

Questions for the Record: Subcommittee hearing on Federal Lands, December 5, 2023 “Examining Opportunities to Promote and Enhance Tribal Forest Management”

Questions from Chairman Westerman for Mr. John Crockett, Associate Deputy Chief, State, Private, and Tribal Forestry, US Forest Service:

- 1. Last year I introduced legislation, along with Congressman LaMalfa, that would create a Tribal Biochar Demonstration Project similar to the existing Tribal Biomass Demonstration Project. Can you please share what opportunities you see to support Tribal biochar production, and how that could help improve forest health and support Tribal jobs?**

Tribal Biomass Demonstration Project authority, which allowed the Forest Service to enter into stewardship contracts or similar agreements with Indian tribes to carry out demonstration projects promoting biomass energy production using biomass from Federal land, expired in FY 2021 (FY2021. PL. 115-325, 132 STAT. 4459 (2018)). Existing agreements with tribes entered into under this authority can be renewed, but new agreements cannot be entered into.

We agree that biochar presents an opportunity to improve forest health and support Tribal jobs. Current activities the Forest Service is engaged in around biochar production and tribal opportunities include:

- The Forest Service is engaged with supporting demonstrations and testing of biochar, most notably in the Pacific Northwest region. We have funded biochar projects through State, Private, and Tribal Forestry grants; however, they have not been directly to Tribes in FY 2022 or 2023.
- Currently, grant funding is available to support equipment, market development and other activities for Tribes interested in biochar production. This includes the Wood Products Infrastructure Assistance, Wood Innovations, and Community Wood grant programs. More information on the grant programs is available at [Wood Innovations | US Forest Service \(usda.gov\)](https://www.usda.gov/wood-innovations). Forest Service Wood Innovations specialists are available to provide information and support for project and grant development.
- The Forest Service has also supported the U.S. Endowment for Forestry and Communities demonstration biochar facility in John Day, Oregon. Their facility, known as Restoration Fuels, has provided biochar for demonstration projects with Tribes. Additional opportunities exist for further demonstration projects.

We welcome the opportunity to work with the bill sponsors and the Committee to provide input into legislation that will facilitate additional development and deployment of biochar.

- 2. The testimony that I submitted for the record during my opening statement included a recommendation that: “The Forest Service should consider how to partner with and enable Tribes to effectively prepare NEPA and other environmental documents when required for land management activities.” Has the Forest Service evaluated this potential and how could allowing Tribes to prepare NEPA documents help speed up the process for approving forest management projects?**

The Forest Service regularly collaborates with partners and hires contractors to perform analysis required by NEPA and related environmental statutes to increase Agency capacity. Regardless of who prepares the NEPA analysis, the Agency retains decision-making authority.

For example, Tribes frequently enter into agreements with the Forest Service to undertake the cultural surveys associated with NEPA and the National Historic Preservation Act. At least one National Forest has recently approved a Tribal Forest Protection Act proposal wherein the Tribe will lead planning and NEPA document development for the project, with others under development. We agree that partnering with Tribes to complete NEPA represents an opportunity to improve the quality of NEPA analysis and potentially expedite work that might otherwise be delayed due to Forest Service capacity.

We welcome the opportunity to work with the Committee and Bill Sponsor to find ways to more efficiently work with tribes to prepare NEPA and other environmental documents.

3. Do you believe that the federal government is currently coordinating with Tribes on forest management, and what additional tools are necessary to increase the coordination between Tribes and the Forest Service?

Yes. The Forest Service includes Tribes in forest management decisions through several pathways. First, through a robust tribal consultation policy and process, the agency receives input from Tribes on their interests and perspectives on management of National Forest System lands, treaty and other reserved rights, sacred sites management, cultural burning, and more.

Second, through various authorities specific to Tribes, in particular legislation like the Tribal Forest Protection Act (TFPA), the agency is able to design and evaluate work that meets tribal priorities for the protection of tribal lands and communities coming from the National Forest System.

Joint Secretarial Order 3403 reinforces the agency's ability to consider tribal priorities and knowledge in co-stewardship agreements, including the cultural, traditional, and historical affiliation of the Tribe with the land, and their indigenous knowledge and skills. Specifically, the Forest Service is leveraging:

- An amendment to TFPA in the 2018 Farm Bill that expands opportunities for Tribes to engage in co-stewardship of the National Forest System utilizing provisions of the Indian Self-Determination and Education Assistance Act ("638") and Good Neighbor Authority. As currently written, TFPA 638 authority allows Tribes to assume administration, management and other functions related to agency activities. The scope of programs currently covered under TFPA 638 authority is limited to projects that protect Indian lands and resources that are adjacent to Federal land from threats such as fire, insects, and disease. However, tribes have expressed interest in projects beyond that criterion (i.e. recreation, among other projects), and USDA welcomes opportunities to discuss expansion of authorities and the types of agreements that we can enter into with Tribes. These and other authorities form a toolkit that supports Tribal co-stewardship across a spectrum of tribal priorities and Forest Service mission critical work.
- Continued support for co-stewardship as a critical tool will allow Tribes and the Forest Service to continue to build stronger and more integrated management plans and actions.
- Finally, the agency has advertised Tribal specific Notices of Funding Opportunities for specific grant programs to help increase tribal access to these funds and their associated environmental, economic, and social benefits.