” means any plant or animal species designated by the Tribal Government which may be:

- (1) Culturally significant to the Tribe;
- (2) Exist in such small numbers that it is in danger of being extirpated from Tribal lands;
- (3) Exist in such small numbers that it is in danger of being extirpated from the Tribe’s ancestral territory or region; or
- (4) Species listed as threatened or endangered under the ESA.

Tribal Special Status Species in (2) and (3) above, includes those species reasonably expected, directly or indirectly, to diminish in numbers, reproduction, or distribution so that the likelihood of survival and recovery in the wild is appreciably reduced as a result of forest management activities.

##### (b) Identification

The Tribal government may develop a list of Tribal Special Status Species

##### (c) Tribal Conservation and Management Plans

The Tribe may develop Tribal Conservation and Management Plans (“TCMPs”) for Tribal Special Status Species. Such TCMPs shall become Tribal law. The TCMPs shall address the conservation needs of Tribal Special Status Species and will include information pertinent to the following:

- (1) Environmental setting and biological resources (existing baseline habitat conditions);
- (2) Conservation needs of the species;
- (3) Potential impacts to species resulting from Tribal forest management activities;
- (4) Conservation measures, avoidance and mitigation measures (project design features and best management practices);
- (5) Implementation guidance for forest management activities; and
- (6) A process for monitoring populations of Tribal Special Status Species over time.

(d) Tribal Environmental Review Report

The Tribe may include in the Tribal Environmental Review Report (“TEER”), an analysis of potential impacts to Tribal Special Status Species and provide appropriate mitigation measures when applicable.

(e) Coordination with Other Land Management Agencies

The Tribe may, at its discretion, engage with State and Federal fish and wildlife management agencies to promote conservation measures for Tribal Special Status Species which may be impacted by activities occurring on adjacent lands.

10-2-~~14~~<sup>5</sup> Tribal Council Action by Resolution

Tribal Codes and Resolutions constitute Tribal law. The Tribal Council may by resolution:

- (a) Authorize deviations from this Code that remain consistent with all Federal and Tribal laws applicable to the management of Indian trust forest lands. The Secretary shall approve Code deviations pertaining to carrying out forest management activities under an ITAMP prior to implementation; or
- (b) Provide direction to the Secretary regarding the enforcement of Tribal laws on Tribal Forest land; or
- (c) Prescribe new, amended or additional management objectives and guidelines applicable to Tribal forest lands consistent with Federal law.

10-2-~~15~~<sup>6</sup> Tribal Court

- (a) Nothing in this Code shall be deemed to limit:

- (1) The jurisdiction of the Tribal Court; or
  - (2) The doctrine of Tribal Court exhaustion.
- (b) [When the Tribe obtains concurrent jurisdiction,](#) ~~t~~The Tribal Court shall have jurisdiction, concurrent with the federal district courts, over forest trespass cases. The measure of damages, civil penalties, remedies and procedures shall be as set forth in 25 C.F.R. § 163.29.
- (c) All other aspects of tribal forest trespass prosecution shall be as prescribed by Tribal law, as applicable.
- (d) The Tribal Council may request that the federal government defer to Tribal prosecutions of tribal forest trespass.
- (e) In deciding whether to make a timely request, the Tribal Council shall consider:
- (1) Whether Tribal or Federal officials were most responsible for investigating the matter;
  - (2) Whether Tribal resources for prosecution are available; and
  - (3) Whether Federal officials appear to be moving expeditiously and diligently to investigate and prosecute the matter.
- (f) Nothing in this Code shall otherwise provide jurisdiction to any court other than the Tribal Court. Nothing in this Code shall otherwise provide any regulatory jurisdiction to any government other than the Tribe.

#### 10-2-~~16~~7-Regulations

The Tribal CEO shall promulgate final regulations for the implementation of this Code within six months from the date of adoption by the Tribal Council. Unless otherwise provided by this Code, such regulations shall set forth requirements and procedures for carrying out forest management activities pursuant to provisions of this Code. Such regulations shall also serve as Tribal forestry regulations for carrying out forest management activities under an Indian Trust Asset Management Plan approved by the Tribal Council and the Secretary under authority of the Indian Trust Asset Reform Act. The Tribal CEO shall issue future regulations, as necessary, to address new or changing forest management needs and to provide essential regulatory requirements for conducting forest management activities on tribal forest lands. [The Tribal CEO may issue future regulations, policies and procedures as necessary, to address issues and provide guidance for trust land management activities which are not implemented under an ITAMP. Such regulations shall comply with Tribal and Federal law applicable to management of Tribal trust lands. Any future proposed regulations which pertain to forest management activities carried out under ITAMP shall be approved by the Secretary prior to implementation.](#)

## 10-2-178 Severability

If any provision of this Code is held invalid by a court of competent jurisdiction, the invalid portion will be severed and the remaining provisions shall continue in full force and effect.

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### APPENDIX A

#### LEGISLATIVE HISTORY AND EDITORIAL CHANGES

TRIBAL COUNCIL  
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the amendments of Tribal Code 10-2 (Tribal Forest Resources Management Code) for Second Reading and Final Approval by Resolution 26-XXX on June 14, 2026. Creating Ordinance No. 106A. Vote was X (for), X (against), X (absent) and X (abstaining)

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the amendments of Tribal Code 10-2 (Tribal Forest Resources Management Code) for First Reading and for 28 day comment period by Resolution 26-062 on April 12, 2026. Vote was 7 (for), 0 (against), 0 (absent) and 0 (abstaining)

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the establishment of Tribal Code 10-2 (Tribal Forest Resources Management Code) Second Reading and for Final Approval by Resolution 24-083 on May 29, 2024. Creating Ordinance No. 106. Vote was 7 (for), 0 (against), 0 (absent) and 0 (abstaining)

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the establishment of Tribal Code 10-2 (Tribal Forest Resources Management Code) First Reading and for 28-day comment period by Resolution 24-038 on March 10, 2024. Vote was 5 (for), 1 (against), 0 (absent) and 1 (abstaining).