# Agricultural Resource Management Plan for the Colville Reservation





**Colville Confederated Tribes**
**Range Department**
**PO Box 150**
**Nespelem, WA 99155**



**North Wind Resource Consulting, LLC, 1425 Higham Street, Idaho Falls, ID 83402**

# CONTENTS

# ACRONYMS

| | |
|---|---|
| AIARMA | American Indian Agricultural Resources Management Act |
| ARMP | Agricultural Resource Management Plan |
| ATV | All-terrain vehicle |
| BIA | Bureau of Indian Affairs |
| BMP | Best Management Practice |
| BOR | Bureau of Reclamation |
| CCT | Confederated Colville Tribes |
| CRCD | Colville Reservation Conservation District |
| CRP | Conservation Reserve Program |
| CTFC | Colville Tribal Federal Corporation |
| EA | Environmental Assessment |
| EIS | Environmental Impact Statement |
| FSA | Farm Services Agency |
| GIS | Geographic Information System |
| GMO | Genetically Modified Organism |
| GPS | Global Positioning System |
| IAC | Intertribal Agricultural Council |
| IDT | Interdisciplinary team |
| IRMP | Integrated Resource Management Plan |
| MLRA | Major Land Resource Area |
| NEPA | National Environmental Policy Act |
| NRCS | Natural Resources Conservation Service |
| NRI | National Resource Inventory |
| NWND | North West Native Development |
| PAG | Plant Association Group |
| RMU | Resource Management Units |
| ROW | Right-of-way |
| USDA | United States Department of Agriculture |
| USDI | United States Department of Interior |
| WMU | Watershed Management Units |

# 1.0 INTRODUCTION

The Bureau of Indian Affairs (BIA) Agricultural and Range Management Program administers federal laws and regulations and tribal laws and policies pertaining to agricultural land development and management, farmland leases, and rangeland permits on Indian Lands. In order to protect, conserve, utilize, and manage Indian agricultural and grazing lands, BIA must inventory and monitor agricultural resources; develop agricultural resources management and conservation plans for the trust Indian assets; and conduct lease and permit administration, compliance, and enforcement. The American Indian Agricultural Resources Management Act (AIARMA) and related regulations seek to balance BIA responsibility as trustee of Indian land and resources with the need for Indian tribes and individual Indian landowners to lease and permit their agricultural and range trust lands.

North Wind Resource Consulting, LLC (North Wind), an environmental consulting firm headquartered in Idaho Falls, Idaho, was contracted by the Range Department of the Confederated Tribes of the Colville Reservation (CCT) to prepare this Agricultural Resource Management Plan (ARMP) to help direct the management and administration of tribal agricultural resources and agricultural lands by the BIA and the CCT tribal government. The CCT do not have a formal Agriculture Department and thus rely on other departments (e.g., Range Department, Planning, Realty/Leasing) to help administer this program. This plan was developed in consultation with Tribal staff, BIA and other federal agencies working in Nespelem, Washington.

## 1.1 Purpose and Scope of the ARMP

Indian agricultural lands are renewable and manageable resources which are important to lessees of the Confederated Tribes of the Colville Reservation. While large private and commercial agricultural operations do occur on the Reservation, especially on the western portions closer to the Columbia River where irrigation can occur, the opportunity for smaller farms for interested tribal and non-tribal members exists. The development and management of Indian agricultural lands in accordance with integrated resource management plans will ensure proper management of Indian agricultural lands and will produce increased economic returns, enhance Indian self-determination, promote employment opportunities, and improve the social and economic well-being of Indian and surrounding communities.

The purpose of this ARMP is to briefly describe the conditions, values, and use of agricultural lands on the Reservation and define the opportunities, limitations, and leasing process that need to be considered to develop, manage, and improve existing and potential agricultural lands within the Colville Reservation.

The ARMP is needed to help establish a formal process for the development and management of Indian agricultural lands on the Reservation; facilitate Indian access to Federal or private programs relating to agriculture or related rural development programs generally available to the public at large; and increase educational and training opportunities available to the tribal members to improve the experience and abilities of the Confederated Tribes of the Colville Reservation and their members related agriculture and land management.

This ARMP focuses primarily on crop and orchard production potential on trust land. There are approximately 52,000 acres of land that is leased for mixed use of crop, livestock production/grazing, or both. These lands are administered by the Realty Office and the management of these leases is addressed in this document. In addition, approximately 900,000 acres of trust land is available across the

Reservation for seasonal livestock grazing through permits administered by the Range Program. A separate 2015 Range Management Plan exists that provides direction on how these permitted grazing lands are managed. The management of invasive species is an important component of all land management activities, including agriculture, and a separate 2015 Invasive Species Management Plan has been prepared to address this topic.

## 1.2 Goals and Objectives of the ARMP

The AIARMA (available online at http://www.gpo.gov/fdsys/pkg/STATUTE-107/pdf/STATUTE-107-Pg2011.pdf) requires agricultural resource plans to identify the "critical values" of the Confederated Tribes of the Colville Reservation. The critical values of the Tribes are defined in the Integrated Resource Management Plan that is currently in development. In addition, the AIARMA also requires agricultural resource plans to identify Tribal agricultural resource goals and objectives that apply to Tribal range and agricultural lands throughout the Reservation. These are defined below as they relate specifically to agriculture. Rangeland resources including livestock operations are covered in the separate 2015 Integrated Range Management Plan that has been developed for the Reservation.

### 1.2.1 Goals of the ARMP

The goals of the ARMP are to:

- Facilitate the creation of viable, sustainable agricultural practices that provide economic benefit to the stakeholders while maintaining the integrity of the Reservation's resources.
- Provide individuals and commercial entities a clear, concise procedure that documents the steps and leases required to commence agricultural operations.

### 1.2.2 Objectives of the ARMP

The overall objectives of the ARMP are to:

- Encourage and designate areas for agricultural production, both commercial and private.
- Protect and conserve resources while maintaining the highest productive potential on Indian agricultural lands through the application of sound conservation practices and techniques.
- Where appropriate, recommend restoring agricultural lands back into forest or native grasslands.
- Increase production and expand the diversity and availability of agricultural products for subsistence, income, and employment of tribal members through the development of agricultural resources on Reservation lands.
- Maintain or restore biological diversity throughout the landscape, including agricultural lands, by establishing biodiversity corridors through already-developed areas that are linked with adjacent natural areas.
- Manage agricultural resources consistent with integrated resource management plans in order to protect and maintain other values — such as forested areas, hunting and native plant gathering areas, water resources, soils, wildlife, fisheries, traditional cultural plants, cultural resources, recreation — and to regulate water runoff, minimize soil erosion, and maintain compliance with applicable chemical application standards.
- Enable tribal members to maximize the potential benefits available to them through their land by providing agricultural technical assistance, training and education in resource conservation,

agricultural management and the use of credit and marketing of agricultural product and other applicable subject areas.

- Assist the Tribes and individual Indian landowners in leasing their agricultural lands for a reasonable annual return, consistent with prudent management and conservation practices, and community goals as expressed in the tribal management plans and appropriate tribal ordinances.

# 2.0 AGRICULTURAL CONDITIONS, VALUES, AND USE

## 2.1 General Description

The Colville Indian Reservation is located in northeastern Washington and is bounded on the east and south by the Columbia River, on the west by the Okanogan River and on the north by the line separating townships 34 and 35 of the Willamette Meridian (Figure 1). It is approximately 1.45 million acres in size. The eastern half of the Reservation lies within Ferry County and the western half is located within Okanogan County. The major towns on the Reservation include Inchelium in the eastern portion, East Omak on the western boundary, and Nespelem, Keller, Elmer City and Coulee Dam in the central portion. A large number of tribal members also live nearby in the communities of Malott, Omak, Okanogan, Grand Coulee, Brewster, Bridgeport and Colville-Kettle Falls. Spokane and Wenatchee – approximately 100 miles to the southeast and 125 miles to the southwest of the Reservation, respectively – represent the major service centers for the Reservation. The CCT headquarters, BIA, and other government and tribal services are located at the Colville Agency near Nespelem. Major employers within the Reservation include the CCT, Colville Tribal Federal Corporation (CTFC), BIA, and Indian Health Services. Occupations related to agriculture, forestry, hunting and fishing account for about 400 jobs on the Reservation.

The Reservation's land ownership pattern is complex and dynamic. The two basic categories of land ownership present are trust lands and fee patent lands (Figure 2). Trust lands represent approximately 90 percent of the 1.45 million acres and are held in trust by the U.S. Government. They include both tribal lands owned collectively by the Tribes and allotted lands owned by Tribal members. It is common for there to be joint ownership of an allotment by multiple heirs. Fee patent lands represent about 10 percent of the lands and are owned by non-Indians, individual tribal members, and the tribes.

About 65 percent of the Colville Reservation is forested and about 48 percent of it is used for commercial forestry. Another 33 percent of the Reservation is classified as rangeland and much of it (including much of the fee land) is used to graze cattle. Currently, about 87,000 acres of the Reservation is used for agriculture (farmland and orchard) with approximately 5,500 acres continuing to be irrigated (this does not include land used for cattle grazing). The vast majority of this is in the western portions of the Reservation where both irrigated (near the Columbian and Okanogan Rivers) and dryland farming occurs and includes orchard crops, grains, and feed (Figure 3). Much of the current larger scale agriculture is commercial in nature, although a number of smaller individual farmers are also active on the Reservation.

There is considerable opportunity to expand agricultural operations on the Reservation. Although upland agricultural irrigation has decreased since the 1950s, the Tribes have an opportunity to expand agriculture production on the Reservation. There are over 291,000 acres of Class 1 irrigable land on the Reservation (Figure 4). The Bureau of Reclamation defines Class 1 irrigable land as that within a particular agricultural economic setting that is productive enough to yield the highest level of suitability for

continuous, successful irrigation farming, and has the highest relative productive potential as measured in net income per acre. Within these areas, approximately 50,000 acres of tribal trust land has been identified that is most suitable for additional orchard or farming opportunities (Figures 5 and 6). These are areas that should be considered first for expanded agricultural operations and made available through the leasing program, described later in this document.

## 2.2 Regional Land Uses

Management of the Reservation's natural resources has a major socioeconomic influence on and off the Reservation within Ferry and Okanogan Counties. These counties are sparsely populated and their economies are heavily reliant on the production and processing of forest and agricultural products.

## 2.3 Past Agricultural Practices and History

The Colville Tribes were nomadic prior to European contact in the late 1700s. Little to no evidence exists of widespread agriculture practices within the area prior to this time (Western Resources Analysis, Inc. 2000). There is evidence that Indians practiced plant management prior to the arrival of Europeans. Examples include selective harvest in camas grounds and the use of fire to propagate huckleberries and other plant foods. Early in the post European period, agricultural technology was brought to the area by European traders. From 1872 through the 1940s, Euro-American settlers considered cropland more valuable than timber, thus a considerable amount of forestland was cleared for this use. Most crops were grown for home consumption or for feeding livestock at this time because markets were far away and transportation was limited.

Throughout portions of the Reservation, the fruit industry was an important employment source for tribal members especially during the apple harvest. Many families traveled from the Reservation to the Yakima valley, the Wenatchee area and the Okanogan valley to work during fruit harvest. The Timentwa plateau, located in the southwest corner of the Reservation, contains a unique agriculture area used for grain production. This area has been continuously farmed since the early 1900s by both Indian and non-Indian farmers.

In the early 1900s, irrigation was limited to small diversion ditches in locations where construction was easy or in some valley lands that were partially sub-irrigated. Seven projects were completed between 1915 and 1939 leading to the irrigation of over 11,000 acres. A 1939-40 study found that irrigated tracts at the time ranged from less than 10 to 73 acres (Western Resources Analysis, Inc. 2000).

The limited amount of irrigation development on the Reservation resulted in agriculture being a minor contributor to the economy during the 1970s. During this period, approximately 26,000 acres of the Reservation was in agricultural production; of this about 5,500 acres were irrigated. Most farming that was occurring was in conjunction with livestock operations and consisted mainly of marginal drylands with only a few scattered irrigation systems.

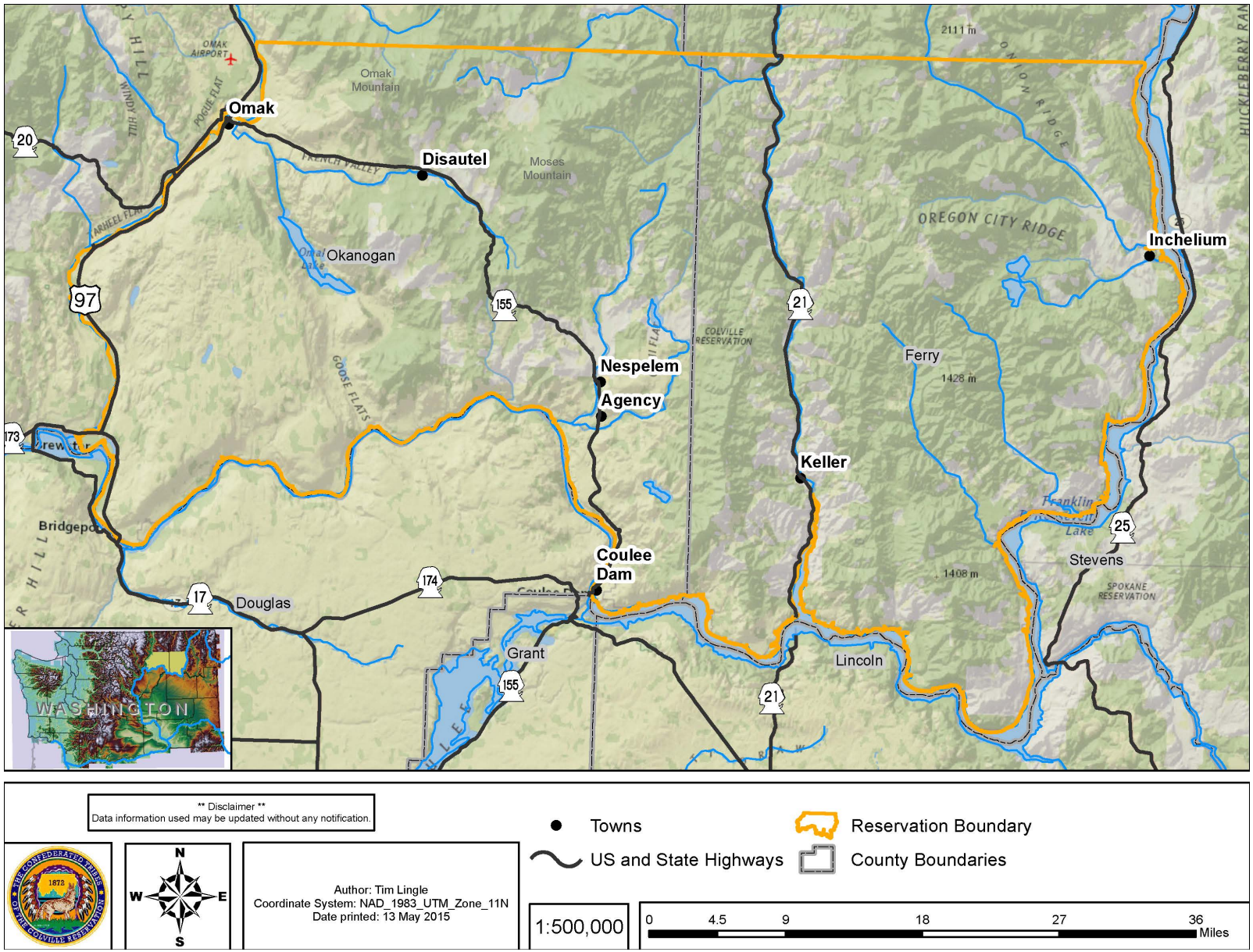



**Figure 1. Location of Colville Reservation**

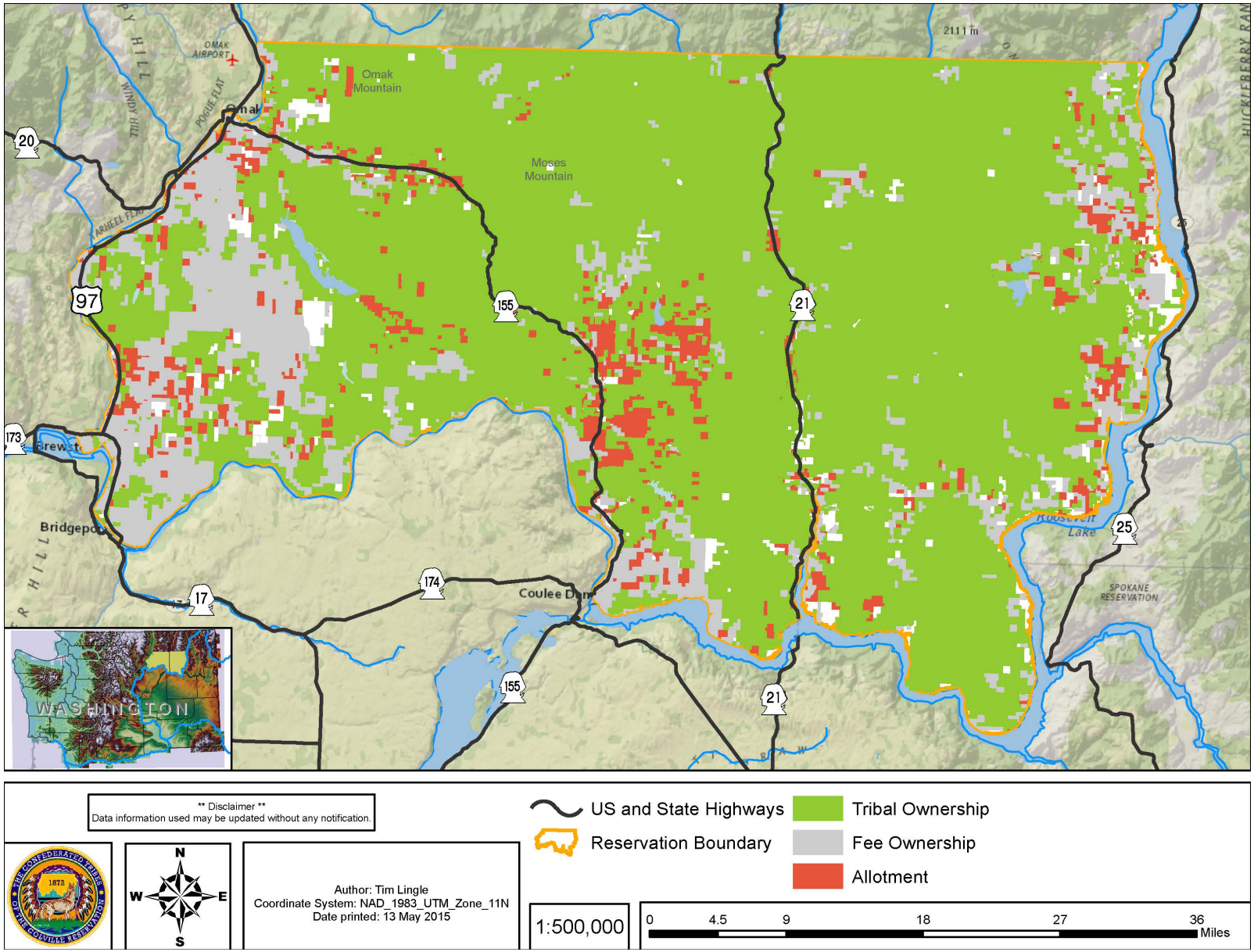



**Figure 2. Distribution of Trust and Fee Lands on the Colville Reservation**

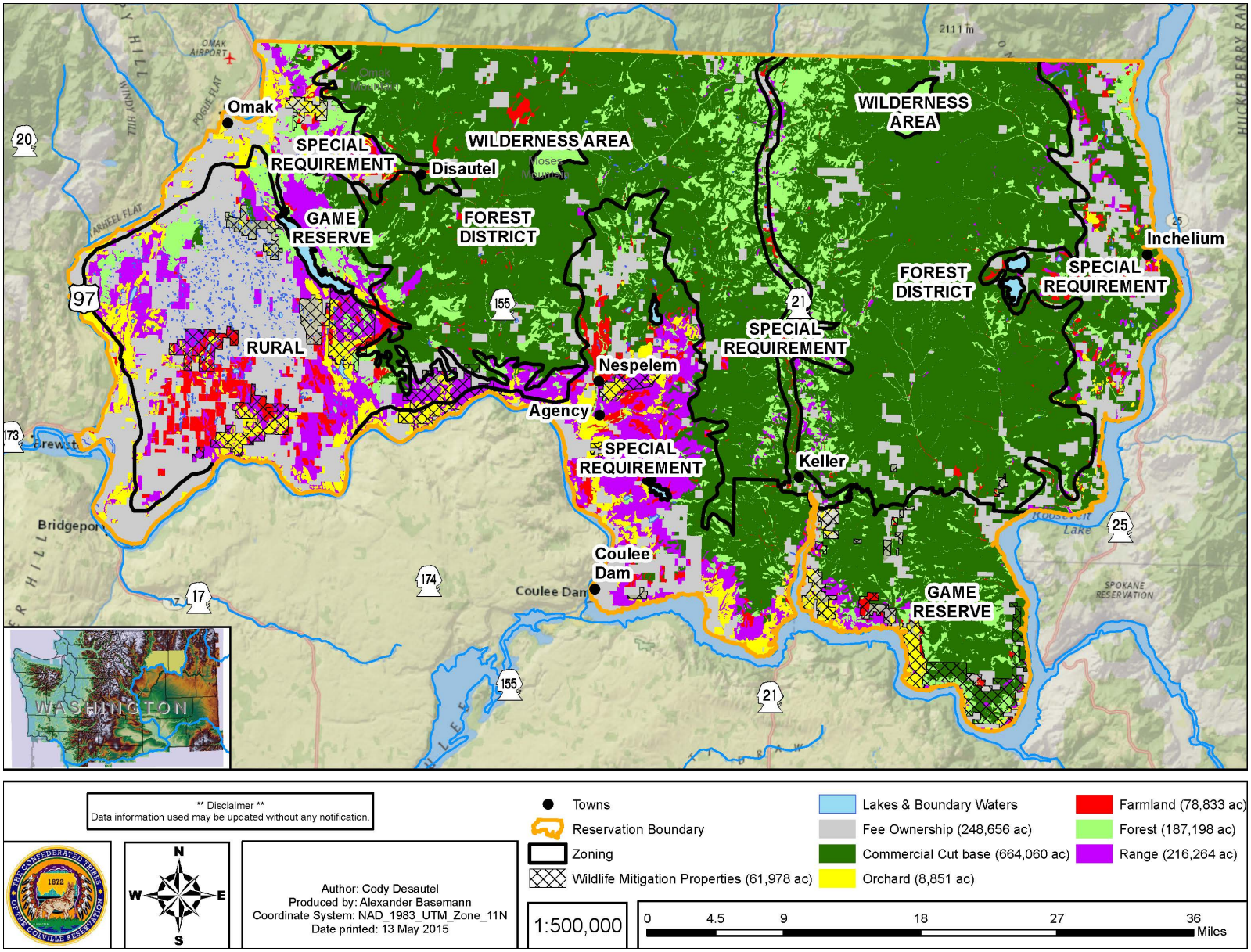



**Figure 3. Land Use on the Colville Reservation**

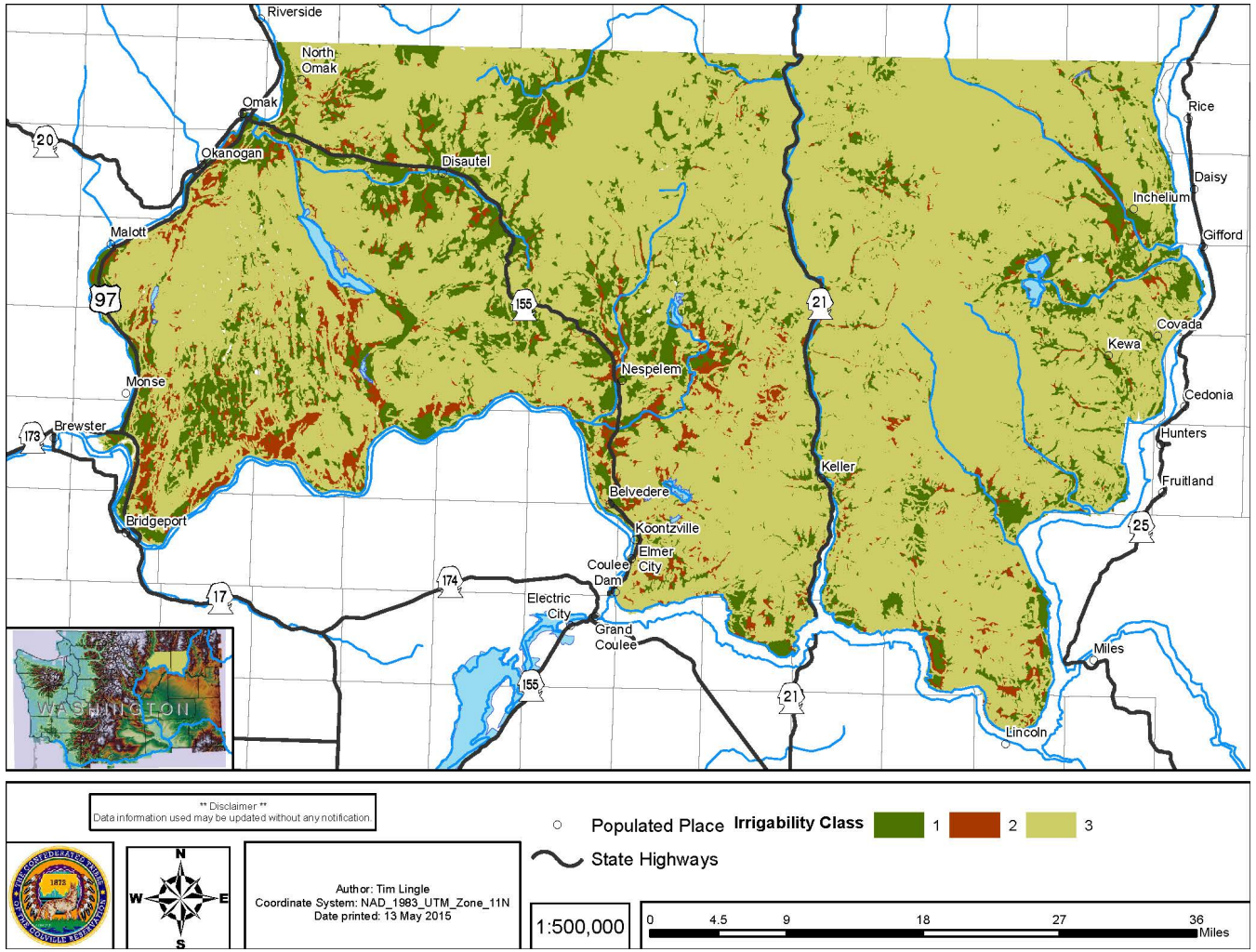



**Figure 4. Irrigable Lands on the Reservation**

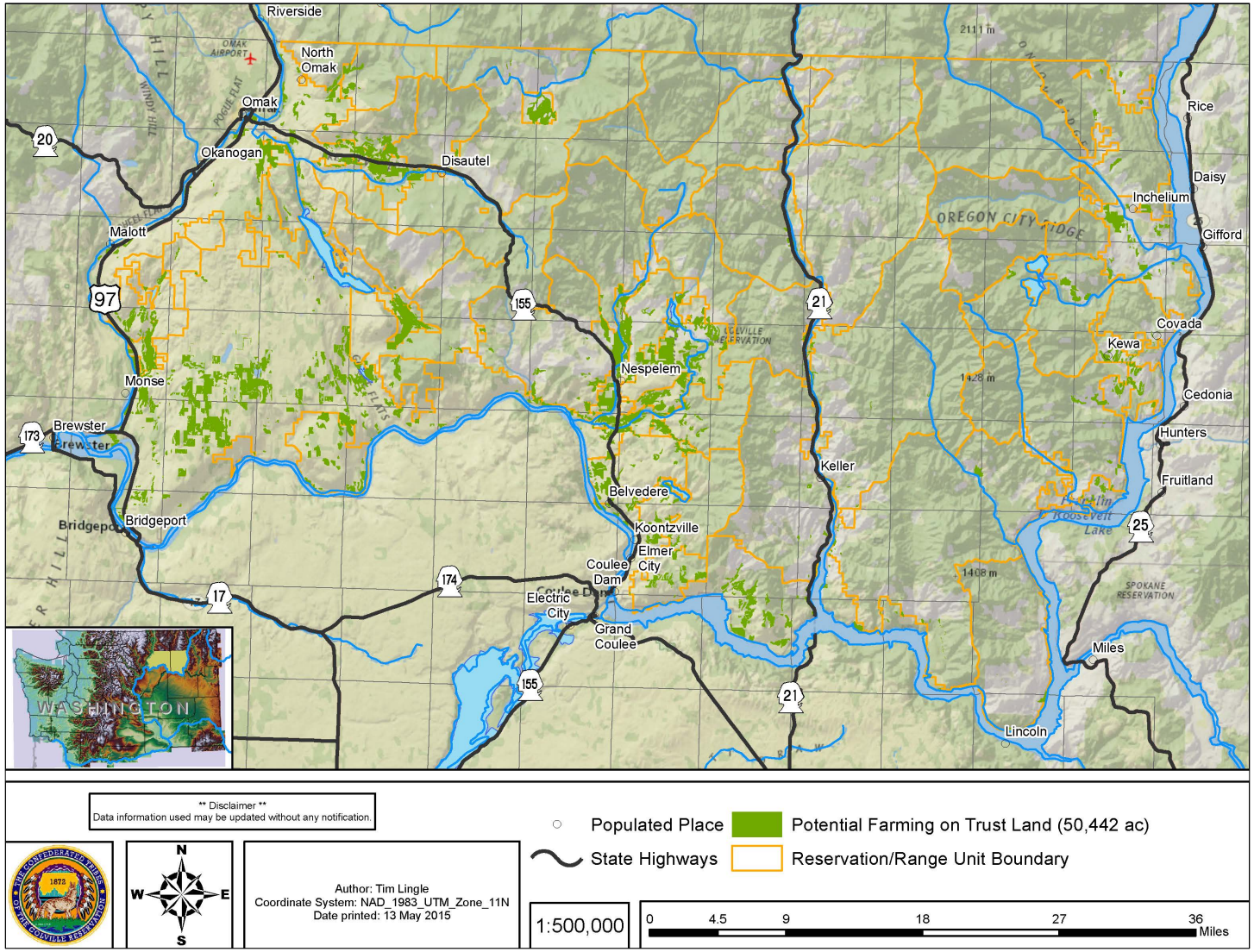



**Figure 5. Potential Farming Land**

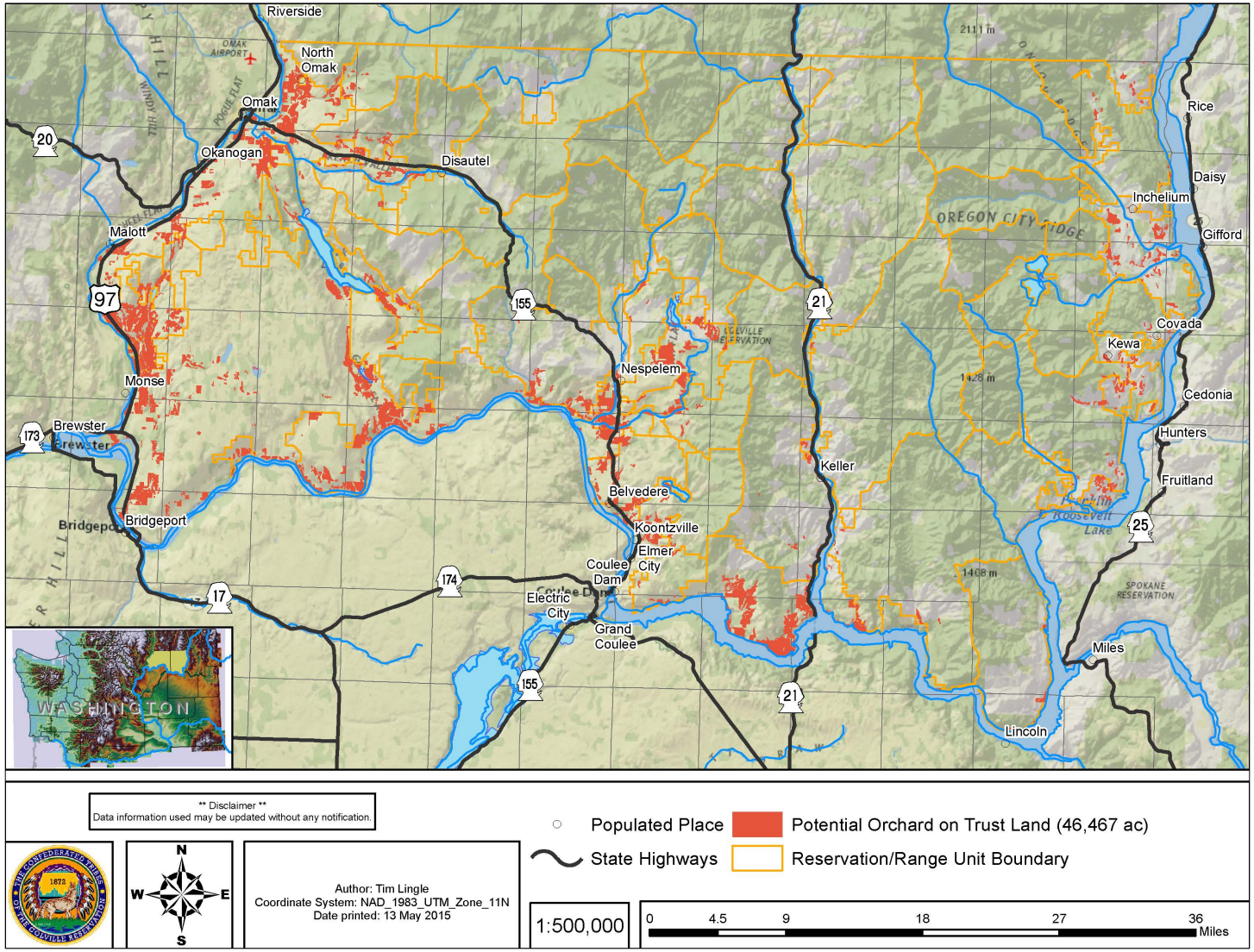



**Figure 6. Potential Orchard Land**

Feasibility studies were conducted in the early 1970s as part of the Tribes Overall Economic Development Plan. The objective was "to maximize the development and return on investment of the Reservation's 18,700 agricultural acres without sacrificing the Colville Indian culture and lifestyle" (Clark 1996). A 1979 Appraisal Report identified 17 areas on the Reservation with arable land; irrigation development plans were written for 11 of these areas (USDI BOR 1979). This report concluded that 30,000 acres of the previously identified 73,300 arable acres could be economically irrigated with an $11.9 million return to the Tribes (Clark 1996). Studies conducted during this period indicated that developing and irrigating orchard lands along the Columbia and Okanogan Rivers would result in the greatest net return and employment for the Tribes (Western Resources Analysis, Inc. 2000).

The number of acres under irrigation in 1996 (approximately 4,400 to 5,500) was less than half of what it was in the first half of the century and irrigation was more focused on individually owned systems rather than cooperatives. The declining trend in irrigated acres has continued to present although the irrigation expansion along the Columbia related to development of orchards, particularly on fee lands, has somewhat stabilized that decline.

In 1996, the number of dryland farmed acres ranged from 16,600 to 20,500. Between 1982 and 1996, the number of tribally owned acres increased by 50 percent and those that were individually owned increased by 8 percent. During that time, the amount of acreage under tribal member operation decreased by 75 percent while the amount under non-tribal member operation increased 3 percent, and the amount of idle acres increased 10 percent. The amount of acreage being dryland farmed by non-tribal members was about 3.1 times greater than the amount being farmed by tribal members and roughly equal to the amount of idle acres (Clark 1996). The decrease in amount of acreage operated by tribal members has continued to present and there are about the same number of acres dryland farmed today as there was 20 years ago.

## 2.4 Current Agricultural Uses on the Reservation

Agriculture taking place on trust lands on the Colville Indian Reservation primarily occurs on tracts of land that are leased through the Colville Tribes Realty Office. The leases are administered by the Colville Tribes Realty Office and the BIA Land Operations Program provides support to the Realty Office through the preparation of conservation plans. As of April 2015, there were 87 agricultural leases totaling 34,205 acres and 98 pasture leases totaling 18,142 acres. The primary crops being grown on these leases include wheat, corn, oats, barley, canola, hay and alfalfa.

The Integrated Resource Management Plan 2000 – 2014 Final Environmental Impact Statement (IRMP EIS) stated that, in general, both the interest and economic feasibility of traditional agricultural farming on the Reservation appeared to be on the decline (Western Resources Analysis, Inc. 2000). Gross value and levels of various agriculture commodities grown on the Reservation in the mid-1990s, as well as distribution of agriculture land use, has been described by Clark (1996). Irrigation of orchards along the Columbia and Okanogan Rivers continue to provide the greatest benefits from agriculture on the Reservation and indeed over 1000 additional acres of irrigated orchards have been established in the southwest portion of the Reservation in the last few years.

# 3.0 AGRICULTURAL PLANNING AND LEASING

Additional agricultural development on the Reservation is not simply a matter of identifying areas that can be farmed or irrigated. There are a number of other considerations that must be considered prior to a lessee beginning the planning and leasing process to start agricultural operations. Physical constraints, such as access roads, rainfall patterns across the Reservation, elevations, topography, soils, and distance from water all need to be considered. Biological and cultural constraints, such as native vegetation, wildlife habitat, sensitive or culturally important plant areas, and wetlands and riparian areas need to be taken into consideration. Financial considerations also need to feature prominently including the ability of the lessee to afford the cost of getting a farm up and running. This includes costs related to the lease or purchase of land, the lease or purchase of equipment for planting and harvest, costs for irrigation if required, maintenance costs, cost of seed, costs related to crop insurance, and cost of taking product to market.

In addition to the physical, biological, cultural and financial consideration discussed above, a number of other management considerations must also be considered by the lessee. These include land use/ownership of the parcel being considered for agricultural use, other tribal department goals and objectives that may impact land use or be impacted if the parcel is converted to agricultural use, and any monitoring or evaluation activities that may need to occur to determine impact to resources or effectiveness of planned activities.

The Colville Business Council wants to encourage agricultural practices within the bounds of the Reservation. To promote agricultural development on Reservation lands, the Council has requested that the formal conservation plan and leasing process be described in this document. This will help existing and aspiring Indian and non-Indian farmers understand the requirements necessary to prepare the conservation plan and obtain the required lease to undertake agricultural operations.

## 3.1 Proposed Agricultural Lease Conservation Plan Process

This section describes a proposed 6-step process for the development of leases on the Colville Indian Reservation on lands where agricultural production could be expanded (see Figures 5 and 6). Many of these processes are already in place but are not necessarily formalized or codified nor always understood by the lessee. Therefore this document serves as a guide to understanding the resources available to the lessee to successfully initiate, plan, execute and close an agricultural lease and monitoring that will be required for the activity. Each of these steps is described in more detail on the following pages.

A conservation plan is part of an agricultural lease which is signed between the lessee and BIA. The purpose of a conservation plan is to identify and prescribe specific management actions and conservation practices that address current resource concerns and ensure sustainable agricultural production. Conservation plans can also be developed for agricultural lands not currently leased or permitted (idle lands) and not covered by another management plan (e.g., a forest plan). Conservation plans must be consistent with the tribe's Agricultural Resource Management Plan (ARMP) and/or Integrated Resource Management Plan (IRMP). The development of the conservation plan is described below and is required as part of the leasing process.


The first step to successful farming is also the shortest. In this step the overall process is initiated when the project proponent conceives of the idea of what it is they want to accomplish. What is it that he or she would like to do? This may be fairly detailed but more often is a fairly general description of what they would like to accomplish. This step answers the question of who wants to do what, where and how would they like to do it, and when and for how long.

There are a number of questions an individual aspiring to farm may ask themselves to help them initiate the overall process and to help formulate their thoughts. Answers to these questions will be important to refine and provide detail that will be developed in the subsequent planning step.

A few general questions could include the following:

- What size of farm or orchard do I wish to develop?
- What type of crops or livestock do I want to raise?
- What is the market for these crops/livestock?
- What equipment will I need?
- Do I plan on irrigating?
- Can I afford to do this?
- When would I like to start this endeavor and for how long?

While answers to all of these questions may not yet be well defined, or in some cases even known, having a general idea of what one would like to do is important before proceeding to the next step. The end result of this step is an "expression of interest" that can be made to the tribal Realty Office.



Once an expression of interest has been made, the Realty Office works with the project proponent and other federal, state, and tribal resources to further define the project description, complete a feasibility analysis, find acreage suitable for the project, and bid on a lease. Careful and thoughtful planning significantly increases the likelihood of a project being successful and will make the leasing process much smoother. It also increases the likelihood that the lessee will successfully execute their farm plan. This step can take a few days to several weeks depending on the complexity of the project and what the project proponent wishes to do.


There are a number of tribal departments as well as federal and state programs and agencies available to assist beginning farmers and ranchers with the agricultural planning process. These include the BIA, Farm Service Agency, Natural Resources Conservation Service, North West Native Development (NWND),

Intertribal Agricultural Council (IAC), Colville Reservation Conservation District (CRCD), Washington State University, Colville Tribal Realty Office, natural resource departments, and others.

Provided below is a brief overview of the types of assistance each of these organizations can provide and how they can help answer some of the questions brought up in Step 1 above.

**Bureau of Indian Affairs (BIA)** – The BIA, FSA, and NRCS have common objectives of communication, collaboration, cooperation, and consultation with agricultural producers, Indian landowners, and Indian tribes for the development, conservation and sustainable use of natural resources. The BIA provides oversight of the leasing program and can assist beginning farmers and ranchers with the agricultural planning and leasing process. These agencies can help answer questions related to the size and type of operation. In addition, the USDA's Rural Development agencies – which includes Rural Housing Service, Rural Utilities Service, and Rural Business Service – works with the BIA to help fund projects that bring housing, community facilities, business guarantees, utilities, and other services to rural lands including that held in trust by the United States for Indians.

**Farm Service Agency (FSA)** – The FSA makes and guarantees loans to beginning farmers who are unable to obtain financing from commercial lenders. Each fiscal year, FSA targets a portion of its direct and guaranteed farm ownership (FO) and operating loan (OL) funds to beginning farmers.

A beginning farmer is an individual or entity who:

- Has not operated a farm for more than 10 years;
- Meets the loan eligibility requirements of the program to which he/she is applying;
- Substantially participates in the operation and;
- For FO purposes, does not own a farm greater than 30 percent of the average size farm in the county.

The FSA can help a beginning farmer understand the financial options that exist to aid in farm development. Further information about FSA programs is available from local FSA offices or on the FSA website at www.fsa.usda.gov.

**Natural Resources Conservation Service (NRCS)** – The NRCS is a source of funding, primarily through the EQIP program, for rangeland improvements including irrigation, crops, pest management, fencing, and water developments. In addition, they provide information on soils and suitability of ecological sites for agricultural production.

**North West Native Development (NWND)** – NWND can help the beginning farmer understand the steps necessary to create a business plan, financial considerations, grant and other funding opportunities to assist in setting up the lease, and other business related issues.

**Colville Reservation Conservation District (CRCD)** – The CRCD provides soil testing and also can provide information related to conservation practices.

**Washington State University (WSU)** – The WSU extension office has a number of resources available for the beginning farmer related to crop types, production, pest control, best management practices, and other educational brochures.

**Colville Tribal Realty Office** – The Tribal Realty Office helps identify potential lease locations and processes the lease as described in Step 3 below.

**Natural Resource Departments** – This includes the Land Operations / Range Program, Fish and Wildlife, Forestry, History and Archaeology, and Environmental Trust. These departments are comprised of professional staff that are knowledgeable about various resources and tribal policy and practices that should be undertaken to protect those resources. Land Operations can provide assistance with weed control and other practices to minimize loss of soil resources. Environmental Trust can provide assistance with water availability and irrigation potential.

In the absence of a formal agricultural department, the natural resource departments mentioned above commonly have areas of concern for and play a role in the conservation and protection of agricultural resources. Natural resource specialists working with the Realty Office and with local landowners and lessees develop and execute programs designed for sustainable utilization of soil, water, forage and wildlife resources. Conservation goals are primarily achieved through the development of conservation stipulations and provisions to be incorporated in leases and the monitoring of lessee activities relating to such lease requirements.

Once an expression of interest has been made to the tribal Realty office, the first step is to refine the scope of the project. This will build on the questions that the project proponent began formulating in Step 1. The various tribal departments and federal and state agencies listed above are located on the Nespelem Agency Campus and are available to help the project proponent prepare a more detailed description of what it is they would like to accomplish. This can include identification of where the project could occur, bidding on trust tracts that are available for leasing or obtaining consent from landowners of allotment lands, beginning a feasibility analysis (cost or economic analysis), performing soil testing that may need to occur on the property, and other tasks that will help the project proponent prepare for the lease application in Step 3.

Once the project has been defined, the project proponent can identify suitable land for the project or work with the Realty Office to find land available for lease. There are several questions that may occur regarding leasing:

**How does one find land that is available to lease?**

- The Colville Tribe Realty Office periodically advertises tracts that are available for leasing. The tracts are advertised on the CCT website, through CCT broadcast email, and/or via U.S. mail to a list of interested parties maintained by the Realty Office. Interested parties have to bid on tracts if they have any desire to lease them. Normally these tracts are 100% Tribal trust. At the request of allotment owners, allotment properties may also be put out for bid.
- Interested parties can do some research to locate tracts that may be suitable. Often interested parties come into the Realty Office and ask about the availability of specific tracts or tracts that might be available in a specific area. In this case the Realty Office will look at the records and determine if the tracts could potentially be available to be leased. If the tracts are potentially available the Realty Office will advertise them for leasing if they are Tribal Trust or in the case of allotments send out letters to allotment owners to inquire if they are willing to lease the land.

**How does one find land that is suitable for the intended agricultural use?**

- The Land Operations Soil Conservationist can help identify areas that have soils that are suitable for the project proponents planned operation and may be able to provide some information about potential crop yields. A preliminary analysis for potential farming and orchard lands was performed as part of this plan for trust lands and those areas are shown on Figures 5 and 6 above. The Soil Conservationist can also arrange for soil testing and other feasibility analyses.

**Other information about the bidding process**

- Tribal members and non-tribal members can submit bids on advertised tracts. The tract is awarded to the highest bidder. The Tribe has adopted an Indian preference ordinance which provides the opportunity for tribal members to match a non-tribal member bid price (when it is the high bid) provided that the Indian bidder is present at the time of bid opening.
- Allotments do not normally go out for bid but the majority of the owners have to consent to allow the tract to be leased. The allotment owners have the option of requesting the tract be put out for bid.

The end result of this step is for the project proponent to bid on and win a lease, or obtain consent from the landowners for allotment lands. Then they must obtain a lease application from the Realty Office, fill it out, and submit it to the Realty Office.


The third step is the most critical step to obtaining the lease and takes the longest. In this step the project proponent works with tribal entities to get necessary leases and permits in place. It is not unusual for this step to take six to eight months or longer to complete because of the number of internal processes that need to occur. To proceed on this step one must be the successful bidder on a Tribal trust tract or in the case of an allotment received the owner's consent to lease the tract.

The next step is to complete a lease application form and a draft farm plan/questionnaire and submit it to the Realty Office for processing. These documents start a number of processes, many of which involve the applicant directly. The current lease application instructions are reproduced below on page 17 and the application is found on pages 18 and 19.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

## Lease Application Instructions

Thank you for your application to lease trust/restricted property. This is a lengthy process which must be followed on leases of trust/restricted property and they are as follows:

1. Lease application completed and on file with realty; this does not give the applicant any rights of possession to the property. The applicant must refrain from using the property until the actual lease has been approved.
2. All lease offers are subject to the Fair Market Rental (FMR), pursuant to 25 CFR, Part 162-211. FMR is established by input from the following:
    a. Land Operations Exhibit "B". This is a land analysis report which gives all the information about the land, the Animal Units per Month (AUM) that the land will carry, condition of the land, water sources, waste land, crop type & acreage, and fence information may be factored in also.
    b. A FMR report will be provided by the Appraisal Department – Office of Special Trustee (OST), Portland, Oregon.
    c. Surveys provided by a certified surveyor and specification of the Bureau of Land Management (BLM).
3. Fair Annual Rental negotiation:
    a. Realty requests acceptance of FMR by Lessee.
    b. Lessee notifies Realty of acceptance of FMR.
    c. Realty notified landowner(s) of Lessee's lease at the minimum FMR amount; the landowner(s) may negotiate for more than the lessee's offer.
    d. Landowner(s) notifies Realty of acceptance/rejection of lease offer by returning the lease consent.
    e. If necessary, a FMR meeting will be held.
4. Other Processes:
    a. National Environmental Protection Act applies to all leases of trust/restricted lands. This process involves the Colville Tribes' 3p Process.
    b. Exhibit "A" is reviewed and verified, fence condition, amount, crop (grain or hay) information.
    c. Exhibit "B" is reviewed and verified, AUM rate, brand of Lessee identified and weeds identified.
    d. Bond is calculated – this must be on file before the approval of the lease.
    e. Rental is collected – forfeitable if lease is withdraw. It is Lessee's responsibility to pay before due date annually.
    f. Lease Fee is collected.
    g. Lease contract is signed by applicant and verified by Realty.
5. Final approval of lease contract.
    a. Lessee provides Realty with necessary bond. Realty obtains lease contract approval by the Superintendent. Realty provides copy of approved lease contract to Lessee. If paying direct realty provides payment schedule form and address to send payments.

The process may take up to **six (6) to eight (8) months**. Please review and familiarize yourself with this process. If you should have any questions, please contact our office at (509) 634-2336.

LEASE APP Cover Instructions

Lease Renewal: ☐ Yes ☐ No

Old Lease:

# Farm/Pasture: Lease Application

Return this application immediately to the Branch of Realty/Leasing.

**Incomplete Applications will not be processed.**

| | |
|---|---|
| **Name:** | **Tribal ID#** |
| **Physical Address:** | **Mailing Address:** |
| **Phone Number/Contact Number:** | |

**1.** I hereby apply to lease Tribal Tract and/or Allotment number:

**2.** Located and described as follows,

| | | | |
|---|---|---|---|
| Section: | Township: | Range: | Total Acres: |
| County: | | | |

**3.** Term beginning and ending:

**4.** Type of Lease: ☐ Farm ☐ Pasture ☐ Farm/Pasture

**5.** Rental Rate Offer: **$** per year/ (circle one) **OR** Crop Share per year:

**6.** Farm: Irrigated _____ Non Irrigated _____
Crop type _____

**7.** Pasture: Animal Type _____ Number of Animals _____
Grazing Type: Continous _____
Entrance Date_____Exit Date _____ Rest and Rotation _____
Entrance Date _____ Exit Date _____

8. Farm/Pasture: Number of Farm Acres _____ Number of Pasture Acres

**9.** Additonal Improvements:

**10.** I desire the priviledge of placing the following improvements on the land with the right to remove same at end of lease:

**11.** Will you agree to graze only the amount of animal units specified in this lease and provide an annual AUM report to the Realty Office? ☐ Yes ☐ No

**12.** Will you insure the insurable buildings located on this land at your own expense? ☐ Yes ☐ No

**13.** Would you like to be present when this proposal is presented to the Natural Resource Committee? ☐ Yes ☐ No

**14.** If this is a farm-farm/pasture lease are you agreeable to providing an annual crop report to the Realty Office? ☐ Yes ☐ No

**15.** It is understood that is the Applicant's Responsibility to have a current awareness of the property's present condition. Are you aware of the current condition of the desribed property? ☐ Yes ☐ No

**16**. Have you leased through this office before?

Old Lease No. _____

Did you complete all improvements as outlined in your previous lease? ☐ Yes ☐ No

**17**. Are there any unpaid judgements against you as a Lessee or from any other Realty or Tribal Departments? ☐ Yes ☐ No

**It is understood that a pending lease application does not give you possessory reights of the property. Applicant must refrain from using the property until the lease has been approved.**

Signature _____ DATE _____

It should be noted on the form above (Question 10) that not all improvements can be removed at the end of the lease. For instance, improvements made to the property such as fences, watering troughs, and irrigation systems typically become the property of the landowner and stay with the property at the end of the lease term unless the lease specifically states otherwise.

A draft farm plan must accompany the lease application. This may have been started as part of Step 2, but is completed in this step. The Agency's Soil Conservationist works with the applicant to develop the draft farm plan, which is reproduced below on page 20. A site visit with the Soil Conservationist to the selected project location is often required to identify any resource concerns (e.g., noxious weeds, wetland areas, soil suitability) and to collect the information necessary to develop the draft Conservation Plan, as described below.

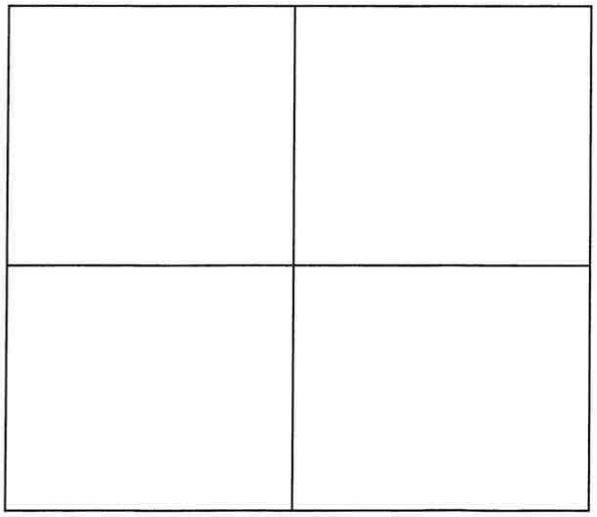
## Colville Confederated Tribes

### Farm Plan

**Lessee Name:** **Farm/Pasture**

**Tract/Range Unit:**

| Crop | Tract | Date planted | Date harvest | Chemical | Application date | Irrigation |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |



**Map of Farm/Pasture**

**Legend**

O- Irrigation point

Ⓟ-Application point

**Lessee:** _____ Lease #: _____

**Land Ops Officer:** _____ Expires: _____

**Conservation Plan**

Upon receipt of the completed application, farm plan and questionnaire, the Realty Office will send a request to the Land Operations Soil Conservationist to prepare a Conservation Plan for the tract to be leased. The Soil Conservationist reviews the farm plan and questionnaire submitted by the lessee and schedules a site visit to the tract. After the site visit the Soil Conservationist completes an analysis of the site factors and planned use then prepares the Conservation Plan. The Conservation Plan will likely require that the lessee implement specific practices (best management practices) to address resource concerns. Federal code requires agricultural use on leased tracts to be conducted in a sustainable manner. If during the Soil Conservationists analysis they determine that the planned use is not sustainable they will notify the Realty Office who will withdraw the tract from consideration or request that the planned use be modified.

**Best Management Practices**

Best management practices (BMPs) are management practices that are implemented to reduce the potentially negative impact of agricultural operations on water quality, soils, and other resources. These practices are highly adaptable and reflect the individual conditions and capabilities of the farm where they are applied. The Soil Conservationist and other Tribal Departments and Federal Agencies (e.g., NRCS) can work with the lessee to identify BMPs to implement as part of the conservation plan. These will likely involve some of the following types of activities:

- Conservation Tillage – the practice of leaving harvested plant materials on the soil surface to reduce runoff and soil erosion.
- Crop Nutrient Management – managing all nutrient inputs helps ensure the nutrients are available to meet crop needs while reducing nutrient runoff.
- Pest Management – using various methods of managing pests while protecting soil and water quality.
- Conservation Buffers – using vegetation strips to provide additional barriers of protections which prevent potential pollutants from running off into surface waters.
- Irrigation Management – increasing irrigation efficiency to reduce non-point source pollution of ground and surface water.
- Grazing Management – managing livestock grazing to lessen water quality impacts, minimize soil movement and promote plant health.
- Animal Feeding Operation Management – using runoff control, proper waste storage, and nutrient management to minimize impacts of animal feeding operations. Tracts utilized as feedlots where vegetative ground cover cannot be maintained is not considered a sustainable practice and will not be authorized on the Colville Reservation.
- Erosion and Sediment Control – using practices to conserve and reduce the amount of sediment reaching water bodies , overall protecting agricultural land and water quality.

Additional practices likely to be implemented as part of the Conservation Plan BMPs include:

- Maintaining cover crop to prevent wind erosion.
- Establish a system of crop rotation as part of nutrient management.
- Base grazing carrying capacity on the take half / leave half forage utilization rule of thumb to maintain healthy vegetation communities.
- Establish system for grazing rotation to allow periods of rest for each pasture.

By regulation, all leases for agricultural lands are required to have a conservation plan to ensure the sustained use of renewable natural agricultural resources. Determination of these conservation requirements is the responsibility of the agency soil conservationists and technicians. Range conservationists and technicians may also be involved with the development of other provisions such as stocking rates for pasture/grazing leases. On large complex projects the conservation plan and the NEPA document described below may be prepared by an outside entity and paid for by the potential lessee. The BIA and Tribes would still review and approve the documents.

A conservation plan must consider the landowner's and lessee's management objectives, goals, and capabilities, as well as prevailing economic conditions (commodity prices, production costs, etc.). Resource manager's work with the landowner and NRCS/FSA, as appropriate, to develop feasible management options that yield acceptable economic returns and conservation benefits. The potential lessee is also encouraged to be involved in the planning if the lease is negotiated.

There are a number of items to consider when developing a Conservation Plan (also called Exhibit B on the lease application). A variety of these that may or may not apply to a particular tract of land or lease is included in Appendix A. The Soil Conservationist works with the lessee and other tribal natural resource departments to consider these items when developing the Conservation Plan.

**NEPA and the Project Proposal Process**

Once the Draft Farm Plan and Draft Conservation Plan are complete, they are attached to the completed Lease Application and submitted to the Realty office. The Realty office completes a Project Proposal form and attaches the Draft Farm Plan and Draft Conservation Plan and then submits the package to the IRMP Coordinator. The IRMP Coordinator reviews the lease package and initiates the resource review and NEPA process (commonly called the Project Proposal Process or "3P"). The lease package is disseminated to the 3P team, which involves resource specialists from natural resource departments, realty/leasing, planning and community infrastructure departments, and they provide a thorough review of the application to identify any resource concerns that may need to be addressed through the NEPA process. The 3P review ensures consistency with the goals and objectives of the IRMP and compliance with Tribal Codes and Federal laws and regulations. It is at this phase of the process that additional resource concerns may be identified. If resource concerns are identified additional restrictions or requirements may be added to the lease or the proposed leased tract may be withdrawn from consideration if concerns cannot be mitigated.

There are three types of NEPA analysis and documentation. Most leased tracts can be processed as a Categorical Exclusion. This is the shortest process and usually requires approximately one month. More complex projects may require an Environmental Assessment or an Environmental Impact Statement which will increase the processing time to months and possibly years. On large complex projects the

lessee has the option to pay for preparation of the NEPA analysis by an outside entity. The document would still have to be reviewed and approved by the Tribes and BIA.

Mitigation measures identified to address resource concern and incorporated into the Conservation Plan as lease requirement s are generally required to protect the tribe's resources, these mitigation measures and stipulations may sometimes be too onerous for the lessee to move forward with their proposal or may require identifying a different location to carry out the activity.

If the applicant agrees with the mitigation measures and stipulations that have been identified, as well as any monitoring requirements that may be necessary (see Step 5), then the Farm Plan and Conservation Plan are finalized and final approvals for the lease are sought. The approval process involves a number of different individuals besides agreement by the applicant themselves. It should be noted that the applicant can opt out of the process at any time.

The NEPA document (CatEx , EA or EIS) is sent to the BIA regional office in Portland, Oregon for approval. Approval of the proposed lease by the Colville Tribal Business Council is required whenever the Tribes own a majority controlling interest in the tract. If the Tribe identifies a specific percentage, a Tribal Council member may sign the needed consent. Allotments do not require Tribal Business Council approval. Where applicable, a Colville Tribal Business Council resolution will be issued approving the leasing of the tract.

**Approvals**

Upon receiving a resolution approving the lease, or in the case of an allotment, consent of the land owners, the Tribal Realty Office will prepare the lease document. The Final Conservation Plan is attached to and incorporated into the lease document as Exhibit B. The lessee then signs the document and the Agency Superintendent approves the document.

The lease is then sent to the Land Titles and Records Office (LTRO) where it is recorded in the BIA's Trust Asset Accounting Management System (TAAMS) database as an encumbrance placed upon the property. Bond may be required and has to be paid before project execution can begin. Any insurance requirements and the leasing rates are determined and provided to the applicant as part of the lease. If irrigating additional permits may be required for water withdrawal. If using pesticides a pesticide applicator license may be required. A change in land use may require a permit from Planning Department. Installing utilities or adding or changing access to the property will require appropriate permits. All payments for leases unless authorized by a direct payment request are made to the TAAMS lockbox.

**Additional Lease Information**

- The term of most agricultural leases is five years; however lease terms can be negotiated up to 25 years. This is often done when the lessee needs to invest money into the property in order to operate.
- Improvements made to the property such as fences, watering troughs, irrigation systems become the property of the landowner and stay with the property at the end of the lease term unless the lease specifically states otherwise.
- Minimum bid amounts are established for each tract and are based on potential crop yield, analysis of comparable property, or in the case of grazing leases estimated forage production.

- The amount the lessee pays for the lease can be adjusted at any time during the lease by the Realty Office based upon an analysis of fair market value.
- Problems related to ingress and egress to the leased tract could arise if it is necessary to cross tracts owned by others and there is no recorded easement across these properties.
- Lease terms for some tracts include crop share where one third of the crop produced belongs to the landowner. The lessee usually has the option of buying the landowners share for the current crop price. The lessee is required to immediately notify the Realty Office of harvest. In the event of bales a count needs to be made before any harvest can be moved. Other crops require third party verification in the form of receipts for the pounds (or other unit of measure) of product harvested. This usually involves certified weight slips for product delivered to grain elevators or other crop storage facilities.


Once the approved lease has been received, any additional permits obtained, and all required payments (bonds, insurance) have been made, the lessee is free to carry out the project as described in the farm plan / conservation plan and lease. This process carries on for the life of the lease, typically 5 and up to 25 years, at which time the lease is reapplied for as part of a lease renewal. If the lessee wants to utilize the leased tract in a manner other than that specifically addressed in the Conservation Plan, they must request to have the plan updated prior to implementing any changes. If the lessee desires to end agricultural work prior to the end of the lease period, then a formal closure of the lease with the Realty Office needs to occur (see Step 6).

Tribal members qualify to have their lease agreements automatically renewed as long as any compliance issues have been favorable resolved and lease payments have been timely. Individuals who have been issued any show cause letter or otherwise fail to meet contractual requirements will not be considered “in good standing” and may not qualify for lease renewal. Tracts leased by non-tribal members will be advertised for bid when the term of the lease expires.

In some leases, the lessee enters into a contract with NRCS because of funding or other federal assistance that is provided. If the lessee fails to fulfill the contract requirements with the NRCS, their eligibility for future funding for practices or improvements on this land tract may be jeopardized. Additionally, any future funding request made for that same tract of land by another party (future lessee) would also not be funded. The lessee should provide notification to the Tribes if they cannot fulfill the terms of the contract. The Superintendent will coordinate with the Tribes to determine if a program can complete the contract requirements so as not to jeopardize future funding.

In cases where the lessee is paid to rest the tract (remove it from grazing use or put it in fallow), a portion of the payment will be paid to the property owner based on the terms of the lease. When applying for funding for trust lands through the NRCS or other agencies, the lessee will need the Superintendent’s signature. In some cases outside agencies involved may not be aware of this requirement.


Monitoring for lease compliance occurs concurrently with project execution (Step 4). This process involves the activities necessary to conduct an on-site agricultural land inspection for lessee compliance with the terms of the lease and conservation plan. Field notes and information collected is documented and made part of the lease file. Lessee may also be required to provide records such as fertilizer or pesticide applications, crop production and yield. Subsequent determinations of lessee non-compliance may be made upon review of data collected. If a determination of non-compliance is made, corrective actions are taken to resolve or correct the issue. This process also involves conducting necessary follow-up actions to correct lessee actions if not in compliance.


The final step in the agricultural leasing process is lease renewal or closure and this occurs when the lease expires or project proponent ceases activity. If the lessee desires to continue undertaking the same practices in the same location, a lease renewal must be applied for. If the lessee desires to cease agricultural activity, then the appropriate tribal departments need to ensure that the project site meets the land management objectives necessary to go fallow, be restored to some previous state, or preferably made available to a different lessee who desires to continue agricultural production on that site. As stated earlier, improvements made by the lessee (such as irrigation and fences) become the property of the Tribes unless specifically exempted in the lease agreement.

# 4.0 REFERENCES

Clark, Myra. 1997. Agriculture. Integrated Resource Management Plan. Phase I: Inventory and Analysis Reports. Colville Confederated Tribes.

U.S. Department of the Interior, Bureau of Reclamation (USDI BOR). 1979. Colville Indian Reservation and Adjacent Areas. Chief Joseph Dam Project, Washington, Appraisal Report. Bridgeport: Chief Joseph Dam Project. July.

Western Resources Analysis, Inc. 2000. Colville Indian Reservation Integrated Resource Management Plan 2000 – 2014, Final Environmental Impact Statement.

# 5.0 APPENDIX A: CONSERVATION PLAN CONSIDERATIONS

- Access – roads, trails, gates, bridges, water fords, right-of-ways (ROWs)
- Aesthetics, view shed
- Agricultural lands – amount and demand for farmland, hayland, pastureland, rangeland
- Agricultural products storage – hay, grain, silage
- Agricultural values, goals, and objectives
- Air quality – standards, BMPs, PM-10, spray drift, feedlot odor
- Base acres (FSA)
- Best management practices and technical specifications
- Bio-solids land applications
- Carbon credits
- Certified hay and other farm products
- Conservation easements
- Construction, future – schools, roads, housing, waste systems, public facilities
- Crop diseases - prevention, detection, and control
- Crop rotation
- Crop yields and quality
- Cultural sites, including culturally significant areas or resources – surveys, protection, and management
- Degree of use – farmed or fallowed vs. idle lands
- Drought - monitoring and response
- Dredge or sediment disposal or land applications
- Economic development plans
- Environmental issues
- Equipment needs – trucks, trailers, radios, cell phones, computers, GSP units
- Equipment, fuel, and chemical storage
- Farm or ranch headquarters – location, maintenance
- Farmland or rangeland improvements – plans, maps
- Fences
- Feral and wild animals (cattle, horses, burros, dogs, etc.)
- Fertilizer and manure use and management
- Financial assistance and credit availability
- Fish and aquatic species - protection
- Floodplain management - flood preparedness and response
- Funding
- Genetically Modified Organisms (GMOs) – tribal policies
- Growing season, growing degree days, hardiness zone, evapotranspiration, soil moisture and temperature
- Historical use - stocking rates, cropping history, traditional use areas
- Integrated Resource Management Plan (IRMP) or Comprehensive Resources Plan
- Irrigation Operations & Maintenance
- Irrigation project management
- Irrigation water measurements
- Land acquisitions
- Land ownership status – tribal, allotted, government, fee, state
- Land use conversion

- Land use/management priorities
- Land use zoning
- Land users capabilities or limitations – management level, skills, time commitment, financial constraints
- Laws and regulations – federal, tribal
- Marketing practices, facilities, and opportunities
- Memorandums of Understanding/Agreement related to agriculture
- Noxious weeds, invasive species, poisonous plants - prevention, detection, and control
- Operating units – economically viable minimum farm or range unit size, maximum size limit
- Pesticide use – tribal acceptance, pesticide use proposals, daily logs, spray drift, environmental concerns/impacts
- Planting and tillage operations, dates or window
- Plants – cultural, ceremonial, medicinal, threatened and endangered
- Pollution - non-point source
- Prescribed fire – planning, approval, implementation, monitoring
- Public safety
- Quarantine policy and enforcement for livestock or agricultural products entering or leaving Indian lands
- Record-keeping and accountability
- Recreation – uses, conflicts
- Resource data needs – inventories, surveys, condition and trend assessments, basic and applied research
- Riparian and wetland areas – use and management
- Roads – construction, closures, maintenance
- Rodent, insect, and predator prevention, detection, and control
- Season of use
- Seasonal high water tables
- Seeding – native, introduced species
- Sensitive species – threatened and endangered, culturally significant
- Socio-economic factors
- Soil quality assessments (qualitative monitoring)
- Soil testing
- Soils – use and management (suitability, classifications, limitations, potentials, hazards)
- Solid waste
- Specialty products and markets
- Storage tanks and underground storage tanks (USTs) - policies
- Temperature, precipitation, wind and other climatic characteristics
- Temporary and permanent closures – resource protection, species protection, hunting season, celebrations/festivals
- Trade organizations – affiliation, participation (e.g., Intertribal Agriculture Council, United Native Agricultural Producers)
- Trespass
- Tribal farmland and rangeland policies and customs
- Tribal or landowner interest and involvement in agriculture
- Utility Rights-of-Way – electric, gas, water, sewer, communications
- Water developments – existing and needs
- Water quality – standards, BMPs
- Water spreading

- Water supplies – available surface water and groundwater
- Watershed size, elevation, topography, relief, elevation, hydrologic characteristics
- Waterways, ditches, terraces, and drains construction and maintenance
- Wildlife species of management concern
- Wildfire threats and preparedness
- Wind and water erosion – soil surface protection
- Windbreaks